

ZONING BOARD OF APPEALS

March 20, 2006

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, March 20, 2006, 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
	Joan Turner	-	Member
	Tim Pagones	-	Counsel
ABSENT:	Victor Carlson	-	Member

Vincent Cestone - First item on the agenda is, just one second, is Adam and Diana Hird

Adam Hird - Yes

Vincent Cestone - Hi how are you doing?

Adam Hird - Good. When I was last here you asked me to have the survey redone so that it would show the eaves.

Lenny Lim - Right we needed the height too

Adam Hird - So I have 7 copies here

Vincent Cestone - Well that's good.

Adam Hird - So I drew the height to the first floor and then I added what the what the grade is because it is different on each side. The house sits into a hill.

Joan Turner - While everybody is looking at their plans, I just want to bring to your attention that in the application form itself that under provisions of the zoning code that you are asking relief from are, that you didn't fill out by the way, I don't know if you remember this form

Adam Hird - Yeah

Joan Turner - Those provisions of the code were not filled out but for the record they should be 175.32 on setbacks and 175.30 you have lot area, and that's what we are talking about, and then 175.88 which is nonconforming enlargement. So those are the sections of the code that you are asking this board for

Adam Hird - I don't think I have a problem with frontage though

Joan Turner - No. I just wanted to give the classifications

Adam Hird - Oh okay

Joan Turner - But I think it is important for the completion of the application. I don't know if you filled it out or if the building inspector helped you

Adam Hird - Tom

Joan Turner - Tom did it? Not you? Well at any rate he left out those sections out. But it is just important

Adam Hird - okay

Lenny Lim - Do you want to submit that for the record

Joan Turner - I did. I am sure the minutes will note the section of the code that he is asking relief from. And I had one other question about, on the opposite side of the driveway where you are going to have parking space, where you put in fill, because if I remember from visiting that site the land slopes down to the stream, on this side right here

Adam Hird - If you can see what happens here is that it really starts sloping here

Joan Turner - Exactly exactly

Adam Hird - So the idea is to pile up boulders in here and then bring in fill

Joan Turner - And then bring in fill.

Adam Hird - I mean it is mostly going to be boulders and stuff

Joan Turner - And you will keep it flat with the driveway itself. So when you pull off the driveway you won't have it raised

Adam Hird - Right. The idea is, I mean you have probably noticed since you went to the property, it is difficult to turn around

Joan Turner - And you have no place to park

Adam Hird - So right, there might be some drainage to work out but that will be all the pitch to it

Joan Turner - So how high do you imagine this area back here where you would drop off, where the fill would stop,

Adam Hird - On this corner, this is the worst corner

Joan Turner - So 3 or 4 feet?

Adam Hird - This corner is probably about 3 feet and this one is probably more like 6

Joan Turner - 6 feet? So it would be a level area

Adam Hird - right. And this whole thing gets positioned to maintain the trees. I actually just recently worked it out. I mean the buffer too, because conservation is so important

Lenny Lim - which way are you going to use the drainage system? Which way are you directing the drainage for that?

Adam Hird - You know I haven't worked that out yet with Badey & Watson, they are helping me design it. But I imagine, I mean regardless right now the road drains off this way so either it is going to come out the front and over the rocks or it is going to come back this way through the rocks. I am not sure.

Joan Turner - It would be a permeable surface with rocks and fill

Adam Hird - Well it is a gravel driveway now

Vincent Cestone - He is not going to change the drainage pattern, he is just raising the roof basically

Lenny Lim - I am worried about the parking area

Adam Hird - But it won't increase the drainage on to Clove Creek. I mean if there is a preference as to which way it drains, I'll do that. I was kind of working through with conservation and

Vincent Cestone - What's the difference

Lenny Lim - After here it drops into Clove Creek

Adam Hird - Well actually it doesn't, it's a while before it drops

Vincent Cestone - But it's got a lot of space here

Lenny Lim - Yeah

Vincent Cestone - So, it has a chance to filter before it even hits Clove Creek

Joan Turner - I don't see a problem with drainage. I just wanted to know to what extent you were going to have the retaining wall

Lenny Lim - I am curious as to where the drainage is going because I really don't want to see it aimed at Clove Creek

Adam Hird - There is not a lot, when you are here though you are at a crest in the road and there is not a lot of draining here because it sort of slopes down here and then here it is really steep

Joan Turner - And the letters that you sent out notifying your neighbors, they were all taken care of? Neighbors were informed by a letter

Adam Hird - Well the neighbors got a

Joan Turner - A notice

Adam Hird - A notice from the town and

Kim Shewmaker - From me

Joan Turner - From you. Okay

Adam Hird - But I also gone and met with my neighbors

Joan Turner - So you've met with them

Lenny Lim - So the highest it is going is 26 feet, not counting the chimney

Adam Hird - The chimney is in the back. That is 26 on the first, from the first floor and then there, at the lowest point it is about 10 feet below the floor in that corner

Lenny Lim - Yeah but, it is 36 feet here, how much more is the chimney

Vincent Cestone - It's got to be a least 2 feet above the roof

Adam Hird - 3

Lenny Lim - What is the limit

Adam Hird - 40 feet. And the chimney is in the back. And the code says average grade and that is the worst point.

Vincent Cestone - But the chimney doesn't count in to that

Adam Hird - If you look in the back, the chimney is in the back of the house and the back of the house the grade is above the first floor level. And you actually measure 10 feet out

Vincent Cestone - Well we can put something in the resolution that it can't go above 40 feet

Joan Turner - That's the code

Adam Hird - I am not going above 40 feet

Vincent Cestone - I know

Adam Hird - That is showing 36 at the worst point and the code says the average grade. And at the worst point I am below that.

Lenny Lim - But here you are 36 and I am trying to figure out the chimney

Adam Hird - The chimney is in the back of the house

Lenny Lim - But it is also the highest point of your house

Adam Hird - Yeah but when you get to the back of the house, I am not even 26 feet above grade and that is measuring down to the bottom of the drainage. If I came out a couple of feet, I would be at the retaining wall which is another 3 feet up

Lenny Lim - That's right. Where do you measure from

Adam Hird - The code says

Vincent Cestone - The code says average

Adam Hird - And it says 10 feet away from the house, I took it to the foundation because that is the worst point. 10 feet out, it's almost a 1 to 1 slope in the back

Joan Turner - You have a very limited topography to do anything

Lenny Lim - That he does

Joan Turner - It's amazing. You are between a rock and a hard place. No pun intended

Vincent Cestone - Any more questions from the board?

Bill Flaherty - I do have a question. At the last meeting I raised a question about the retaining wall that you have, there are several of them on your property which are not conforming with side setbacks and could you tell me the height of those?

Adam Hird - Well, the height for the retaining walls, I mean if you are talking about this topo, if you are talking about this retaining wall at this point, the top of this retaining wall is basically at grade. It is a couple of inches above grade on this side. And then it is a couple of feet drop

Bill Flaherty - Do they at any point exceed 6 feet

Adam Hird - On what side

Bill Flaherty - On the side here

Adam Hird - No I don't believe so

Bill Flaherty - They don't?

Lenny Lim - No. When I went and did a site visit, I don't

Bill Flaherty - Because our code says that if they exceed 6 feet, then you must have a variance on retaining walls. But they don't exceed that you said

Lenny Lim - I walked the property, the retaining wall is not above my head

Bill Flaherty - They are not above your head? Well are you 6 foot

Lenny Lim - If it is 6 foot it would have to be over my head because I'm not 6 foot

Bill Flaherty - Well that's the only question I had and you are going to use essentially the same footprint that is currently there

Adam Hird - Well I am not touching the retaining walls and I am building right on top of the existing foundation

Bill Flaherty - Exactly and you are doubling the size of the current residence

Adam Hird - By going up

Bill Flaherty - And your total square feet would be about 1400

Adam Hird - Yes. I'm at about 700 now

Bill Flaherty – okay

Adam Hird - And the porch is staying a porch, I am not enclosing this space.

Vincent Cestone - Any comments from the audience on this? I'll make a motion to close the public hearing. Do I have a second?

Bill Flaherty - Second

Vincent Cestone - All in favor

All Board Members - Aye

Vincent Cestone - I'll make a motion for a straw poll, do I have a second?

Joan Turner - I'll second

Vincent Cestone - All in favor

All Board Members - Aye

Vincent Cestone - Bill?

Bill Flaherty - I vote to approve

Vincent Cestone - Len?

Lenny Lim - I vote in favor

Joan Turner - I vote in favor

Vincent Cestone - And so will I

Adam Hird - Thank you very much

Tim Pagones - I will try for April 3rd.

Adam Hird - What?

Tim Pagones - I will try and have a resolution for April 3rd. If it is not April 3rd, it

will be April 17th.

Adam Hird - I have one more _____

Tim Pagones - Then April 17th

Adam Hird – Okay

Vincent Cestone - I am going to take things a little out of order, let's do the review for completeness

Tim Pagones - Complete

Vincent Cestone - Is Palmer here? Are you Palmer?

Ronald Palmer - Yes

Vincent Cestone - We just reviewed you for completeness which means we are going to put you on the agenda for a public hearing and that is when you will have to appear before us

Ronald Palmer - Okay

Vincent Cestone - So

Tim Pagones - April 17th is the earliest

Vincent Cestone - April 17th, well we can do it April 3rd

Tim Pagones - I don't think we can get it in the paper

Vincent Cestone - We have to get it in the paper by law. So the earliest we have is April 17th.

Ronald Palmer - Okay.

Vincent Cestone - Next item on the agenda is Santoro.

Janet Santoro - Hello

Vincent Cestone - Hi how are you doing?

Janet Santoro - This is my Al Elvin who wasn't here last time

Vincent Cestone - Hi nice to meet you. Tell us what you are here for.

