

ZONING BOARD OF APPEALS

February 11, 2008

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, February 11, 2008, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Vincent Cestone, Chairman, at 7:30 p.m.

PRESENT:	Vincent Cestone	-	Chairman
	Lenny Lim	-	Member
	Bill Flaherty	-	Member
	Robert Dee	-	Member
	Paula Clair	-	Member
	Adam Rodd	-	Counsel

ABSENT:

Vincent Cestone - Okay. We really only have one thing on the agenda. We are not going to do a review of minutes today. So County Line Equities continuation of a public hearing. I believe we are still waiting for additional information.

Glennon Watson - I have a number of things to give you. At the last meeting the Chair asked that we do a comparative table with regard to the variances that we are seeking and what was on site before. What you have before you is the same charts that I have and I believe they are in the same order. This first map is intended to fulfill your specific request. We went through the coverages which is the main issue and the coverage is represented by the orange on the plan, on the before demolition plan and the orange and the yellow on the after demolition plan. The yellow being, actually there is a little bit of yellow on the before demolition plan which is a shed roof which I took to be an overhang. Same thing as a roof with no walls. Started out, before demolition we had 5839 sq feet of building. We are going to decrease that to 2397 at the same time we are introducing, we had 211 feet of canopy and we are increasing that by 4053 for a net increase of 400 feet. I think I stated that last time but I also think I told you I wasn't sure if it went up or down. The net increase in building coverage is 1.4 percent. Other man made coverage we had 15,400 square feet of coverage, represented by the brown. This was all the parking area. This was taken from an aerial photograph we got from the New York State GIS which comes in scale and it comes in two scale and we were able to reproduce the condition before any buildings were taken down. We had 15,410 square feet of man made coverage other than building. We are increasing that to 17,003. A total increase of coverage of 1593 or plus 5.8 percent. Totaling our coverages for building

6,050 to 6,450 or 400 square foot increase or 1.4 percent increase. Still under the maximum allowable. The total of coverages all together, ground coverage, buildings and paving and manmade surfaces, we are seeking to go from 21,460 to 23,453. A total of 1,993 square feet or 7.2 percent increase. The planted area is all lost in the planted area where you see a 7.2 corresponding 7.2 percent decrease. The water surface is only about 368 square feet, that is not changing. With regard to the setbacks we are seeking. We are seeking relief from several setbacks. From Route 9 from the property line of Route 9, we are seeking that the building canopy be allowed to be 22 feet, today the existing building is 10.6 feet. The corresponding setback to the center of Route 9 we are seeking to be allowed to be as close as 57.8 feet. The existing building is 46.4 feet. To go to 403, we are seeking to put, although 403 does not have a corresponding center line setback so we only looked at the property line setback, our existing building is and was at 16, actually it was at 15.7 before the demolition. The demolition increased the minimum setback to 16.6 which will stay the same we are seeking to put the canopy within 19.8 feet. We are seeking to put additional parking with a 0 foot setback. Before parking is supposed to be setback from Route 9 by, let me just make sure, by 40 feet. Prior to coming here it was 0. It actually encroached on the street a little bit. We are seeking to leave it at 0 but we are seeking to increase the number of spaces. I might digress with regard to the number of spaces, one of the reason you have some extra spaces here is because Mr. Giachinta had a discussion with some of the needs the town wanted, and I believe 4 of those spaces are set aside for hikers who want access to the Appalachian Trail and that was done following the suggestion of Town official, I don't believe I know who it was.

Joe Giachinta - It was actually the neighbor, Bill Mazzuca and that was presented to the Planning Board with the original application.

