

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on Wednesday, March 15, 2006. The meeting was called to order at 7:00 p.m., and began with the Pledge of Allegiance.

John Mattis, Chairman presided and other members of the Board were in attendance as follows:

Raymond A. Reber  
Richard Becker  
David Douglas  
James Seirmarco  
Charles P. Heady, Jr.

Also present: John J. Klarl, Deputy Town Attorney  
James Flandreau

Absent: Wai Man Chin, Vice Chairman

ADOPTION OF MINUTES: 12/21/05 & 01/18/06

Mr. Heady made a motion to adopt the minutes for 12/2005, and 01/2006, seconded by Mr. Seirmarco with all voting "aye."

#### ADJOURNED PUBLIC HEARINGS FOR APRIL 2006

CASE NO. 06-06 THOMAS M. QUARTUCCIO for an Area Variance for side and rear yard set backs for an accessory structure on property located at 144 Highland Ave., Verplanck.

#### ADJOURNED PUBLIC HEARINGS

Mr. Mattis stated we just had a request because there is a medical emergency, and we're going to move ahead and take Case No. 12-06.

CASE 12-06 BRIAN KAHN for an Area Variance of lot width for the three proposed lot subdivision for property located at 3239 Lexington Ave., Mohegan Lake, NY.

Mr. Joel Greenberg, architect appeared before the Board. He stated thank you very much. As you recall at the last meeting, we had appeared before the Board to request lot width variances for this proposed subdivision. Some of the comments made by many of the Board members was that you felt very uncomfortable granting two variances, and even more uncomfortable granting three variances, and you felt probably the best thing, and the most that you could consider would be one variance. So basically what we did is we rearranged the shape of these lots as you can see from the revised drawings that were submitted, and what's happened now is that the only lot

that needs a variance is lot #1. The other two lots completely conform to both the lot width, and the area, obviously, and no variances are required. I just might add that any subdivision, any development of this property, because of the fact that we have this long, as I call it the flag pole, any development of this lot would require a variance for lot #1. So that is basically a given. So we are requesting basically a lot width variance for lot#1, lots 2, and 3 are conforming to the requirements of the Zoning Ordinance.

Mr. Seirmarco stated it is certainly better than the other one.

Mr. Becker stated I still have concerns. I still think you're trying to get 10 pounds into a 5 pound bag. The lot is problematic to begin with in that it is a flag lot, something that the Town has discouraged, and second of all the accommodation is by creating this little boot on the lower lot, which will mathematically make it conform to the average width, but I think that it violates the spirit of the law, which is to have the lots a specified size almost as if they were rectangular, and it is creating a piece of property that really won't be helpful, or useful to either lot. It is just going to be a line on a map. So for me I think you are trying to squeeze three into a lot, which is really at the most two. This was a newly approved development to begin with, within the last five, or six years, and nowadays I don't think this lot would be approved the way it is for one lot with the flag configuration. So I would be opposed to this. I think you began the discussion tonight by saying that listening to the comments of last month, and I would guarantee that if you listened to the tape that almost everyone on this Board suggested coming back with two, and you've elected to come back with three. So I don't think this solves the problem. Mathematically, I agree, but spiritually it is not conforming with the spirit of the law.

Mr. Greenberg stated let me just try to answer that question. Again, if you look at the slopes here, and look at the topography, it basically the rear portion of the property (referring to the drawings) right here, or here, as far as usability the Town would not permit any development back here anyway. So this basically is property that basically doesn't conform to the slope requirements, number one. Number two, in developing the number of lots, there is other criteria, and one of the criteria is to eliminate all the steep slopes, and wetlands, and so on, and so forth, and then divide that by 40,000, and that gives you your lot count, and when we do that, you actually do come out with a little over 3 lots. Again, while I agree this shape was created to create the required lot width, but you also need to recognize too that these lots are all in excess of 40,000 square feet. It is not that this is 40001 square feet, and then the rest of it was left out for this lot. The lots are oversized. We subtracted all of the steep slopes, so that in effect this piece of property, I agree, it is an odd shape, but it does conform to the code requirement of three lots. This property can accommodate the requirement according to code.

Mr. Becker asked can you explain about the driveway access to those two lots, and secondly have you looked into the Board of Health approval for the septic?

Mr. Greenberg replied yes, we have looked into the septic approvals. (Referring to the drawings) This of course, is Lexington Ave. over here, there is an existing roadway, which comes to the existing house, that will be extended, and then it will comes down, and access one

driveway to this house, and the second driveway to this house. Also, one of the other concerns that you had at the last meeting was with regard to this particular road, and there is a whole section of the Code of the Town of Cortlandt, which discusses lots that are accessed by a common driveway, and there were a whole series of specs that are required as far as drainage, road width...

Mr. Klarl stated Local Law 5. This Board has ruled on that before.

Mr. Greenberg stated that is correct, and by development of that , and going over that, which is I guess is one of the duties of the Planning Board, you certainly can be assured that whatever access is approved by the Planning Board will have accessibility for ambulance, fire, police, and so on, and so forth. So that as far as in terms with regard to safety, I think that is something that the Planning Board, and this Local Law #5 has certainly addressed. I think the Town addressed that seeing that there were subdivisions that were accessed by common driveways, and created Local Law #5 to protect the future homeowners.

Mr. Becker asked do you know the length of the driveway before you get to those two lots?

Mr. Greenberg replied yes, the length is 800 feet.

Mr. Douglas asked the two back lots, am I right that they will be sharing the driveway all the way up to the property?

