

ZONING BOARD MINUTES  
DECEMBER 18, 2013

**1. OPEN PUBLIC MEETINGS ACT**

The Open Public Meeting act was read and it was advised that the notices were sent to the newspapers advertising their meeting dates.

**11. ROLL CALL**

Mary Parento, Marlowe Smith, Andre Myers, Ron Taylor and Harry Fox were present.

**111. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**IV. RESOLUTIONS**

The Board needs to adopt Resolution ZZ2012-9 for Barbara Posch who was heard at the last Zoning Board meeting and was granted approval to construct a car port. A motion was made and seconded by approval the Resolution.

Roll Call: Ron Taylor, Marlowe Smith, Andre Myers, and Ron Taylor all voted yes.

A motion was made by Mary Parento and seconded to pay the bills.

Roll Call: Ron Taylor, Marlowe Smith, Andre Myers, Ron Taylor and Harry Fox all voted yes.

**V. MATTERS FOR DISCUSSION**

Harvey Berk c/o Manhattan Management was on the agenda for discussion. It was decided that since this project has had a lengthy history perhaps it would be best that the applicant provide some background. Mr. McKenna gave some background and wanted to go ahead with the next step of the journey. The process began with a use variance for apartments in the spring of 2000. Apartments were permitted but it was unusual in that there were to be no more apartments. It was determined in November of that year that the apartments would be a good thing with the amenities, landscaping, and accessories to the site and traffic circulation would be an improvement. However, for some reason everything got slowed down and put on hold. Ultimately this went to litigation and now that everything is settled they wish to again bring this before the Board. The use variance was for 74 units and it is not an open-ended use variance. They are now prepared to get their conditional preliminary approval. There was an approval for 12 units but only 4 of those units were new because there was a fire and 8 of the units that were damaged were rebuilt. They are now looking for preliminary and believe that their plans will satisfy the Board. Tonight they are seeking approval for four of the 74 units, coupled with the 8 units that were re-built along with parking, landscaping and anything else deemed necessary. Mr. Scangarello was confident that all the previous checklist items were

completed. The Resolution has many issues that need to be fulfilled but they will be fulfilled when they come in the final site plan approval. There will be a parking analysis for each of the court yards. There will be parking for oversized vehicles. The applicant wants to know if the Board can deem the application complete and the completeness needs to reflect the checklist. The applicant was asked if there is anything that has not been submitted that would prohibit the Board from deeming the application complete. The applicant submitted a landscape and lighting plan but it was not specifically narrowed to the one phase that they are seeking the application. The landscape plan was presented to the Board. The landscaping was discussed in detail. The Board did not feel that there was an agreement on Section 1 as it is not fully identified for final site plan approval. The Board did not feel that the checklist plan is complete. There are a lot of things that will keep the Board from taking action tonight.

The next item is that there is a regulation of removing 122 mature trees and then be replaced in some manner to compensate for the loss. However, there will be more than 122 trees that need to be removed. The applicant suggested that smaller ornamental trees be planted and to be based on a section by section basis to replace the trees. Recreation activities need to be defined. Elevations need to be provided to show compatibility with old units and new units. There were two bulk variances granted previously and the Board feels that Phase I and Phase II be combined would eliminate the constant disturbance. The applicant talked about why they wanted Phase I and Phase II to be done separately.

He was discussed that all of the testimony heard this evening should allow the board to make a decision to allow the submission waiver and also when they come back for Phase II, III or IV would the approval of Phase I be sufficient and complaint if the building does not come back. There are a lot of issues raised this evening such as drainage, landscaping, and roadway. However, the Board has to decide if we can at least deem it complete so that we can decide what is important or do we need additional information. However, it should be deemed complete so they can come back before the Board to hear the application. The Board would only say that the application for Phase I can be deemed complete and then they still decide that it does not make sense and proceed with not approving the rest of it. It was asked if the applicant would be agree that if the Board would deem it complete could they have another thirty days for another round of submission. There is still a lot of work to be done before it is deemed to be complete.

The board can stipulate that the application is that any open item on the preliminary is not complete and the Board can seek compliance with that as part of its final to grant approval. Everyone agreed that would be the best solution. However the board is concerned about the landscaping plan and would like to see another plan. What the Board is looking for is completeness of Phase I site plan with the condition that you have a landscaping lighting plan within ten days.

A motion was made based upon the stipulations and the motion was seconded.

Roll Call: Mr. Taylor, Mr. Smith, Mr. Myers, Mrs. Parento and Mr. Fox voted yes.

The applicants thanked the Board.

**VI. PENDING ITEMS**

**1. Bee Dee Associates** are still incomplete. They are in the process of revising their plans and might not come in January.

**2. Francis W. Romberger**

Deemed complete and will be heard at January 15, 2013

**3. Hyperion Tree Service**

Deemed complete and will be heard at January 15, 2013.

Meeting was adjourned. All were in favor

Respectfully submitted,

Adele Meiluta