Glennon Watson - So in fact we could eliminate a couple of spaces if the board wants us to but we would have to sacrifice those spaces which were set aside for people to access the Appalachian Trail. Our parking to the neighbor is, there is not setback requirement regarding the parking to the neighbor. So we are seeking those particular variances. We are also seeking one with, two with regard to the sign. We had a sign up in the front previously at the tip of the point of the triangle here. The closest we can get that is 2.2 feet to be perfectly honest. The old survey still had the additional land on it, didn't have it accurately plotted. So we might be a little off with that 2.2 feet. But it was relocated when the State cut off the tip. We don't have a survey that showed it. We did the best we could from the record photography. We are seeking to go to 0 on the side of the building, get it out of the line of sight from the people approaching what is in our view a very attractive approach to the property. We are trying to put it in place where it is the required notice of the passers by the gas prices. I want to clarify one thing, I think it is on the last page of that hand out if you turn to that. We've sought a variance, I think it is a half a page so turn one more than you think, we are seeking a variance to allow the height of the sign to be 6 feet where

there is a 4 foot restriction on the sign. The reason we are doing that is, the sign itself we are seeking is 4 feet. The Zoning law defines the word height as a measurement from the ground. Typically in this town that has not been applied. They have been applying the height of the sign as if it were at a different definition. There is no separate definition for the sign. So our sign itself, the painted, the advertising section of it is 4 by 6, 24 square feet. It is raised 2 feet off of the ground. So as you see in the detail there is a post that holds the sign up. So the post comes up 2 feet and then the sign starts and it goes 4 feet up for a total of 6 feet. It is unclear to me, and I think for anybody that reads it, whether the definition of height applies to the word height as it is used in the sign section of the ordinance. We've applied for that on the assumption that that 6 foot height applied to not just the sign but the sign plus the post that elevates it. So it is your judgment as to whether or not we need it, but we have asked for it to be conservative. I would like to give you the opportunity to ask any questions with regard to coverages in this chart because it is the one you asked about before I go on.

Vincent Cestone - This is not very clear to me as to what the before was and what the after is. It is very convoluted. And

Glennon Watson - The top section, everything in the top section is the condition before demolition

Vincent Cestone - Right. It's very small and I am having trouble reading what's on it

Glennon Watson - Okay. We'll certainly

Joe Giachinta - But you proceeded to give us other stuff that is irrelevant nice and big though

Glennon Watson - I don't think it is irrelevant and my conversation will demonstrate that to you

Vincent Cestone - I want this so I can read it. I can't read this.

Glennon Watson - I apologize

Vincent Cestone - I would need a magnifying glass to read this.

Lenny Lim - Glenn, I have a question. The old dilapidated building was 25 feet from the property line

Glennon Watson - Yes

Lenny Lim - And the new canopy is what

Glennon Watson - 49.2

Lenny Lim - thank you

Robert Dee - Before demolition the existing canopy was 211 square feet. Was it a canopy or a

Glennon Watson - It was a shed roof that came off the

Robert Dee - It wasn't a canopy for gas

Glennon Watson - No it was not a canopy for gas

Robert Dee - But after reconstruction it is 4053 feet

Glennon Watson - That's correct

Robert Dee - So you are looking to take that 211 square foot overhang, garage, and make it into 4053. Is that correct?

Glennon Watson - I think that's, I wouldn't present it that way because

Robert Dee - But the question is is that correct? I am trying to say if you are saying that it was a canopy which it wasn't, but even at 211 you are going to 4053, is that correct?

Glennon Watson - Yes

Robert Dee - Thank you

Glennon Watson - But the question before the board regarded coverage by buildings

Robert Dee - Correct

Glennon Watson - And we broke the building out from the canopy for your identification and if you go to the subtotal right below it you will see that our net increase in building coverage, if you count the canopy as a building is 400 square feet. And that's really the question before you. It is not a question of going from 211 to 4000

Robert Dee - Okay. It's just a question

Glennon Watson - okay. And I felt I had to explain that.

Robert Dee - Fine.