Janet Santoro - We are here for a variance for a shed. (**Papers shuffling...cannot hear her**) ...we discussed the topography on our property and Mr. Flaherty and Mr. Lim actually came and met with us

Vincent Cestone - and I drove by also

Janet Santoro - and did a site visit. (**cannot hear applicant**)

Vincent Cestone - Does anyone on the board have any questions?

Bill Flaherty - The only question I have, you mentioned to us on Saturday that you had a disability.

Janet Santoro - Yes

Bill Flaherty - If the shed were put at another site, it might be a problem

Janet Santoro - I have a respiratory illness

Bill Flaherty - Do you have a letter from your physician

Janet Santoro - No. (I cannot hear her) It is exasperated by walking when it's hot or cold. So if my husband _____ and I need to get to the shed, if it were not easily assessable to me then _____

Joan Turner - I think it is just important to include that into the record and also a description of your topographical difficulties in replacing that shed for example the hilly nature where you could place it, or as Lenny pointed out there was a very deep ditch going along that impedes your placement of it

Janet Santoro - The last session I also placed into record photographs of the property and I believe in my application I did discuss the topography and the _____

Lenny Lim - This front slopes all the way down

Joan Turner - Right

Lenny Lim - Bill and I went up there to look for an alternative site and truthfully the back is hilly, there might be a little to the side but it is a very small spot, the front breaks away from the house.

Joan Turner - Right

Vincent Cestone - What kind of foundation are you proposing to put the shed on

Alburn Elvin - It's actually, we were not planning on doing anything of a permanent nature. Just placing it on the ground.

Bill Flaherty - So you are putting it on skids according to what I see on your sketch

Janet Santoro - Yes

Bill Flaherty - So that it would in fact be moveable

Janet Santoro - Yes

Bill Flaherty - It is not permanently affixed to a foundation

Lenny Lim - So you are not putting it on a permanent foundation

Alburn Elvin - No

Lenny Lim - okay

Bill Flaherty - So at some time in the future it can be moved to another location

Alburn Elvin - Should the need arise

Bill Flaherty - I think you have a couple of alternatives but may pose an imposition, an inconvenience on your part to go ahead and place this shed in another area other than what you are showing here on the sketch. I think you do have a couple of alternatives. But I think it would also pose a hardship upon you to dig out a portion of the property in the back of your property to do that. And somewhat costly (**cannot hear him**) ... where you are placing the shed now will not require any excavation whatsoever. It's level, it's flat and it's conveniently located to the garage, to the driveway.

Alburn Elvin - One of the elements of acquiring a shed here is that there are other equipment that we will need to have such as perhaps a snow blower, things like that. There really is no place else that is accessible to moving this kind of equipment in and out of a shed. There is absolutely no place else on the property. The front of the property, the topography you can see is so slopped you can't even put a lawn on the hill. So you know there are tremendous limitations as to where we can locate the shed. An 8 by 10 shed, I, if you look at the property you will see that we maintain our property extremely well. There are tremendous improvements since we moved there and we intend to continue to do that in the best interest of the neighborhood and our lives.

Vincent Cestone - Any more questions from the board?

Bill Flaherty - I have none.

Vincent Cestone - Any comments from the audience on this?

Audience Member 1 - I haven't heard what's going on.

Vincent Cestone - I'm sorry.

Audience Member 2 - We can't hear

Vincent Cestone - They don't give us microphones. I guess we're not important enough.

Audience Member 3 - Speak a little louder

Vincent Cestone - With that I will entertain a motion to close the public hearing

Bill Flaherty - I'll so move

Vincent Cestone - I'll second. All in favor?

All Board Members - Aye

Vincent Cestone - I'll move for a straw poll. Do I have a second?

Lenny Lim - I'll second

Vincent Cestone - All in favor?

All Board Members - aye

Vincent Cestone - Bill?

Bill Flaherty - I vote in favor

Vincent Cestone - Len?

Lenny Lim - I'll vote in favor

Joan Turner - I concur

Vincent Cestone - And so will I. That's it

Tim Pagones - April 17th

Vincent Cestone - Tim, can I talk to you for a minute?

Kim Shewmaker - Anybody own a black Mercedes that's parked on the corner, you're lights are on.

Joan Turner - Black or dark green

Kim Shewmaker - She said black. Are you parked on the corner?

Joan Turner - Mine was the second one down.

Zshawn Sullivan - Is it black

Joan Turner - No it's dark green

Kim Shewmaker - Maybe it looks black in the dark

Vincent Cestone - Next item I want to address tonight is OmniPoint Communications.

Tim Pagones - Mr. Gaudioso is here

Mr. Gaudioso - Good evening. Hi. How are you doing?

Tim Pagones - Please speak nice and loud

Vincent Cestone - Russ, do we have any outstanding?

Russ Bogie - As of now I think we do not.

Vincent Cestone - Okay

Russ Bogie - We received the revised drive test map from them earlier in the month and it shows a signal level at less than minus 95 dbm and they did acknowledge that they do have the _____ coverage and that was the last issue. The landscape plan was kind of up in the air because he said he could not get the landlord's permission and we haven't heard on that issue.

Vincent Cestone - Do you have an update on the landscape plan?

Mr. Gaudioso - Yes. We have not been able to secure the landlord's, I should say the property owner's permission outside of our lease area to do proposed landscaping at that location. I went back and looked the minutes and I did notice that previously Mr. Kelley had indicated he would be happy to put it on his property. We called him today. I don't want to speak for him. I know he is here and he can certainly address the board. But our position is as a condition of approval we would be happy to continue to work with our landlord for a finite

period of time. Something reasonable to try and still install landscaping on the piece of property in question and if that failed than we would be happy to install the landscaping as proposed except on Mr. Kelley's property.

Vincent Cestone - And what is, what do you propose is a reasonable amount of time

Mr. Gaudioso - From the day of getting the building permit, I would say 3 months

Vincent Cestone - The landscaping

Mr. Gaudioso - Right. That's what I mean. From the day of getting the building permit, either install it on our property or with Mr. Kelley's consent, on his property. We would like to do the landscaping the same time we do the installation so I don't think it should really drag on. I think when we do the installation we should do the landscaping and it should be on one of those two locations. But that is subject to Mr. Kelley

Vincent Cestone - How much would something like that go for?

Mr. Gaudioso - We, with our pricing, we came up with a number of \$6,900 which would be the twelve 10 to 12' Norway Spruces plus the mulching and the installation, delivery, the whole 9 yards. And that is the number we came up with. Again, I don't want to speak for Mr. Kelley, he called around today and came up with numbers I think substantially higher than that. I don't know if that is a matter of the location or the matter of a residential homeowner calling a nursery usually doesn't get the best price and we tend to buy in bulk so we get a little better price. So that's why it makes more sense for us to actually do the installation.

Vincent Cestone - Okay. Would you be willing to bond that money so that it is being held just in case you can't get the land owner's approval. When I say bond, I mean put it in some sort of escrow so that it is there in case we need it

Mr. Gaudioso - I don't have a problem with that. I guess the question really though becomes what do we then, where do we put the landscaping. If we can't get our landowner's approval, then how do we, we would then need Mr. Kelley's approval to put it on his property. And I don't know if he has given that approval yet. I think he may want to speak to the board on that exact issue.

Mike Kelley - You have to understand something. I received a phone call from this gentleman at 11:00 this morning regarding this. I have had all of 10 minutes to do any kind of information gathering on it. I would like a little bit more time to listen to their proposal, find out where they are getting these trees from because I can't even come close to matching what they are saying. I am quite sure that there is room enough to work out some kind of agreement here but not in a

course of 15 minutes.

Bill Flaherty - Well did you get a quotation of \$6,900 in writing from a landscaper

Mr. Gaudioso - No we have two different nurseries that we work with. We do this quite often and we just did similar sizes trees down in the Town of Greenburg and the price for the tree was \$250 and the price for the installation was another \$250 times 12 trees that \$6,000. We threw in another \$900 as a buffer for various mulching and add-ons just to play it safe and we came up with \$6,900. Now we are comfortable that we can do it for that price.

Bill Flaherty - In as much as this landscaping is going to be on Mr. Kelley's property, is that correct?

Mr. Gaudioso - Well that's what I am saying. We would prefer to put it on the property that it is supposed to go on but we don't own that property, we don't lease that property, just by way of background our cabinets are 85 inches in height and we are behind a 10 foot high stockade fence. So the landscaping to us is superfluous but we are happy to work with the board and work with Mr. Kelley and try and do the right thing. And we would like to, I think the three month time period from getting the building permit is reasonable without dragging it out to be able to continue to try and get our property owner's permission. But if not, we would like to have a mechanism in place to be able to install it and make everyone happy.

Bill Flaherty - Well the landscaping may be superfluous to you but I think it is important to us to guide against the unfavorable site conditions that are presently there.

Mr. Gaudioso - I totally understand the board and Mr. Kelley's position. I guess just from our perspective and I don't want to argue with you about it because I totally understand your position, it is a situation that exists that we are not exasperating. But never the less we are happy to do this and we are happy to provide this landscaping. We even showed it on the plans two months ago. We don't have any objection to that. We just want to make sure it happens and it happens the right way

Bill Flaherty - I want to make sure it happens too. Would you then give Mr. Kelley preparative a review of the landscaping plan prior to the time that you go ahead with the landscaping plan

Mr. Gaudioso - I think we would be happy to commit to the ten 10 to 12 foot Norway Spruces if it is a matter of location, no problem at all we would be happy to work with Mr. Kelley and leave that to his discretion. I don't think we have any argument with that. We just want to have a set number that is reasonable and a scope that is reasonable and the particulars we would be happy to work out with

Mr. Kelley at the site.

