

Chairman Schwemmer called the regular Meeting of the Board of Adjustment of August 7, 2013 to order at 7:00 p.m.

MEMBERS PRESENT: Craig Schwemmer, Elliott Averett, Morris Bauer, Anthony Spina, Frank Baguiao
Alternate Members: Geoffrey Price, Dorothy Walter
Members Absent: Robert Bridgman, Harvey Ort
Others Present: Secretary Barbara Margolese, Engineer Leon Hall, Attorney Gail Fraser, Planner David Banisch

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT - Adequate notice of this meeting was published in the Observer-Tribune on January 17, 2013 and posted on the Bulletin Board on the same date. Notices were mailed as requested.

Pledge of Allegiance.

MINUTES

1. July 3, 2013 Regular Meeting

A motion was made by Mr. Bauer to approve the minutes of July 3, 2013 as presented, seconded by Mr. Bauer. A voice vote was taken; all were in favor. The motion carried.

Ayes: Elliott Averett, Morris Bauer, Geoffrey Price, Craig Schwemmer

Nays: None Abstentions: Frank Baguiao, Dorothy Walter, Anthony Spina

The meeting was opened to the public for items not on the agenda.

No comments were received and the meeting was closed to the public for items not on the agenda.

APPLICATIONS

1. Terence Stone & Laurie Campanelli – Block 52, Lot 9 – 31 Sky Top Road – R-5 Zone
 Variance to allow single family dwelling construction on a non-dedicated street &
 Variances for pre-existing non-conformities (front yard setback, lot width, lot frontage, min. lot size) - Deemed complete on July 3, 2013 – Continuation of public hearing from July 3, 2013

Engineer, Leon Hall was sworn-in. Mr. Stone stated that Engineer Hall had asked in his June 26, 2013 letter for plans showing adequate access and a turn around. He noted that the revised plans show a k-turn and a water tank for fire protection. It was noted by the Board Secretary that the Fire Chief had sent his approval letter of the plans dated July 30,

2013. Engineer Hall stated that the proposed k-turn does not meet the standards which need to be met.

Mr. Hall reviewed his August 5, 2013 report. Mr. Hall stated that in comment #4 notes that driveway passing zones are to be located along the private road. Mr. Hall stated that comment #5 notes that a 6000 gallon tank or a swimming pool is to be installed for fire protection. Engineer Hall stated that the applicant has proposed a 4000 gallon tank. Comment #7 notes that the k-turn needs to be shown in the size that the standard detail shows it in. It was noted that the subject property is mildly sloped and that steep slopes are not a problem.

Attorney Fraser stated that Item "C" asks for permission to use Lot 9 for the road. The applicant was told that he should take the metes and bounds description from the deed and have his Licensed Surveyor show it on a survey. Mr. Stone stated that he will ask if the engineering firm doing the septic system design has an updated survey that he can use for his property.

Mr. Baguiao noted that sometimes the water storage tank can be placed inside the home for fire protection. Attorney Fraser stated that an indoor tank could not be used for the protection of the exterior of the home or the property. Ms. Walter stated that she feels the Board should keep with the 6000 gallon water tank requirement.

Planner Banisch stated that this property only requires 2 parking spaces not the 4 that have been proposed. The Board discussed the need for passing zones every 200 feet on Sky Top Road. The subject property was noted to be approximately 1200 feet from the public road. Mr. Price noted that Sky Top Road is not in good condition and that trucks may result in damage. He stated that the Board should find a way to make sure that this road is maintained through the construction period. Mr. Stone stated that he has a copy of a letter pertaining to the bridge on Sky Top Road. Mr. Schwemmer stated that Mr. Stone should submit that letter for the Board's file.

Chairman Schwemmer stated that he would like to see a serious plot plan submitted by the applicant. He noted that the applicant should give Engineer Hall's June 26 and August 5 reports to his engineer. He stated that he would like to know where the septic system and field are so that the driveway does not cross over it. Mr. Schwemmer concurred that the metes and bounds description should be shown on the drawing regarding Lot 10 and 11 granting permission for the use of their land. Mr. Stone stated that he will show on the plan the passing zones. He noted that there are quite a few of them along Sky Top Road and they are a bit overgrown with vegetation, but he will clean them up.

Chairman Schwemmer recommended that the applicant get something in writing stating how the neighbors feel about the applicant's proposal. He stated that the applicant should post a bond for the repair to the road during construction. Attorney Fraser noted that the Board can require that the road be maintained during construction and that it be checked for repairs prior to the issuance of a Certificate of Occupancy. Mr. Schwemmer suggested that the Engineer check on the road once a month to see that he is maintaining the road and if not a stop-work order can be issued. Attorney Fraser stated that she will research whether a road maintenance bond can be required.

Engineer Hall stated that it appears that a dry well will be needed for this property. He stated that the limits of disturbance will have to be shown on the plans, including the soil stock pile.

Attorney Fraser announced that the hearing for this application is to be carried to the September 4 2013 Board of Adjustment meeting without further notice to the public. Attorney Fraser informed the Board that all documents pertaining to this application will have to be submitted at least 10 days prior to the September 4th meeting.

DISCUSSION - CORRESPONDENCE

1. Vouchers

Two vouchers were received from Banisch Associates for \$13.00, Banisch Associates \$110.50, Anderson and Denzler for \$1643.46 and Anderson and Denzler for \$195.00. The motion to approve the submitted vouchers was made by Mr. Price and seconded by Mr. Bauer. A voice vote was taken; all were in favor and the motion carried.

Mr. Bauer made a motion to adjourn, seconded by Mr. Averett. A voice vote was taken; all were in favor and the meeting was adjourned at 8:16 p.m.

Respectfully Submitted,

Barbara Margolese, Secretary