Bill Flaherty - I would like to ask a question about that sign. It is only 2 feet from the ground

Glennon Watson - The bottom of the sign will be 2 feet from the ground

Bill Flaherty - How is that going to affect sight from Route 9

Glennon Watson - The person will be far enough away to the north so that it will not block their views. We've been over this with the DOT

Bill Flaherty - And the DOT's position on it, the sign

Glennon Watson - The DOT's position on the plan which included the sign and the access ways was that they were ready to issue a permit until the Planning Board suggested to them that a traffic study be met with engineers from State DOT and worked out what curb cuts needed to be closed, what curb cuts needed to be moved and they in fact had written us a letter that a permit was issued. We went to the Planning Board and the Planning Board said wait a minute we want you to do a traffic study. And the DOT said well discretion being the better part of valor lets wait until the traffic study comes in. Which is an easy segway into giving you copies of the traffic study

Bill Flaherty - Oh great. Thank you.

Glennon Watson - A traffic study was done by John Collins Engineers and they are from White Plains. More specifically Dr. Phillip _____ who is a professional engineer signed this thing. It is a report. They conducted traffic counts, they projected the traffic through 2011, which is a standard 3 year out growth. They projected without the facility being opened and then they add the facility, the traffic the facility will generate after it is opened and compare the two. There is a chart in the back, when they talk about traffic they talk about level of service. And level of service goes from A to F. A being just unobstructed flow. F being a failed intersection or a failed condition. C being acceptable. In either case this intersection is going to reach level C. It is generally running at A and B. In either case Dr. _____ found that it will run at Level C regardless of whether the store is opened or not open. He is also giving you in a summary of his letter a couple of things with regard to he is suggesting that no left turns signs be placed to help with the traffic which we will be happy to accommodate. He is suggesting that if possible we might try to restrip it for a left turn lane in there. We will look at that and he did make a statement in there with regard to the improved condition for the six, one of the discussions we had was there was 6 pumps and 12 nozzles or whether 4 pumps and 8 nozzles will do, and as I stated the last time his letter now states in writing that the through put is more efficient with this and it will help to prevent with stacking in Route 9 and it is a more desirable thing.

Paula Clair - Where are the no left turn signs going?

Glennon Watson - I honestly, I am not certain. I have to check. It may be that he doesn't want people turning in this way and that is what my suspicion is but I am not sure. Coming up Route 9 and turning left into the station, he thinks it would be better for those people, just one conversation, to turn left into 403 and right into the station. It may be just the opposite of that, maybe he doesn't want them to turn left out on to Route 9. But he told, I asked him about that specifically. What I first said when he told me then and that was at the preliminary stage, I asked him about the left turn coming out because I said to you that it was better to go in an come around back through the traffic light. He said that the interval that is provided by the traffic light turning red will assist that condition.

(Bill Flaherty has asked a question and I cannot hear the question nor the answer)

Glennon Watson - if we take away the 4, and I think there are 14 spaces, 13 because of the request for an additional handicap space. So if we took away the 4, there will be 10 spaces. I always wanted to go away from a meeting with a close, but some of the public comment that was made

Vincent Cestone - Glenn, I am not going to allow this. Those have all been within the code. We don't need to see them

Glennon Watson - With all due respect

Vincent Cestone - You may briefly say something, but I don't want to go through every page and have an oration. Okay.

Glennon Watson - What I placed before you is a number of examples. Another gas station in Philipstown with the buildings and the canopy, each like this, with the building and the canopy. Another gas station in Philipstown. When you look at that you see it is very similar. It was compared to the gas station in Fishkill, you will see that it is smaller. It was compared to a gas station on the Thruway rest stop. You will see it is much smaller. On two different occasions. It was compared to a big box.

Vincent Cestone - You should have a comparison to the two gas stations on 403 that don't have canopies.