Vincent Cestone - Well the numbers seem to be appropriate for the amount of screening that has to be done. Would you be willing to go into an agreement with Mr. Kelley to put the trees on his property if you can't secure your land owner's approval

Mr. Gaudioso - Yes

Vincent Cestone - Would you do that before you begin construction? What I mean is, can you go in to some sort of agreement if this doesn't come to fruition with the land owner, than this piece of legal terminology would take affect. Basically, not backing yourself into a corner but not leaving Mr. Kelley out in the cold

Mr. Gaudioso - Yeah, again, I think as long as the parameter is that we are committed to this type and quantity of landscaping I think that is fine. It makes sense.

Vincent Cestone - I think that is reasonable. Do you agree that 10 trees 12 feet tall placed along the property line is appropriate

Mike Kelley - That's fine.

Vincent Cestone - Than I don't have a problem with it. Does anybody on the board have any more questions

Bill Flaherty - I would want these conditions in a draft form

Tim Pagonis - Well you would make it a condition and Mr. Kelley is on the record saying that he doesn't have a problem with 12 10 to 12 foot trees on his property line and I think the applicant is stating that they would rather put it on their leased property but if the owner doesn't agree to it, then Mr. Kelley is saying he will agree to it. Certainly they are going to have an agreement that he is allowed to go on the property and plant the trees. They just aren't going to go on there, they are going to cover themselves and have whatever legal agreement, but that will be a condition of the resolution. Either it is on their leased property or it is going to be on Mr. Kelley's property. If it is on Mr. Kelley's property, Mr. Kelley is going to tell them where to put the trees. They are not going to put more than 12 10 to 12 foot trees. If Mr. Kelley wants 8, than fine, they'll be glad to put only 8. But they are not going to come back and have Mr. Kelley say he wants 20 trees.

Bill Flaherty - That's reasonable. Refresh my memory, who owns the property?

Mr. Gaudioso - I don't have the exact

Vincent Cestone - Garrison Greenhouse

Bill Flaherty - Garrison Greenhouse owns the property

Mr. Gaudioso - But this compound and to really make this screening effective, there is plenty of screening at the base of the compound. We are proposing it all the way over on the side of the property so it is more towards Mr. Kelley and blocking it

Vincent Cestone - Any additional questions from the board? Any comments from the audience?

David Brower - The only question I have is the Planning Board they have a condition to keep the landscaping in good condition. So, I was wondering how long these trees are going to be kept before they become Mr. Kelley's responsibility. In other words if you put the trees in and in a year from now three of them are dead, whose responsibility is it to replace them?

Mr. Gaudioso - If they were on our landlord's property, we would be happy to be responsible for them. Once we put them someplace else, we can't really

Vincent Cestone - All I ask is that basically that you guarantee that they will take hold. If they die from disease, that is a different story.

Mr. Gaudioso - Oh yeah, they have to make it through. They have

Tim Pagones - They have to be planted properly,

Joan Turner - Watered and maintained

Bill Flaherty - You certainly have a guarantee

Mr. Gaudioso - Usually it is like one growing season. Usually past one season they survive and then nature takes its course

Vincent Cestone - Any more comments from the audience? Yes Mr. Kelley?

Mike Kelley - Regarding the comment about who is going to maintain the screening, I mean this is really a serious concern. I don't mind putting the screening on my property, but that screening remains around on the other guys property and around that tower, it is the utility companies responsibility to take care of it.

Vincent Cestone - Anything around the tower yes

Mike Kelley - Right. Any kind of screening they put in is their responsibility to take care of. I don't want to see, if they take and they are saying \$250 per tree, I haven't been able to find anything even close to that okay. And if these trees get put in and two years from now they are dead, then whose responsibility is it then?

Vincent Cestone - It depends. If they died from disease or natural causes

Mike Kelley - Well if they were around the structure and died for whatever reason, it would still be the utility companies responsibility to take care of it

Vincent Cestone - That's correct but I don't think

Mike Kelley - I mean there are trees that Verizon and Nextel put in there last year are dead. There are several of them that are dead already

Mr. Gaudio - I agree that if you put something in and it doesn't take hold or it was improperly put in, it was a bad tree, it should be replaced. But once it takes hold, it becomes an act of nature. As they say every tree is in a state of dying. Eventually it is going to die. If someone weed whacks the base of it, if it is on our landlord's property we can take care of that tree and somewhat protect it. Someone is not going to mistreat that tree. Once we put it on Mr. Kelley's property again, the normal course, if it is a diseased tree or not properly installed, we would be responsible for that. But if it is 3 years from now and Mr. Kelley doesn't like the tree and he misprunes it or something like, I think that is out of our hands at that point.

Vincent Cestone - Any more comments from the audience? Mr. Kelley?

Mike Kelley - Not related to this but, who is responsible for maintenance of the structure itself?

Vincent Cestone - Sprint is

Mike Kelley - The structure is deteriorating. The bark around the tree, there is a 10 foot by 8 foot piece of it peeling off of it. Now there is an exposed aluminum pole underneath it. I don't know if anybody is aware of it, but that piece peels off and falls down into that compound, it will cause some kind of hazard

Vincent Cestone - Is the building department aware of that?

Mike Kelley - I don't have any idea.

Vincent Cestone - I'll send Mr. Monroe an email about that. Any more comments from the audience? I'll entertain a motion to close the public hearing.

Lenny Lim - I'll so move

Vincent Cestone - Do I have a second

Joan Turner - I'll second

Vincent Cestone - All in favor

All Board Members – aye

Vincent Cestone - Will do a straw poll after I think about it next time okay.
You're closed

Mr. Gaudio - So what would be the next step on that

Tim Pagon - Well I guess they are going to mull it over. Why don't we put it on for April 3rd for discussion.

Vincent Cestone - Right. We are going to discuss it and then give Mr. Pagon

Tim Pagon - Gives you a couple of weeks to see where you are going with the screening

Mr. Gaudio - Would there be a resolution on the 3rd

Tim Pagon - They are not voting on anything tonight. They are just closing the public hearing

Mr. Gaudio - Any way to act on this considering

Vincent Cestone - Probably on the 3rd we will discuss it amongst ourselves and give Mr. Pagon direction and as long it takes him to do it

Tim Pagon - Well by the 3rd or the 17th you will have a resolution

Joan Turner - But in the mean time the owner of the property could still be contacted.

Mr. Gaudio - I would prefer to do it that way.

Tim Pagon - It is just more land that the owner loses

Mr. Gaudio - We don't have any leverage with owners, we don't have a contract with them, it is outside of the land. Rather than me coming in here and saying we are not going to plant the landscaping because we don't have permission, we are trying to work something out

Joan Turner - I understand

Tim Pagones - Okay see you the 3rd

Mr. Gaudio - Thank you very much

Vincent Cestone - Next item on the agenda is Joann Darby. Hi how are you doing?

Joann Darby - Hi. We are here for the setbacks for the gazebo and the well house.

Vincent Cestone - So refresh my memory, what did we ask you to do. You were here before

Joann Darby - Right and my neighbor stated that he didn't get a notification

Vincent Cestone - Does the board have any questions on this?

Joann Darby - There were two gentleman that came up and visited me

Lenny Lim - Yes we did make site visits

Bill Flaherty - Well Lenny and I went up to visit the property and we met Ms. Darby up there at the time and we walked the entire property and that's a very busy lot you have there

Joann Darby - Well it's all hills so there's not much space to work with

Bill Flaherty - There is a lot of outbuildings, a little pond, pool and that sort of thing. There is not much room to put too much more on that property

Joann Darby - Oh no I'm not going to put any more on it

Bill Flaherty - Oh I hope not

Joann Darby - No we're done

Bill Flaherty - The structures that are in question here were built 25 or 30 years ago

Joann Darby - One 40 years ago

Bill Flaherty - And they are rather substantial in terms of construction and they are permanently affixed to foundations and I think it would pose an undue

financial burden on your part to tear these things down.

Joann Darby - I don't want to tear anything down

Bill Flaherty - And it would deface the property significantly as well

Joann Darby - Well I tried to work everything in with the landscaping so it all looks nice, it's all the same color,

Bill Flaherty - It is attractive I will say that. I was very impressed with the neatness of the layout of the property

(Everyone talking at once, cannot hear)

Bill Flaherty - ...I would go along with having it remain as is and get the variance and go about your business

Joan Turner - there is more than one shed that you are looking for a variance

Joann Darby - no there is just one. It is not really a shed it is a well house. I have underneath the pump and my father used to use it as a root cellar

Lenny Lim - they call it a shed

Joan Turner - got it

Joann Darby - had to call it something

Vincent Cestone - Any more comments from the board? Any comments from the audience on this? I'll make a motion to close the public hearing.

Bill Flaherty - I'll second.

Vincent Cestone - All in favor

All Board Members – aye

Vincent Cestone - I'll make a motion for a straw poll. Do I have a second?

Bill Flaherty - Second

Vincent Cestone - All in favor

All Board Members - Aye

Vincent Cestone - Bill?

Bill Flaherty - I approve

Lenny Lim - I'll vote in favor

Joan Turner - And I will too

Vincent Cestone - And so will I

Joann Darby - Thank you very much

Tim Pagones - April 17th

Vincent Cestone - Next item on the agenda is Jack and Alice Gish. Explain to us exactly what you are here for and what you are proposing.

