

07-29 Montgomery – Block 54, Lot 21 – 400 West Mill Road – R-5 Zone –
2.538 Acres – Approval of Use Variance and Preliminary and Final
Site Plan for mixed use of residential and agricultural nursery

Mr. Bauer stepped down from the application due to a conflict of interest.

The resolution was reviewed.

Ms. Fraser referred to the revised resolution dated December 5, 2007. She reviewed the changes from the originally distributed resolution. The majority of changes were minor in nature and did not change the substance of the resolution. A condition regarding revised plans for landscaping as discussed at the last meeting had been added.

Ms. Fraser reviewed Attorney Hall's e-mail comments and stated that she added the names of those providing comments as well as the comment regarding the noise heard from the applicants property on Patriots Path. She agreed with Mr. Hall's comments regarding Mr. Modica's business and deleted the references to Mr. Modica's business.

The Board reviewed the remainder of Attorney Hall's e-mail.

- Condition 3 – time to submit plan

Engineer Hall suggested that the separate landscaping plan be incorporated in the site plan.

Mr. Montgomery stated that the site plan shows the landscaping, minus the forsythia. He agreed to add this to the plan and did not object to requiring the revised plan being submitted within 60 days.

- Conditions 3 A1

Ms. Fraser stated that Attorney Hall's comment goes further than the condition Engineer Hall requested.

The board discussed this request. The board and the applicant agreed to this condition and added the words "in connection with the business use of the property".

- Condition 3A3

Ms. Fraser stated that she would amend the condition to described the agreed upon tree and shrub types and their numbers.

The Board reviewed the condition and concluded that the additional language requested by Attorney Hall was not necessary as it was redundant.

- Condition 4

The board and applicant agreed to a condition that landscaping buffer must be installed by May 15, 2007.

- Hours of operation of trucks and equipment.

The board reviewed this and concluded that during the course of the hearing and testimony they were aware it was a six day a week operation – Monday thru Saturday hours 7:00 am to 6:00 pm.

- Condition regarding the truck operation

The Board and applicant agreed to a condition that there would be no parking or idling of the applicant's trucks off their portion of the driveway. It was also agreed that the vehicles would be parked behind the barn vehicle.

- Landscaping and fence location is not acceptable

Attorney Hall referred to the plan and pointed out where the fence should be along the lower edge of the gravel parking area perpendicular to the house instead of parallel to the driveway. He stated that the trees should stay where shown on the plan.

Mr. Montgomery disagreed that the noise would be buffered if the fence location were changed. Also there is a septic field in the area Attorney Hall pointed out.

The site plan was reviewed. It was concluded it would be trees (applicant side) – fence – forsythia (driveway side) all on the applicant's property. The fence will be as shown with an additional area angled as suggested by Attorney Hall.

Mr. Mielich stated that on page eight of the resolution, under finding of facts, there is a statement the owner of the property and employee have pick up trucks. He asked that Mr. Montgomery, in his pick up, could enter property at any time as well as the foreman.

The Board agreed to this amendment.

Ms. Fraser stated that this would be made a condition as well.

It was also clarified that the pick up trucks of Mr. Montgomery and the foreman may have a snowplow on them.

Mr. Averett made a motion to approve the resolution as amended tonight. Seconded by Mr. Graziano. A roll call vote was taken:

Ayes: Averett, Graziano, Ort, Schwemmer, Spina, Turick, Walter

Nays: None Abstentions: None Absent: Baguiao

Ineligible: Bauer

The meeting was opened to the public for items not on the agenda. There were no comments from the public and the meeting was closed to the public for items not on the agenda.

APPLICATIONS

1. Colonial Investment – Block 56 Lots 10 & 11 – West Valley Brook Road – R-5 Zone – 4.259 Acres – Request for Steep Slope Variance, Ridgeline Variance – Deemed Complete December 6, 2006 – Previously Heard December 6, 2007 and February 7, 2007, May 2, 2007 -Public Hearing Continued – Expires – January 2, 2007

Mr. Schwemmer announced that this application was adjourned at the applicant's request to January 2, 2007

2. Ackerman – Block 30, Lot 22.02 – Schooley's Mountain Road - R-5 Zone – 5.52 Acres – Request for Steep Slope, Ridgeline and stream corridor variances – Previously Heard June 6, 2007 and August 1, 2007 -Expires March 5, 2007

Mr. Schwemmer announced that this application was adjourned at the applicant's request to February 6, 2007

DISCUSSION - CORRESPONDENCE

1. Year End Report

Ms. Kesper stated that she distributed a copy of the applications discussed this year and the only item she saw as a possible recommendation was a clarification of the definition of garage.

Mr. Banisch concurred, as it was his opinion that the ordinance was really about detached garages so that they did not start dwarfing the main structure.

The board concurred and stated that this should be a recommendation in the year end report.

Mr. Banisch state that possibly the board should recommend a larger steep slope exception area for individual lot owners where homes already exist. He stated that he would supply more information to the board on this issue at the next meeting.

2. Vouchers

The vouchers were reviewed. Mr. Averett made a motion to approve the vouchers reviewed by the Chairman and found in order and send same on for payment. Seconded by Mr. Turick. A voice vote was taken; all were in favor and the motion carried.

Mrs. Walter made a motion to adjourn, seconded by Mr. Turick. A voice vote was taken; all were in favor and the meeting was adjourned at 8:15.

Virginia R. Kesper, Clerk