Glennon Watson - I was making a point to respond to comments that were offered to you as fact last time. It is simply not fact. I will take a couple of seconds. This is similar in scale and size to the Palisades Park Rest stop with the except of the parking which is much bigger. But in terms of the building it is

much similar. About the same. Finally, there were comments made with regard to how this building was out of scale in Garrison. It was too big for Garrison. We took a look at that too and we offer you four buildings that are at least 50 years old. I can tell you that they are at least 35 years old because I have been here 35 years and I know they all existed prior to, what we have done is taken the building and the canopy and laid it over and outlined the building to show you how they relate

Vincent Cestone - Just a question about those gas stations on the back, where any of them in violation of the code?

Glennon Watson - Pardon me

Vincent Cestone - Anyone of those other examples you showed us in violation of the code?

Glennon Watson - I don't think the one in Philipstown is, I don't know for certain. But I am sure that the ones on the Thruway were not

Vincent Cestone - So they are poor comparisons in my opinion

Glennon Watson - People were talking about the size of the operation. The whole point was that this was way too big for Philipstown it's like having a thruway rest stop.

Vincent Cestone - That's a bogus point

Glennon Watson - And my whole point is that you understand that. And I know your deliberations are serious but I do need to point that out. Of the six examples two are new building, 4 are old buildings. I just ask you to take note with regard to the scale of this building. Most of these buildings are two stories. Our is a tall one story. So if we can put the issue raised to you with regard to scale to bed. I don't have a, that's the end of my presentation material but one last point that was raised at the last meeting is that this all could fit without any variances. I've tried and I defy anybody to fit this plan on this site without a variance. It can't be done

Vincent Cestone - That goes without saying. One thing, this zoning comparison is not clear to me, I thought it was clear at the last meeting I wanted the area of the code, what the minimum setback on the old structure was and what the current. If you can clarify for me, I won't need another document. But from this I can't tell what the minimum setbacks on the original structure was and what the current

Glennon Watson - Let me just, bear with me for just one moment

Vincent Cestone - Okay

Glennon Watson - I will just go through the first line. From Route 9, okay this is the setback from Route 9, the building and canopy are required to be 50, the first column is required. Before removal it was 10.6 and after removal the minimum setback will be 10.6. The next one is the parking. Required is 40. Before removal is 0 and after reconstruction is 0. And it goes on down the page like that.

Vincent Cestone - How is this, so from looking at this it looks like you are asking for 14 areas of the code. But that's not what you are asking for. You are asking for 4

Glennon Watson - That's correct

Vincent Cestone - There should be 4 lines

Glennon Watson - We can give you 4 lines too. We are asking for setback from the road, lot coverage, you have to look, it is a little more complicated than looking at just looking at 4 lines. I don't think I can actually do it in 4 lines. And each of the _____ are posted on the map. I apologize if I haven't made it clearer.

Vincent Cestone - I am going to have to ask the building department. Any comments from the board? Anyone in the audience want to speak? Yes introduce yourself

Nat Prentice - Good evening and thank you for all you do for the town. My name is Nat Prentice and I live at 848 Route 9D and I would like to make a comment that follows up on some comments that were made at the January 28th public hearing as it has to do with the Comprehensive Plan which was mentioned a couple of times. The Comprehensive Plan is a document that I have, with other members of a special board co-authored and have worked with for quite some time. The presenters pointed out that the plans specifically addresses this property at the intersection of 403 and 9 which it does. The property is addressed on page 7 of the Goals and Strategies chapter. That is Chapter 2 under goal 9, paragraph c, subsection iii. This is the only specific reference the plan makes to this intersection. The goal behind the plan, the plan has 10 goals, is the plans smart growth initiative. It identifies some of the locations in Philipstown including the one under review that can support more intensive commercial development. In an essence it gives the Town a mandate to study the commercial potential of these locations in keeping with a master plan that balances that potential and the character of the community. Subsection iii, paragraph c says and I quote "Route 403/Route 9/Gas station establishes as a gateway to Philipstown investigate installing an information kiosk. What's my point? The point is this, the comprehensive plan which was referenced many