Peter Johantgen - It is a house at 4 Hudson River Lane and it is an existing house. Part of the house currently sits within the required setback and thus everything we are doing to that side of the house _____. **(Cannot hear with all the shuffling papers)** The house is essentially going to be in the same footprint. The only difference in the footprint is on the second level, we are bumping out that red part right there

Vincent Cestone - And what is that

Peter Johantgen - It is going to be a dormer on the front of the house and it is part of the bathroom on the second level

Lenny Lim - Which way does that face

Peter Johantgen - It faces the road and the railroad tracks

Vincent Cestone - And do you have an example of the way the house would look

Peter Johantgen - Yes. Here is the existing house on this side and the proposed over here and what I have done is color in this red portion up here. This is the part that is new that would project above the existing roofline. The rest of this is the existing roof of the house. There is actually an existing shed dormer right here now as you can see right here and what we are doing is sort of overlaying another dormer on the front of it to give the house a little more pizzazz and that dormer sticks up 18 inches above the existing roof. And this little projection right here now has a shed roof and we are putting a pitched roof on top of there but the footprint stays the same. And then over here what is the garage right now, the garage door gets taken away and then a roof gets put on there. Now those are beyond the setback. The setback comes to right to there.

Vincent Cestone - I'm not, say again, I'm not sure what you mean

Peter Johantgen - I believe the setback is 30 feet for this zone. So the required setback, the property line is right about here and the 30 foot setback line is right about here

Vincent Cestone - But the structure itself is not being extended. You are just changing the pitch of the roof. So you are not increasing the nonconformity is that what you are saying

Peter Johantgen - The footprint stays the same, what I am saying is we are putting a dormer on here over the top of the garage. Now that dormer is not actually in the setback.

Vincent Cestone - Okay

Peter Johantgen - You know this one is and this change in the roof is.

Vincent Cestone - Is the lower pitched roof coming forward or is it just being built

Peter Johantgen - This pitch roof here

Vincent Cestone - Yes

Peter Johantgen - This pitch roof would be the new pitch roof but it is also replacing a roof that you gave a variance for last summer.

Vincent Cestone - Yes Mr. Albertson

Peter Johantgen - Right.

Bill Flaherty - What is the overall height of the building including that highest peak that you want to add on there

Peter Johantgen - Measured from the lowest point which is down here where the garage door is to the top of this new dormer is 23 feet 3 inches. I added these elevations since you looked at it the first time

Vincent Cestone - So the only thing that coming out past the existing footprint of the house is that dormer on the second roof

Peter Johantgen - Yeah but it doesn't come past the footprint of the house. It is actually sitting on that roof.

Joan Turner - It's the height. The 18 inches

Vincent Cestone - You are not, what am I saying, the box, you are not coming past the end of the box

Peter Johantgen – no. I am not coming past the box that already had approval

Vincent Cestone - Okay. Any more comments from the board

Joan Turner - You are simply looking for an 18 inch extension on that dormer. Is that my understanding

Peter Johantgen - Yeah and also the changing of this roof from a shed roof to a pitch roof would probably require a variance too because it is within the setback

Vincent Cestone - Actually if the setback is set for the structure and that's why I was having trouble understanding you, as long as you are not moving any further away from that structure coming farther in the setback, you already have the variance for that.

Peter Johantgen - Well then actually I don't think I need to be in front of the board then because that one is within the footprint of the house already too

Vincent Cestone - You actually have to be here only because the whole structure is nonconforming. Anytime you make a change

Joan Turner - You are increasing your nonconforming by 18 inches

Bill Flaherty - We gave a variance to Mr. Albertson back in I think in November of last year for overhang that he had on the back of his house

Joan Turner - Right

Peter Johantgen - It is the part that faces the railroad

Bill Flaherty - Yes right

Peter Johantgen - We are replacing that with a real framed front porch. What he had was a

Joan Turner - Aluminum thing

Bill Flaherty - So you are going to take that off and

Peter Johantgen - Right

Bill Flaherty - You are increasing the overall aesthetics

Peter Johantgen - We are making the house look better

Bill Flaherty - More eye appeal, more curb appeal

Peter Johantgen - Yes

Bill Flaherty - More marketability

Peter Johantgen - Well that is not really the intention but it would be

Joan Turner - The deck, under the deck is that going to be a carport

Peter Johantgen - No there is no plan to be. Actually there is a stairwell that comes down

Joan Turner - I remember that now

Peter Johantgen - And the stairway I think actually makes it too narrow for a carport

Lenny Lim - Is the deck going to remain the same size

Peter Johantgen - Yes. We are changing the railings. The building inspector would like us to change the railings to vertical spindles to conform with the code.

Vincent Cestone - So the footprint is not changing at all

Peter Johantgen - No

Vincent Cestone - Anywhere

Peter Johantgen - No

Vincent Cestone - Okay

Joan Turner - And the square footage changes by 20 feet. So that is a minimal

Vincent Cestone - Any more questions from the board

Joan Turner - No

Vincent Cestone - Any comments from the audience on this?

Zshawn Sullivan - Zshawn Sullivan, 8 Hudson River Lane, I think they put

together a very nice look to the house and the only thing that is changing is to the road side, they are not blocking anybody's view, they are very courteous to the neighbors and delivered us plans prior to this and I am all for it.

Vincent Cestone - Anyone else wish to speak on this?

Jim Oakley – Jim Oakley, 6 Hudson River Lane. As you well know I think this is the most reasonable _____ in a long time. And I was already given a set of the drawings and I think it is in very good taste. I am for it.

Vincent Cestone - Anyone else wish to speak? With that I will entertain a motion to close the public hearing.

Joan Turner - So moved

Vincent Cestone - Second. All in favor?

All Board Members - Aye

Vincent Cestone - I'll move for a straw poll do I have a second?

Bill Flaherty - Second

Vincent Cestone - All in favor

All Board Members – aye

Bill Flaherty - I move to approve the plans as sent

Lenny Lim - I'll approve

Joan Turner - I concur

Vincent Cestone - And so will I. You're done.

Tim Pagones - April 17th

Kim Shewmaker - I'm turning the tape over now since I don't have much time left on it anyway

(Turning tape over)

Vincent Cestone - Next item on the agenda is a continuation of a public hearing for James M. Copeland.

James Copeland - Could I request a 5 minute recess so I can set up.

Vincent Cestone - Okay we'll do some housekeeping. Review of minutes for February 27th

Joan Turner - I found nothing. They are okay by me

Bill Flaherty - I have nothing

Vincent Cestone - I make a motion to accept the minutes

Joan Turner - So moved

Lenny Lim - Second

Vincent Cestone - All in favor

All Board Members – aye

Vincent Cestone - Do we have the 6th

Kim Shewmaker - Yes

Joan Turner - I read them too. They seem fine.

Vincent Cestone - Motion to accept, any corrections or changes to the minutes of March 6th

Bill Flaherty - I have none

Lenny Lim - I have none

Vincent Cestone - Joan?

Joan Turner - I have none

Lenny Lim - I'll make the motion to accept

Vincent Cestone - I'll second. All in favor

All Board Members – aye

Vincent Cestone - Are you ready?

Kim Shewmaker - Do you want to take a five minute recess and turn the tape off?

Vincent Cestone - Oh okay.

Lenny Lim - I'll second the recess

Vincent Cestone - Okay recess

(Recess)

I'm calling the meeting back to order. You're on

James Copeland - I'm Jaime Copeland and I am representing the Walter Hoving Home for an application for a permit to build a new dining hall and two new housing buildings. You had asked in our last meeting, we came up with a list of questions that you asked for answers for and I wanted to read into the record those responses. I thank you for the opportunity to address the questions you raised in our meeting of January 23rd. The board requested an additional letter from the Town Engineer stating that the remaining minor issues had been resolved. The letter we submitted from the Engineer Timothy _____ of BIBO Associates and that was in your packet. The board requested a letter from the Putnam County Department of Health acknowledging that the waste treatment plant was adequate for the additional population called for in our presentation. And that letter has been provided and the Engineer Michael _____ from the Putnam County Department of Health. The board requested a review of the project by the New York State Department of Environmental Conservation. We contacted Lee Meyerson of the New York State DEC and requested an agency review and Mr. Meyerson stated that the state agency refers to the local departments of health regarding approvals of waste treatment plants and again we have the letter attached from the Putnam County Department of Health. The board requested that the project be reviewed by the Philipstown Conservation Advisory Committee. In preparation for this we met with Roger Chirico, the Highway Superintendent and discussed the issues of drainage and the culverts that were causing one of the neighbors to have water in her driveway and Mr. Chirico advised us to make 3 changes for our site plan. They included a culvert at each driveway and an under drain into a wet part of the property to help dissipate water given the greater capacity of water in this area. The two new culverts are the type that have a sleeve running across the top so it makes it virtually impossible for water to come down and go out into the street. The water is directed directly down into the culvert which goes down in the swale which goes into Philips Brook. We presented these solutions to the conservation advisory board and they have provided us with a letter stating that, if I can read this, The Walter Hoving Home was reviewed at two meetings of the CAC and the CAC has an agreement that a positive recommendation be made as to the matter discussed in turning the _____ returning to a more natural buffer and the driveway and drainage work to be done in the buffer zone. These sites are SP1 dated 2/27/06 which is date of the survey. The board noticed a clerical error in notation of the category of permitted use and we made the correction to the