times at the last meeting is proactively telling us to get on with the upgrading of this commercial site. Smart growth is identifying the right locations for commercial activity. The comprehensive plan and this is my interpretation of it and there is no official interpretation of the comprehensive plan, but in my view the comprehensive plan puts us on notice that we need to make something commercial work here. So, I think that Joe and his partners need to find a way to settle the regulatory and code enforcement issues that are involved and I think that all of us need to work with Joe and his partners about the issues, community character, traffic, and environmental issues and we need to make sure that the project looks good. I think the applicant has made a good start because the place sure looks better than when I was growing up here in the 1950's and 1960's and much better than what it did when I moved back here 30 years later. Thank you.

Vincent Cestone - Anyone else wish to speak? With that I would like to continue this to the next meeting. I need some time to sit down with the building department to go over this. So I am going to do the first meeting in March. When is that?

Kim Shewmaker - I am looking.

Adam Rodd - 2nd Monday

Kim Shewmaker - yep. The 2nd Monday would be the 10th

Vincent Cestone - what is that

Kim Shewmaker - March 10th

Vincent Cestone - So this is continued on to the 10th of March.

Bill Flaherty - If you don't mind Vinnie I would like to, I have some questions I would like to ask

Vincent Cestone - I asked for comments before and you didn't say anything

Bill Flaherty - I've been in this town for probably 50 years and that particular site has been an absolute eye sore for all of the 50 years that I have been here. There is no question about that. The building that is proposed on that site is a vast improvement over and above what had been there for such a long time. It is aesthetically pleasing to the eye. It is a welcoming kind of building. You have a beautiful sign there welcome to Philipstown. That's wonderful. I've been trying to get signs in this community for the past 6 or 7 years and haven't been able to get any. Every town in the county has signs except Philipstown. I think we have a good start here with Mr. Giachinta's sign as you come into the community. I don't think there is anybody in this gathering this evening who can say that this

does not represent a vast improvement over and above what has been there for so many years. If there is, I want to hear it. There is a gentleman here that disagrees with me and that is your prerogative. But I just want to make a point that it is a very vast improvement over what has been there and I know Ms. Kelley you made a very fine presentation at the last meeting, very detailed. Very well spoken. Very well written and I reviewed that. And I had several questions that I would like to ask you specifically in as much as you are the person here this evening who is mostly affected by this structure. Tell me when you bought your property did you know that this was a B-2 zone?

Liisa Kelley - I did know it was a B-2 zone

Bill Flaherty - Now we just got the minutes but I went through them very quickly and there is something here to the effect that at the time you asked the realtor, I am quoting here "when we bought the house our attorney and real estate agent said to us there was a gas station there. It was closed down because there was a spill" and that is a fact. "the Town has very stringent regulations now" and we do, "and it is very unlikely that that kind of use would never be approved on this property again. We trusted that that was true" So my point is simply this, when you are buying a house anywhere, buyer beware. A real estate agent can tell you anything that you want to hear about the property you are about to buy. It is incumbent upon you as the buyer to do your research on your own and go to the appropriate town and check the records to see whether or not it is going to have an affect on your resale value. How has this, what impact will this have on you, on your quality of life? What affect if any would this have on your resale value of your home? Can you answer to that?

Liisa Kelley - Sure I can. I think that people have misinterpreted many of things that I have said. I am not concerned about the view of the building. I am not concerned whether the building is more aesthetically pleasing or not. I am concerned about the fact that the basic use of this property of it being a gas station with cars that have gas and oil leaks and other things are being moved to the back of the property closer to my home where it means that I will be more affected by the smells. I will be more affected by the traffic. The corner which makes it dangerous for me to get in and out of my driveway every time I enter or leave my property will become more dangerous. There was an accident at that intersection this morning that kept both of those roads backed up for half an hour between 6:45 and 7:15. That happens on a regular basis and I watch it out my windows and I think my God if these people were turning into the gas station there are going to be more accidents like that. That worries me. I am also concerned that my well is 60 feet from the property line or less, I haven't measured it exactly. I am concerned about the fact that there has been very little information from the applicant about how the handling of septic and the well water will be used. It is supposedly an existing septic system. From my looking into these records, I think that that is probably private septic system that was not meant for a gas station of this size that they are building. But those things have

sort of been brushed aside and looked at and I am concerned that this is, according to Mr. Watson's point, this is not you know, it is so big and it is out of scale for Philipstown, it is on scale for Philipstown, it is not on scale for the site that it is on. It is a very big property to be putting on this little corner of a road. And it worries me that that is going to be there. I am not worried about my property values, I am worried about the stream.

Bill Flaherty - Well that's another point, you live on wetlands

Liisa Kelley - I do

Bill Flaherty - Now since this structure has been constructed on this property, have you seen any appreciable difference in the amount of water that is settling on your property since the last 6 or 7 months since the concrete pad been put down on the property. Has there been any difference, any problems associated with that in terms of increased water

Liisa Kelley - I can't say for sure it is because of the concrete pad or the development but there has been significant flooding of the back part of our property over the last year. Maybe that's the weather, maybe it's global warming but there has been at least five or six times where the entire back area of our property next to the fence that has been built has been flooded with several inches of water over the course of several days

Bill Flaherty - Has that been because the concrete pad has

Liisa Kelley - It has only happened once since the pad was put in. The pad

Bill Flaherty - It had not appreciable affect on your property

Liisa Kelley - I would think that it has because that is where my well is

Bill Flaherty - Excuse me

Liisa Kelley - My well is a few feet from where I've seen the flooding. The water is running off and into the ground water that is there I would expect it would have an affect on my well.

Audience member - The septic system there supported three apartments above the gas station so now with the gas station, you have eliminated 3 apartments that were above the existing gas station. So obviously the septic system was big enough to support the 3 apartments, the gas station and the lawn mower business. So now it will be a lot less use on the septic system so that should not be a concern whatsoever.

Liisa Kelley - I would be concerned that 1,000 customers a day which is what I

think I've heard projected would use the bathroom a little bit more than three apartments. I also, in my looking at what was in that building before, it says there was a one bedroom apartment was there prior to this, not three.

Audience member - There were three

Liisa Kelley - In the records it does not say three. And to your point about looking into property before you buy, I agree with you. Buyer beware. And we should have look more at this before we bought this house.

Bill Flaherty - If you knew that you would have taken a different

Liisa Kelley - I have thought about that a lot over the last year and whether we would have bought the house or not bought the house and I can't honestly say, but from what has taken me to actually find out about this property, there is no one in the course of buying a house that has that kind of time to research things. It has taken me four maybe five visits to town hall to dig through files and make copies to try and piece together what is going on here and it is still very unclear having dug back through all the planning board minutes, and back to 2000 to try and find out what happened the last time this gas station was up to the planning board with the previous owner. It is really hard to get that kind of information

Bill Flaherty - You know that property was a junk yard, antique shop, gas station, automotive repair

Liisa Kelley - I agree with you. But none of that is the public available records about the property. If you look at the site plan listed for this property with the building department, they show that there was a gas station, that there was auto repair and that at one point there was a violation because there was _____. There are no other uses that are listed on any of those property records.

Bill Flaherty - I want to commend you on a very thorough job in your presentation here. It was very well done. But I want to thank you very much at any rate.

Michael Finnegan - If I might,

Vincent Cestone - Introduce yourself

Michael Finnegan - Michael Finnegan, 19 _____ Lane, Garrison. First I want to make sure that the many people who came here tonight I guess on both sides will have an opportunity to speak at the next meeting. And second, I am not sure that the test, the proper test here is is this better than what was there before. But really whether this is appropriate for the site for a whole lot of reasons that are articulated both in the zoning code and the comprehensive plan. And so, I think, realistically we can probably all agree that this is better than a dilapidated old

building that sat there for years but that really isn't the question. The question is whether the proposed use is too large and whether in your judgment the various accommodations that the owner may or may not made on the site satisfy you that this is the proper use and the proper site.