permitted use to A2 Similar uses intended for food and drink consumption. The board requested a review of page 2 of the EAF form submitted in the 1992 special use permit. The 1992 application cites a poorly drained soil into being present at the former septic leach field. The application proposed that the leach field be abandoned and a new waste treatment plant be installed. The new plant was designed by Morris Associates and it was approved by the Putnam County Board of Health and does not rely on the poorly drained soils. The board requested, the board questioned the limits regarding areas around each new proposed buildings. The areas have been defined are site plan with respect to the 100 foot buffer. The design of the buildings call for the lowest level to be recessed in the terrain to keep the regrading to a minimum. Concern was raised about the screening of garage doors from view from Avery Road. The proposed planting plan calls for screenage shrubbery adjacent to the staff housing facing Avery Road. The view from Avery Road would be difficult if not impossible to see anything but the top third of the garage doors from Avery Road. We have also provided photographs for tonight which show much of the view either from the intersection and from almost half way up on Avery Road that the site is pretty heavily wooded and obscure. A matter of fact, there was no way to put a photo imagery into the photograph because there was nothing to see. The board identified a population _____ in the special use permit as #266 as a totaling no more than 75 people. It was verified by the town attorney that this figure is not a fixed limit and can be modified. Concerns were raised about increased traffic flow as a result of an increased population. As previously stated the participants in the program are not allowed to have their own personal vehicles at the home. Visitation by family members are not frequent, typically twice a year. Only graduation events, only two graduation events are scheduled throughout the year. Food service deliveries would maintain the same schedule and increase in traffic would be minor. A mention was made of a review by the Audubon Society. We attached a letter from the Audubon Society endorsing the design of the waste treatment plant currently in use and the letter suggests that the Hoving Home's waste treatment plant might serve as a model of created wetland use and restoration. Concerns were raised about the existing swale along Walter Hoving Home on the side of Avery Road. We met on the site with Roger Chirico, the Philipstown Highway Superintendent, and incorporated his recommendations into our site plan. The improvements include two 15" diameter slotted drain culverts across the base of each driveway on to Avery Road. You've got product literature on both of those culverts. An 8" diameter under drain drainage system be provided at the northern end of Avery Road driveway at the wetlands boundary. This under drain again increases the reservoir because it tends to drain the area just south of the area that has been designated as wetland. This would increase the capacity because at that swale right now the water remains basically saturated. Concerns were expressed about emergency vehicles being able to negotiate the narrow portion of the driveway from Snake Hill Road as it passes the southeast corner of the main house. We have revised our site plan to cut back that bank and to widen it to 20 feet. Copies of the letters from BIBO, Audubon Society and the Putnam County Department of Health were provided in

your packet. And that's all I have.

Vincent Cestone - Any questions from the board?

Bill Flaherty - I have a concern relative to the excess parking on Avery Road during the two periods which graduation I guess takes place. We've heard at previous meetings from several residents in that area complaining about the number of cars parked on that street during those times. And I would like to alleviate that or eliminate that as a matter of fact. I am sure that this is a nuisance to the residents on that road. I would like to suggest that maybe you might want to consider, at least graduations they take place during the summer months

John Benton - This year it is July. Incidentally we never park along Avery Road. We never have and never will

Bill Flaherty - Well what about the other occasions

John Benton - Never. Never on the public road.

Bill Flaherty - How many cars do you on average do you think that are there on your property during the course of these exercises? You have allocated 31 parking spaces that are there currently and you anticipate no increase in those parking spaces

John Benton - No. I doubt that _____ there would not be that many cars for graduation. Not that many people come. Everybody parks on the property. We have plenty of room down by our garages for parking also.

Bill Flaherty - Well maybe I misheard people say but from what I gathered that seemed to be a problem for the neighborhood

John Benton - That is false information. We never park along the street. It would be too dangerous.

Bill Flaherty - I agree with you because it is a very narrow road and there is literally little or no room to park a vehicle on that road.

John Benton - We never park there

Bill Flaherty - Okay. well that answers my question

John Benton - Thank you

Vincent Cestone - Any more questions?

Bill Flaherty - Oh yes I have one more. You visited with Roger Chirico and he suggested that you _____ diameter of the piping that is currently there. Are you going to replace that at your cost

James Copeland - Yes

Bill Flaherty - At your cost

James Copeland - Yes

Bill Flaherty - Okay. There will no additional charges on, because this is town property I assume that you will be laying these pipes

James Copeland - The ends of the driveway are, the culvert almost lines up the property line. But we understand that that will be our responsibility

Bill Flaherty - Okay. And what confidences will we have that these new culverts that are going to be installed will alleviate the problems that currently exist across the street, 100 percent, 80 percent

James Copeland - Well the slot is about 2 inches

Bill Flaherty - I saw the design

James Copeland - So water, unless it can jump over, it's got to go into the culvert. And it is only the water that is coming down the drive that is even in question. The driveway has a crown, the crown moves the water off the road and into the culvert. So this is just a stop _____

Bill Flaherty - But it will remedy the current

James Copeland - Absolutely. There is no way for it, unless the water can actually jump the slot, it is going to go down into the culvert

Audience member - And of course won't

Lenny Lim - Wait your turn

Vincent Cestone - Let him finish please

James Copeland - The slot is

Bill Flaherty - I see in the drawing here

James Copeland - Its designed for this very purpose. To act as a driveway inlet, French drain. There is no way for the water to get over and out the driveway. It

comes to the edge, goes down and joins the water that is already in the culvert and is channeled down to the swale

Bill Flaherty - Thank you

James Copeland - This was the spec that Roger Chirico gave us

Vincent Cestone - I just want to ask, I want to understand, and I don't know how to word this. Why the need is there to increase the population of the home. I want to understand what is driving this and why is this being done and what does this achieve? I want to understand this.

John Benton - Well as we all know we have a critical problem in our communities of drug addiction and alcoholism. We have room for 60 ladies and we get filled. And just to cite and example a few weeks ago a mother and father called us about there daughter. And we didn't have room for her but went through the process of them going through the application. A couple of weeks later we had room. And so we called the family back and said that we now have room for your daughter. They said I'm sorry. Our daughter is dead. Just died of an overdose. We deal with life and death situations and we would like to increase our population and even here in Philipstown we have cases that families call us for help and other drug rehabilitation programs, we are all filled. It is an enormous problem and continues to grow. And that is the reason for increasing our capacity from the present 60 to 90.

Vincent Cestone - You are already approved for 75 according to the previous, you are asking for a 15 person increase. I am not sure what advantage this, what does this achieve. Does the structure not support 75

John Benton – We had it figured out that with the 90 it would be the maximum there with the sewage treatment plant and the present staff there. It is certainly not an arbitrary figure for us.

Vincent Cestone - So all this money you are spending is basically for 15 additional people.

John Benton – Well we need room in our dining room and it would also be nice to have staff, some only have a single room, to have nice housing for them. And so we just, essentially when we started out it wasn't for 90, the plan was to have a dining room big enough to care for all the ladies there. And also have staff housing. Some of us have our own homes on the property, my wife and I do, it would be nice if the other staff could have it also. So that is the reason for the dining room and also for the new places.

Joan Turner - Well it is not arbitrary based on your sewage treatment plant capacity. I mean that is kind of the range that you have to stay within. So you

are constrained by your capacity of your treatment plant

John Benton – Not now

Joan Turner - Not now. No

John Benton – But if we went to 90 and we went through the calculations of that, we can handle 90 ladies.

Joan Turner - I want to underscore a point that the Chairman made that you are bound by condition that was made in a previous resolution to 75 people and you can really as Vinnie has said, go to that amount now with no expansion whatsoever based on your prior special use permit that was granted to you. So I am not quite sure why say at 60 when you could really increase your population to 75 and it is really this need and expense and impact on a residential area for 15 people, doesn't seem to balance the fairness of the situation on what you get out of it, not you personally but the Home gets out of it, and what the neighbor gets out of it. So I think in our considerations we are always looking for that balance and for this figure that Vinnie so _____ presented of 15 people kind of tips the scale to your favor rather than to the neighbor quality of life, property values issues that are certainly an important part of granting a special use permit. So we just throw that out for you consideration

John Benton – Well as I mentioned at the very beginning we need more room in the dining room. The other consideration is staff housing. We have been there for almost 40 years and some of the staff have a single room. Now if we are able to get the expansion then we can do some renovation of the present staff rooms to get up to the figure 75 and as we proposed we would like to go to 90 if that were possible. So it is a total package of the large dining room, staff facilities, renovation of staff facilities to get the 90 figure. It still stays within the requirements of our sewage treatment

Joan Turner - But it is the overall impact of that package on already a very delicate environment which is primarily a drainage issue and I am going to go back if you don't mind, we are through with this, I want to jump back to some other questions that I have for Jaime. But on this point, I think maybe I'll stop questioning on this. Jaime, I wanted to say to you thank your for responding to the board's questions, that was very good of you. With regard to the Board of Health's approval letter, I called Badey & Watson this morning to get a copy of the letter that was sent to Mr. _____ and Mr. Delano was kind enough to fax me a copy of his letter. In that letter which I will submit to the record the complete usage is understated and I will read to you what he is talking about. The home is proposing to increase its dormitory capacity from 71 to 90 people, add two guest houses, and four one-bedroom apartments. The calculations then that Mr. Delano then calculates for that does not include the staff, nor does it include visitors. And by my calculations and I think we talked about this last time

that was in the neighborhood or between 220, on a graduation for example, in addition to your now with 90 and staff would be 103. If you calculate 8 to 10 people extra visitors a weekend and you calculate your Christmas dinner and your graduation, you can get at some times between 225 to 265 people on that site which really is over the capacity of your treatment plant. And, so I think that is a very important part and I don't think Badey & Watson's letter to the Health Department really states the actual usage. So I would like that to go into the record and

Jaime Copeland - Can I respond?