Vincent Cestone - Anyone else wish to speak? Sir

Daniel Donnelly - Yes. My name is Daniel Donnelly. I just don't understand the top diagram. What does the red or the orange represent

Vincent Cestone - That's my question too. And that's why I am going to sit with the building department

Daniel Donnelly - That's why we are going to be here on March 10th?

Vincent Cestone - It is not clear enough for me.

Daniel Donnelly - Okay well I had the same question. Thank you

Vincent Cestone - So I am going to sit with the building inspector and ask him. Anyone else wish to speak? Sir?

Ralph Fleming - My name is Ralph Fleming. If they are here why don't we just ask those questions and not defer until March?

Vincent Cestone - I asked the questions, but I didn't feel comfortable with the answers. So I want to be sure that I get it from the horse's mouth per se and go to the building department and the assessor's office and ask them the questions.

Ralph Fleming - They have that information

Vincent Cestone - They have what was there previously and they have what is being proposed now so they should be able to give me those answers

Ralph Fleming - I just thought it was there, I don't understand what exactly, and I agree it was a little bit vague

Vincent Cestone - Right. Well that's the issue. I need to know exactly what this is. What the code was, what it was before, and what it is now and this is not clear enough to me and I can't make a decision based on this

Ralph Fleming - We all heard what the code was, it was a 50 foot setback

Vincent Cestone - Right

Ralph Fleming - And we all know

Vincent Cestone - But it is not clear to me what was before. This is not clear enough for me to understand it

Ralph Fleming - Can we ask them a question one at a time and get an answer or no.

Vincent Cestone - If I can't get a straight answer I am going to go to the building department and ask them. It is not clear to me.

Glennon Watson - There is chart here that is titled legend. I hope you can read the legend. In the legend it says building. And what is orange is building.

Vincent Cestone - Right

Glennon Watson - Then there is yellow and it is labeled canopy

Vincent Cestone - This is not telling me the information that I want.

Glennon Watson - You just agreed with Mr. Donnelly that you didn't understand what the orange was. You just said that.

Vincent Cestone - I don't understand anything about this. That's why I want to get the information from the building department because it is not clear here. If it was clear here I wouldn't be going to the building department. I am going to go to the building department and get the answers from them.

Joe Giachinta - Can I ask a question?

Vincent Cestone - Sure

Joe Giachinta - Mr. Watson is a licensed surveyor or engineer

Glennon Watson - Surveyor

Joe Giachinta - Surveyor. This arch right here, this arch right here represents what was previously there. It is on file down at the Town Hall.

Vincent Cestone - Right

Joe Giachinta - We presented it the last time. He took it and overlaid it on top of the site. That's it. Over here, when you read across, he has done everything that you have asked. Everything.

Vincent Cestone - Okay. You sound like you don't want me to ask the building department

Joe Giachinta - Well you can ask the building department but this is what I pay Mr. Watson to do otherwise we could have just went to the building department and I could have saved myself a lot of money. This is what you asked me to do and this is what we did

Vincent Cestone - I asked for the four sections of the code

Joe Giachinta - And they are right here

Vincent Cestone - And what was previously on the land

Joe Giachinta - And it is right here

Vincent Cestone - I don't understand this

Joe Giachinta - It is right here

Vincent Cestone - Anyone else wish to speak? With that we are continued on to March 10th. I will make a motion to close the meeting. Do I have a second?

Lenny Lim - I'll second

Vincent Cestone - All in favor?

All Board Members - aye

NOTE: These Minutes were prepared for the Zoning Board of Appeals and are subject to review, comment, emendation and approval thereupon.

DATE APPROVED: 2/25/08

Respectfully submitted,

Kim Shewmaker
Secretary