Joan Turner - Yes

Jaime Copeland - I don't know what Mr. Delano gave you, this

Joan Turner - Not that

Jaime Copeland - Was prepared for the building department for the health department and this does include in detail where the rooms are, the counts, all the buildings, this is what the board of health approved. This is what Badey & Watson was referring to. Also on our facility we have a total capacity of 10,000 gallons. With this increased use we are only up to 6,500. You are talking about an overage, can the well accepted, we are not in any way risking

Joan Turner - I don't come to quite the same conclusion that you do based on BIBO's analysis and the added usage. I think you were at 42 and then another increase was of the new addition would be in the neighborhood of 11000 gallons, I mean I can find this in my documentation

Jaime Copeland - 6500 not 11000

Joan Turner - plus the current usage now so you have to add on

Jaime Copeland - yes

Joan Turner - we made that point last time about this. What you are using now and then you add on to the addition

Jaime Copeland - right. It's 4500 and it is going to go to 6500 and the total capacity is 10000

Joan Turner - I didn't get a copy of that form that you are talking about but let me just go back to beat a dead horse because I think it is important at this point. What _____ is approving is the following, the expansion proposal is for an increase in dormitory capacity from 71 to 90 people, the addition of two guests rooms and four one-bedroom apartments. Which is exactly what Mr. Delano

from Badey & Watson asked for. So their approval is really for that. It does not include the visitation on graduation and other visitations and so I think we need to read carefully what is being approved and to, my concern is that this treatment plant is going to be over used. That's one point on drainage. The other issue I wanted to raise with you and I didn't find this in the file, and while Audubon wrote you this letter in 1991 and talked about this wetland that was going to be constructed. It was going to be directed to a to be constructed stream and wetland complex approximately 400 feet long leading from the plant out fall to Philips Brook. This system would provide additional polishing of the affluent by mechanical absorption of contaminants. Absorption of organics by wetland vegetation and by direct consumption of organics by aquatic _____ best incorporating an additional safety net into the system. And that sounds like a very good thing to do. Was it ever implemented? We have no record of this wetland being done

Jaime Copeland - What you need to do is walk the site. Those fill ways are all there.

Joan Turner - Are we talking about

Jaime Copeland - The polishing _____ is the swale that takes the affluent down to eventually Philips Brook

Joan Turner - And we have wetland vegetation and all these other things. Because when I walked the site it didn't seem to me that that was an artificially created wetland.

Jaime Copeland - Well it is artificially graded but it was definitely manmade. But it is fully vegetated.

Joan Turner - Well artificially and manmade I think would be the same thing. I mean it wasn't there. But anyway I didn't notice that that stuck out. Maybe residents are more aware of that than I am. But I didn't see a follow up file or plan that would be in the file that this implementation was done. So again, drainage again is a very serious issue in this area. And for the residents and for the complex itself. So I want to stop on the drainage. I have other issues that I'll bring up later. But I will turn it over to my fellow board members if they have more questions

Vincent Cestone - Anybody have anything?

Lenny Lim - Nope

Vincent Cestone - Joan if you want to continue you can or I will open it up to the audience

Joan Turner - Well, I guess I sound like a broken record I suppose, but, I want to also look at this in an historical context if I may.

John Benton - May I respond to what you just spoke about

Joan Turner - Yeah

John Benton - We met with the Audubon Society and formulated plans for the waters to go down to the stream. It is very good and we are ready to go _____, what has happened though is when the water comes out, it only goes to about the swale and then it goes into the ground and there was no ponds, no water, nothing else, it was completely dry. If you go there during the summer, it is just completely grass and when you walk the site I don't know if you saw that the water didn't go all the way down the stream

Joan Turner - When I walked the site, I saw like a river or culvert that goes, that runs

John Benton - Yeah on the outside by the road

Joan Turner - Yeah

John Benton - This is

Joan Turner - On the other side of the hedge there is like a row of hedges, and then as you come in the driveway to the dormitory there is a hill that comes down and that's a marsh land. It was very wet. It seems like it was wet a great deal of the time for a large part of the year and that's to the left of the driveway there.

John Benton - We wanted to cooperate with the Audubon Society but we didn't have enough water to do it.

Joan Turner - Right

James Copeland - You did cooperate

John Benton - Yeah.

James Copeland - Excuse me, the system was designed for 10,000 gallons. They only have 4500 coming out. So what happens is, before it even gets to Philips Brook it is absorbed into the ground.

Joan Turner - Now. That's the current usage. But then you are going to increase that by 50 percent which adds another whatever that calculation was I'll get in my notes, but you are over the 10,000. Just on a daily basis. That not counting, let

James Copeland - The Department of Health wouldn't let us do that. That was the purpose of that system

Vincent Cestone - In a perfect world

Joan Turner - I'll go back later. But while I have the floor, I am now going to shift to a more historical perspective on the site. Originally your property was 44 something acres

John Benton - 23

Joan Turner - well now it is. But there was a part of it you sold

John Benton - we bought up towards the golf course

Joan Turner - so all the development of this property is concentrated in that quadrant which is at the intersection or you can say from your driveway, the upper driveway on Philips Brook Road so it is concentrated there. And over the course of the years there has been this incremental development which nobody seems to appreciate the total amount of development that is going on there. All of which does have an impact on neighbors in various different ways. So I did, you had the original house first, then there was a stable. In 1970 there was a caretakers quarters that was added, in 1972 a directors home, in 1976 a dining room addition, in 1982 a generator room, in 1984 bedroom additions to the existing residence, and then 1985 an addition to a garage, and then you have your special use permits of the three-story learning center, the sewage treatment plant, the special use dorms. All of this is considerable development in your home, in this area. All of it again nicely done, tucked away, does not make a large impact on the community. It handles and absorbed that development very nicely. I think the addition of this almost over 14,000 square feet of building mass is really in my opinion over development of the site and I would like the board to focus on that and to see what the addition of two parking lots means, two guest houses, and this very large 9,000 dining room extension does to a residential area. Given the sensitivity of the issues of drainage. So I'm going to stop there for the moment.

James Copeland - Could I just correct something

Vincent Cestone - Yes

James Copeland - They are not parking lots. That term is

Joan Turner - I'm sorry

James Copeland - These are areas where the ground has been repaired where

a fabric has been put into the ground to prevent erosion and ruts from vehicles. I brought samples of the materials and this is buried underneath the ground and grass grows up through it. This is a very expensive materials and it is made for emergency vehicles. You never see this. These are not parking lots. The meadow stays a meadow and only serve as _____ so cars can park there and not create an eyesore.

Joan Turner - Point well taken. I'm going to stop now

Vincent Cestone - Okay

Bill Flaherty - I would like to make one point on analysis that Joan has made that she mentioned the conceivably there would a time when more than 200 people would be _____ this property. Is this the fact? Has that ever happened?

John Benton - It has never happened. And it never will happen. It never had 200 people there.

Bill Flaherty - What is the maximum of people would you say would be there at one particular time including the staff and the residents and all the visitors

John Benton - Probably 120 maybe at the maximum. Those numbers that are coming out here they are just not realistic. We just don't do that. We are not that kind of organization that promotes that

Bill Flaherty - Well I know that you're not and I for one supported your organization for a very long time. I want to commend you on the wonderful work that you do down there.

John Benton - We try to stay low key

Bill Flaherty - And you do very well

John Benton - And certainly, we would certainly address the concerns of our neighbors. Through the years we have tried to be good neighbors, we clean the roads, we participate in _____ art festival as volunteers and many other

Joan Turner - Just for the record again, I would like to make sure this is underlined, BIBO Associates in their June 15th letter to the Philipstown Planning Board on point number 12, the referenced waste water flows on the plan appear to exceed the design capacity of 10,000 gallons per day. 4700 gallons per day plus 7121 gallons per day equals 11,821 gallons per day. That's in your BIBO letter. I don't make these figures up. This is part of the record.

James Copeland - Can I respond to that. And BIBO did send a follow up letter

to that explaining that they misunderstood our drawings. They understood 100 plus 15. They had taken two numbers which were to total and added them coming up with a larger number and they wrote to us and the board and explained their misunderstanding and corrected it.

Vincent Cestone - With that I would open

Bill Flaherty - I would like to make just one more comment if I may. On part 2 of the project impacts on page 11, the question was will proposed action result in a physical change of the project site and the no box is checked in that particular case. Is there reason why you think that there will not be any impact on the

James Copeland - I would have to defer to an Engineer. I asked him about that and I asked him about some of the other _____ and Don Delano at Badey & Watson advised me that compared to what that form is typically used for, they advised to say no impact. That form is there for your convenience. That form is there for your review, these were our initial findings

Tim Pagones - What number was that

(talking at once...can't hear)

Vincent Cestone - number 1 actually, impact on land. Any questions from the audience? Please introduce yourself

Lisa Zieglerman - this is not a question, it is more of a comment

Vincent Cestone - introduce yourself

Lisa Zieglerman - Lisa Zieglerman. I live at 170 Avery Road. I am an attorney but I am not representing anyone in this room except myself and my husband. We live on Avery Road and I have listened to all of this and I've listened to the fact that photographs can't be taken of the building that I passed today and I can clearly take a photograph of the buildings because there is no screening. And the building is clearly run down. I spent all day today looking at resolutions from the past for the Walter Hoving Home and I would like to address some of the things that have been said by Mr. Benton and by others representing Mr. Benton. For example Mr. Benton has represented that the expansion of the institution were going to be harmony with the character of the neighborhood, cannot be seen from the road, will not hinder development of adjacent properties and the value thereof. Unfortunately, this has not been the case. The properties can be seen from the road, clearly. The trees are mostly dead in front. These buildings are run down and haven't been maintained by Mr. Benton. Mr. Benton claims he lives here, but I have never seen Mr. Benton. I don't think he is a full time resident here. Mr. Benton has said in 1973 when he went before the board for an additional unit to have 15 people then he couldn't, I quote, see the possibility

of building beyond this one building. Although in 1973 the concept was never to have more than 30 applicants and in 1980 a building permit was granted pursuant to a resolution by the board with the following stipulations, there is to be no more than 75 girls or young woman and the staff and residents on the property at any one time. Now I respectfully ask the board, Mr. Benton I believe is building a dining room facility that is supposed to house more than 144 people yet they say that they don't need parking spaces for that many people and Mr. Benton says that he only has 120 people at the most. They presented parking, some sort of parking contraption here but they say there is no parking. So the question is how many people does Mr. Benton really have on his property at a given time? How does he keep track of it? How is he going to show us that only 120 people at any one given time are on his property? On Memorial Day, on July 4th, on Mother's Day, on Christmas Day, on graduation day, is Mr. Benton saying to this board that only 120 people maximum ever going to show up at his place? Can he show a log to us? He is applying for a dining room hall between 150 to 180 people. Additional parking spaces at 68 spaces I believe. He has represented in the past that there was going to be certified New York State teachers, that this would be an addition to the community, that the woman would be supervised. I live on Avery Road, these woman are not supervised. They walk alone on Avery Road. So many of the representations that Mr. Benton has made to the board in the past he hasn't abided by his obligations already and now he wants to build a structure that is huge and will have a very big impact on the people on Avery Road. And certainly exceed 75 people that this area bargained for when they gave Mr. Benton the permit in the past. So the question again is how many people really are using the Walter Hoving Home at any one time. And maybe Mr. Benton can respond to that as to how he keeps track of how many people are at his place.

John Benton - May I? Well we keep a weekly census of the number of ladies that we have here at the Home. So we certainly know that and we certainly know the amount of staff. And those figures that we keep costly track of. As far as the ladies walking along the road, they do it for exercise. They walk around our property. The ladies are not free to roam throughout the community. We actually have a rule against that and they are maintained there at the home. At the time, you have to understand, years ago I did not think the problem with drug addiction would be the way it is today. We have drug addicts in Philipstown. Garrison. In Cold Spring. I know where they are.

Vincent Cestone - It's not a debate. He is making his point. You can make yours

John Benton - And so way back then I thought things were not going to be the way they are today back when we started the ministry in Brooklyn. We thought it was an intercity problem. Now it is everywhere and some of you know that. And all of the families represented here this evening, somewhere there is a drug addict or there is an alcoholic. So some of the statements I made then, I had no

idea that the problem would grow to what it is today. All we are asking to do, we are like a hospital, we want to save lives and hopefully our neighbors would understand that. It is not, it is more than a building, it's saving people's lives. It's a hospital. And in fact at one time

Joan Turner - There is no question of the fact of the need. The question is what is the impact on the neighborhood. And I think historically you've handled the program very very well with this number 60 to 75 range number that you've got, I think residents are concerned about the impact that this further development will have. There is no questioning the need of drug rehabilitation programs. But how much does one community absorb.

John Benton - May I respond?

Vincent Cestone - Let me have the audience make some comments. Ma'am introduce yourself

Elizabeth Fielding - Elizabeth Fielding. I live at 150 Avery Road. I just want to say that I am 6/10's of a mile from the intersection of Snake Hill and Avery and the woman do walk by themselves. They have gone past my house up by the top of the guardrail and they have been unescorted. They have been, I have spoken to some of them, one of the woman actually was, they have work outside and we had someone from Walter Hoving Home in the house taking care of my mother. So I know this for a fact. And I have young children outside and you know, I don't really appreciate, they are not walking within the constraints of the Walter Hoving Home. They don't walk the perimeter. They do go farther unescorted.

Vincent Cestone - Sir in the back? Introduce yourself?

Jim Engler - My name is Jim Engler. I live in Garrison directly across Snake Hill Road from the Hoving Home and I have been there for _____. The application you have is just the last of a long series of applications. Each one expanding the original application that was approved or the existing facility for a limited number of patients and for a limited staff. You since have used that standard for other facilities in the neighborhood. Immediately across the road from the Hoving Home is the Nazareth House. They too occupy an old home and they occupy it for a purpose that is a do good purpose. The number of patients they can handle is limited as is the staff. If you were to authorize this approval for this major expansion of an institutional facility in what is a residential neighborhood, you would be setting a precedent which would permit Nazareth House, should they wish, to come in for an equally large expansion. The need of the community is a major consideration. Reverend Benton says he could not at the time at the last expansion was granted anticipate what the need would be

(changing tape...may have lost some dialogue)

Jim Engler - ...the zoning ordinances were past in order to regulate the developments of our community and to ensure the maintenance of property values. And that is what the neighborhood is asking to be done. This institutional facility has changed in character from the original approval. It has changed substantially. It has become a campus at this point. What we are suggesting is the time has come to draw a line. Enough is enough. And at this point I think this should be disapproved.

Vincent Cestone - Anyone else wish to speak?

Dorothy Gilman - I'm Dorothy Gilman and I live at 31 Avery Road. And I too have been through the files on the approval process and the various permits that have been granted to the Walter Hoving Home. And I've found that the Philipstown Zoning Board of Appeals over the years starting in 1972 in their deliberations with applications for _____ several important standards. And the first was with building some additions. They could not be seen from Philips Brook Road, they were unobtrusive to Avery Road, they do not change the character of the R-80 district, a residential zone, and they are not opposed by the neighbors. Second the Walter Hoving Home property was well maintained, participants do not leave the property unaccompanied by staff. The ratio of girls to staff was to be maintained. Counselors resided in dorms with girls and young women and the number of participants and staff were to be limited. Now starting with the original permit, there was also an understanding I believe with all the zoning boards and Mr. Carlson has served on this throughout the whole process, is the commitment from the installations and repairs and the maintenance that was agreed to under permits would be adhered to. In the first permit that was allowed, #155, it was an initial special use permit for a non-medical drug treatment facility with existing buildings for 16 girls and 12 staff and residents. The girls do not leave unaccompanied by staff, the findings were they could not be seen from the road, area residents had no objections, the property was cared for. The resolution stated that all requirements of the Putnam County Board of Health, and the New York City Social Services be adhered to. This is the only time we hear any criteria from New York City Social Services in that particular permit it was that the girls were not to reside in the 3rd floor of the existing building. In permit #175 which was a resident home which was described as a lodge. It is 36 feet wide and 52 feet long and at the bottom of the hill. It was to house 12 girls and 3 counselors. Again the findings were that it was not visible from Philips Brook Road, it was unobtrusive to Avery Road, it was a single unit not to change the character of the property, the property continues to be well maintained, the girls do not leave the premises unaccompanied.

Vincent Cestone - Dorothy we are not going to recite the entire record

Dorothy Gilman - No. I'm not. I'm just trying to get to several points.

Vincent Cestone - Right because I want to give other people a chance to speak

Dorothy Gilman - Well part of my point is that some of the things in the resolutions have never been abided by. For example, in #175, there was to be a row of hemlocks and fast growing evergreens to be placed in front of the lodge 6 feet tall and 3 feet apart. That was in 1973. Those trees have yet to appear. When they did the learning center, there was a stipulation that there was not to be more than 75 people. The applicant committed to repair and improve the swale in the property and ensure the maintenance of the swale. The swale on the northern driveway does not exist. It abuts, it is grass that abuts the driveway. There is no swale. There is a swale happened because of a rut from a truck. So it doesn't come down into the culvert, it doesn't provide adequate drainage. And as of today, there is no swale in the northern driveway. The swale in the southern driveway overshoots the culvert. They are not connected. And when the learning center was approved again it was committed to a limit of 75. When the sewage treatment plant was approved it was again referred back to the original permit for 75. The engineer was asked why he proposed 100 and he said that would _____ for capacity calculations. I believe it was probably the smallest sewage treatment plant you could put on a property that would accommodate the conditions. So that is where the 100 comes from, it happens to be the mechanics of the building but the board over time has always gone back to the limit of 75. _____ they are talking about change in population from 71 to 90. Granting a special use permit for 9,000 square feet of dining room and staff housing will significantly change the character of the neighborhood. It is over developed. It is large. I would like to state a couple of other things. Presently there are 3 15-passenger vans, 2 pick up trucks, a stored RV and a dump truck that I can enjoy looking out my kitchen window. If the neighbors are going to go in regardless of the fact that it is 2 times a year, I am going to look at 22 cars. I too went to that area 34 years ago and I didn't anticipate the change. I think everybody that came in expected that the Walter Hoving Home was a well maintained and appropriate use of the property. We didn't anticipate this change. I think we are opposed. I have a petition from many area residents. It basically says that they appreciate the compassionate services of Walter Hoving Home and recognizes the need for the treatment but they have serious and grave concerns about the development of the property and expansion of the property. And I would like to submit that to the board and have it incorporated in the records if that is appropriate.

Vincent Cestone - Sir. Introduce yourself.

Louis Goldstein - Louis Goldstein. I live at 1 Avery Road. And we are newer to, we just moved here a year and a half ago so we don't have a big history of 34 years, but listening to the folks makes me a little nervous about what it could become in 34 years. We moved up here because we love, we rented a house for a year and a half to see if we liked the area and then we moved up here because we love being able to take hikes, being able to at the end of the day when I come

home from traveling all week, being able to hear just nothing. We, I have always appreciated what the Home does and the woman even though they are supposed to be accompanied they aren't, it's always been fine. But it is what we bought into what it is now and it doesn't seem fair that it is going to keep growing. You know part of it is a real eyesore. The back of the garage, the trucks out there, they had some willows and stuff growing and one day I was walking up the street and it was high and the next day it is razed down. It is just not what we bought the house for. I don't know a lot about the sewage, I don't know a lot about the drainage, I don't know a lot about a lot. But I know why we paid a lot of money for this house and why we love it up here. And another thing, I am sort of offended that the comparison to the parents losing their child to being able to increase the size of the house. You know, my brother is a drug addict, I would like nothing more than him to be better but you have room for 75 people, you have 60, the parents lost their kid, bring the kid in. So you are making us responsible for somehow saying that by standing up for our rights, we are responsible for this family losing a child. And that is a horrible thing to say to us. Now I understand that you are doing good and I appreciate what you are doing but to make that comparison is really you know, to me, a horrible thing to throw up there and try to make an argument for building additional buildings on a property.

Vincent Cestone – Anyone else

James Copeland - I'm sorry that's not, that's not really fair. So you understand the reason

Vincent Cestone - Please please

James Copeland - You need to know why it is so important to him to

Audience Member - It is our turn to say something right?

Vincent Cestone - Please please. Sir. Introduce yourself.

Bob Harvey - My name is Bob Harvey and I live at 171 Avery Road so I guess it is my turn. Dottie's been there 34 years, Louis and Erika 1 year, I'm right in the middle at 18. When we moved there we knew the Walter Hoving Home was there. Now what we are talking about doing or what they are talking about doing is turning it into the Walter Hoving Hospital, that was his word. And I think Mrs. Turner has hit the nail right on the head. It is the impact on the community. Avery Road is 2 miles long. It has roughly 60 residents, we all know each other, we all walk our dogs together, we walk ourselves together, we meet together. It is a paradise. We love Avery Road. We want to keep it the way it is. And it couldn't be any more simple than that.

Mark Kemery - My name is Mark Kemery and I live at 219 Avery Road. And I

want to state for the people who don't live on Avery Road. This is an important intersection in town. A lot of traffic goes north of Philips Brook and Avery Road. And everyday I drive by, and every day I have to look at this ugly garage. And that takes a little bit of enjoyment out of my life. Very slight but noticeable. It is an aesthetically distinguished community, if this gets built many more will notice it and we will get bothered by it unnecessarily. For no reason. I don't really believe in development I have to tell you, but I have to acknowledge that people who want to build a house in this area have a right to. But you don't have a right to build this. This is a special permit and that means that we are stake holders in your decision. And we are saying that this is aesthetically objectionable. And I would also like to address the issue of doing good. I do good. I work in the Bronx with drug addicted people. But I don't bring it back here. I am not on a mission. There are many many many institutions in this state that help people. And they don't personalize it and they don't put it in a house on a hill and bring other agendas into it. And I don't have to buy into that. So that's all I have to say.

Josephine Johnson - My name is Josephine Johnson and I live at 55 Avery Road. Again the Walter Hoving Home does a lot of good but we are a residential area. Now I have heard Mr. Copeland explain on this _____ about the water on the driveway going south to Indian Brook. But what about the water north of the second driveway. No one has explained that issue. And that water comes out along the road. Part of it goes underneath the road into my brook and that is fine but the other part of the culvert that is not kept open goes right on the road. And my _____ thing is what is going to happen to this property when Walter Hoving Home decides that it is not big enough anymore and they need a bigger space and now we have this huge parking lot, this big dining room, what is it going to be a wedding palace? We are a residential area.

Vincent Cestone - Anyone else wish to speak? Sir, introduce yourself

Lloyd Zieglerman - My name is Lloyd Zieglerman and I live 170 Avery Road, I am the other half of the attorney. Has the board seen these photographs

Vincent Cestone - Yes. I've been on the property. I know

Lloyd Zieglerman - Does this look like the property from Avery Road? Does it show the sheds, the trucks

Vincent Cestone - What's your point

Lloyd Zieglerman - The point is that this is misleading. This is misleading to the community, it is misleading to everybody. This is misleading to say that this is not a parking lot. This is a parking lot. There may be grass coming out of it but the cars are going to drive on it. There are many cars that come on the property. Every weekend the women, certain numbers of them, have the privilege of

having their children spend the weekend. That hasn't been brought up tonight. I don't know if you folks are aware of that. Does that count in your count? These children that are spending the weekend?

Joan Turner - No I didn't know that

Lloyd Zieglerman - You have a count of 103 people, I had dinner at the Walter Hoving Home. There were so many more than 120 people in that room so I find that I feel that I am not getting all of the facts in a forthright manner. And it concerns me greatly. We have a 30 year history, Mr. Benton making statements and representations and promises, what is he going to do to protect us? And he does nothing to protect us. You can prepare documents and make statements and you are not forthright either. You are misleading with what you are saying. So what does one do in this community when photographs are blatant distortions of the facts? _____ and statements are being made when the record shows that for 30 years continuously we are being kidded by the organization. Whether the organization is good or bad is irrelevant to me. Whether the lawyers is sufficient is irrelevant. It is the whole big picture that should be looked at and we should be treated as adults and residents of a residential community. I bought my home in 1993 knowing the Walter Hoving Home was here. I did work for the organization on a charity basis. No charge to train some of the woman that were there. There was insufficient supervision then and they are talking about cutting down the supervision now to an incredible low number, I read the report but I don't know if anybody knows what the number that is recommended

?? - 13

Lloyd Zieglerman - 13 people for 90. It's supposed to be 3 to 1

Vincent Cestone - anyone else wish, Sir, introduce yourself.

Malcolm Kemery - I'm Malcolm Kemery. I live at 219. I've been walking and biking and such since I was little down there, _____ walk their dog there. I just don't like the idea of, I drive past everyday with my Dad and do see _____ and there are always people and I almost got run off the road a couple of times by cars driving erratically in and out. The other day I was cut off, not much to my car because I'm driving 10 feet from one garage to the other, plus the parking lot, I don't know how long grass takes to grow and it doesn't look so good in the winter and depending on how deep that is, could _____ and you can very clearly see even when you are driving through those bushes most of the year. You can see people having barbeques and picnics. I've seen the girls walking way up down by where we are which is way in the middle of the road. A mile up and everybody else, I have a lot of friends who live on Old Albany Post and pass down this road every day to go to the train station or the post office or anything and they are going to see that too.

Kim Shewmaker - Can I have your name again, sorry

Malcolm Kemery - Malcolm Kemery

Kim Shewmaker - Thank you

Vincent Cestone - This woman had her hand up, then you

Sue Hint - My Sue Hint and I am the Director of Education at the Walter Hoving Home. And I would just like to address some of the numbers that you've been talking about. I personally approve the visits that come on the weekend and the children that come to visit. We may have 2 children every other month and that would be maximum come and stay with us for the weekend. And so I understand that some of the numbers and issues seem to be inflated but I just wanted to acknowledge that fact. I also just want to say that many many years ago before a lot of this had taken place my life was changed through the Walter Hoving Home. And it is because of the work that is done at the Walter Hoving Home that I can be where I am today. My life has been completely changed because of it. I know we are talking about buildings, I know we are talking about numbers, I know that we are talking about sewage, but we are also talking about lives here. I understand the people in the community and I understand that they have certain objections to certain _____ but if it is a garage, we can work on some of those things. As a staff member there I don't know that these issues have been addressed prior to this coming on. Had they been we might have been able to prevent some of the things that have been going on, some of the disturbances to the neighborhood. So in all of your decision making I would just like you to remember that we are talking about lives being changed in addition to buildings.

Vincent Cestone - One last question, and this gentleman and then we are going to continue this on to another time

Tony Disano - Yes. Tony Disano. I live on Moss Lane which is the dirt road that is right behind almost Walter Hoving Home. I would, based on the statements that I've heard today and in the course leading up to today's hearing, I would request that the board not only deny the application but exam the past record and determine whether prior commitments were made that have not been honored, whether permits for existing special use grants were issued based on representations that were either deliberately false or perhaps honestly made at the time but turned out to be dishonored. Either way you should go back and if there were permits that should, that have been granted 10 or 15 years ago that were done on erroneous statements, they should be vacated. And if you decided based on your own judgment that deliberately false statements were made in connection with those past permits, you should refer the matter to the District Attorney's Office in Putnam County and let them decide whether monkey business has been going on with this organization. It sounds like a wonderful

organization, but there is no way that you can say that walking on that street today that you cannot see these buildings. You can clearly see them. They are industrial buildings. And it is plainly visible from the street and if a permit was granted in the past to permit those buildings to be constructed based on a representation that you wouldn't see them on the street, that representation is false. Either they should fix it or vacate the permit and knock the building down. That's all there is to it. And if there is perjury going on, or false statements being made on government applications to get approvals, refer the files to the Putnam County District Attorney's Office, they'll take care of it.

Vincent Cestone - You are going to have the last comment and then we are going to continue this on to April 17th

James Copeland - I didn't mean that you couldn't see it. And as a matter of fact we have done some _____ so that you can see it. But for the purpose that these were done is so that you can see that there is a lot of vegetation there. Some of the _____ (**SIRENS...cannot hear**)

Audience Member - Can you hold them up so we can see too

James Copeland - This is one from, everyone knows where there is two _____, that's the dining hall.

(Cannot hear...everyone talking at once)

Vincent Cestone - please please please this is not a debate please

James Copeland - I just don't want you turning me over to the DA for my photographs

Vincent Cestone - With that we are continued on

Paul Anderson - One more. It's greatly important

Vincent Cestone - for the 17th of April

Paul Anderson - it's greatly important. Everyone in that area has wells.

Vincent Cestone - We are well aware of that

Paul Anderson - Now what if the septic system breaks down? Where does the overflow go? And also the _____ is very high so it won't take much. We are talking drinking water. One of the necessities of life.

Vincent Cestone - April 17th

Kim Shewmaker - Can I have your name sir?

Paul Anderson - Paul Anderson, 227 Avery Road

Kim Shewmaker - Thank you

Vincent Cestone - With that we will continue it on to April 17th.

(Everyone leaving....lots of noise...can't hear the board members conversation)

Vincent Cestone - This meeting has not been adjourned. Can I have your attention please. This meeting has not been adjourned yet. Please take it outside.

(cannot hear board members with noise from audience members leaving)

Vincent Cestone - People take it outside. Any old business or do we want to have a motion to adjourn?

Lenny Lim - Second.

Bill Flaherty - I'll so move.

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

DATE APPROVED: 4/17/06

Respectfully submitted,

Kim Shewmaker
Secretary