Mr. Greenberg replied no, (referring to the drawings) the roadway comes down over here, and then it splits, and then one driveway goes to this house, and a second driveway goes to this house.

There will be a double width driveway so they will not be sharing.

Mr. Douglas asked once you cross the first lot, is it then shared?

Mr. Greenberg replied up to a certain point they're shared.

Mr. Douglas stated they're shared up to the back of the first lot, and then after that it splits after the back of where the first lot is.

Mr. Greenberg replied that is correct.

Mr. Becker stated the reason I asked you about the length of the driveway is that I think it is necessary, and the Town does have even for approved Town roads a limit that the Town allows, which I think is 750 feet for a cul de sac.

Mr. Klarl stated it is 500 feet.

Mr. Becker stated so that would violated that alone.

Mr. Greenberg stated I am not aware of the Town, because most Towns usually have around 1,000 linear feet.

Mr. Klarl stated we have a 500 foot standard. For example, I think Dr. Becker is familiar with the subdivision in the Town of Cortlandt, which was denied, where there was a 3500 foot road, that was 7 times the code standard, 500 is the standard in the code.

Mr. Greenberg stated based on that, you couldn't get more than two, or three houses on a cul de sac.

Mr. Reber stated in other words make it a road. I would like to reinforce what Dr. Becker phrased with the idea of the shoe boot corner there in the back. The reason is that I find it interesting, I hear you about steep slopes, and all of that, but case in point, long before we even had the current codes. In 1963 I was buying a piece of land for development. The developer was dividing like this, and low, and behold the two lots were identical to those lots, except we were on a road we weren't back in the woods, and the developer cut out my property, and mine was the upper parcel, and for the neighbor's lot he cut it out, and there was some room behind my lot that he didn't need to meet the requirement there, and that way he could meet the requirement on the other lot, 1963, and the Town said no way. I want a straight line, give that to Mr. Reber, and make it part of his, because this is silly. I think fundamentally I agree this is getting around the spirit of the intent. So I don't like that arrangement to beat the numbers. Also, I have a problem with your description on the driveway saying that according to Local Law 5 to make sure that the driveway is wide enough, and can take properly, you come in, and then you have parallel driveways coming into the two houses, so they are not one shared segment. Now I can't tell too well from the diagram, but as best as I can judge from your scale of 1 inch equals 40 feet, that does not come out to be 40 feet wide, maybe 25?

Mr. Greenberg stated no (referring to the drawings) that line is actually existing, and this line should go straight across. I apologize for that, when I revised the lot line I should have moved the driveway down.

Mr. Reber stated I fundamentally don't like seeing us putting these common driveways in, because they only create headaches in the future. To me since this lot was bought within the last 5 years, I think if 5 years ago the owner, or the applicant had gone before the Planning Board, and said this is really what we intend to do, I think they would have had a hard time getting anything approved back then for the first house. So to me I think this a little odd that it is coming after the fact a few years, and now trying to work this out. To me it just doesn't seem right, and there is still a variance required.

Mr. Greenberg stated as I said before because of the way the lot is shaped, his lot needs a variance no matter what, whether we can one lot, three lots, twenty lots, this lot will always need a variance.

Mr. Reber stated yes, and my understanding is one of the reasons why that average width thing

was done was to try, and avoid these oddball situations where you're carving out in the back there to make it into something.

Mr. Greenberg stated the only oddball part is the front where again that is how the property was. This lot will always need a variance whether there is one house, two houses, or three houses on it.

Mr. Douglas stated if there is one house you don't need a variance. The issue is you want to build two additional homes.

Mr. Reber stated five years ago, when the applicant first went before the Planning Board, the Planning Board might have said fine, you put a road in, a cul de sac, and maybe two houses on it. Now economically that means they would have to be expensive homes, but that at least creates a rational plan. To me this is a plan that's trying to carve off property that is only going to create future headaches for the three owners.

Mr. Seirmarco asked what is the square footage of lot #2?

Mr. Greenberg replied 40,500 square feet.

Mr. Seirmarco stated so it just makes it.

Mr. Mattis stated I have one comment that we haven't touched on yet, and that is the variance itself. The average width is 109 feet. We require 150 feet. We've never given anything, anywhere close to that. In fact, we've taken lots before that were created years ago, and tried to bring them into more conformity, and stuff like that where it might be 109, and we widened it, but that is a 27 percent variance, and that's much more than we've ever given. We generally have gone to 140, and maybe a little less than that for specific reasons, but never 109, that is really pushing the envelope, and I couldn't support something of that nature. Are there any other comments?

Mr. Seirmarco stated yes, I am just trying think in my head, if the line went straight back, they would still probably need a variance for the average width.

Mr. Greenberg stated so you are saying now that you are not supporting anything back there at all.

Mr. Mattis stated I said I would not vote for a variance for 109 feet. I am sure you can reconfigure that with two houses, and do a much better job. You could somehow figure it, so that it would be much, much more into conformity. I'll be very blunt. You're trying to squeeze three houses in a property, that's going to have all kinds of problems with a long driveway with a major variance where logically you should only have two. That is my feeling based on the variance required, and everything else.

Mr. Greenberg stated I hear the Board, and to be very honest, I will try to do the mathematics on it, and try to get this variance less, and let's say we go down to two lots, but to do that, you see anytime I move this line, lot width is determined by taking the area of the property divided by the lot depth. What makes the variance so large is the fact that I've got probably almost 600 feet where there is nothing that I can use it for. So let's say (referring to the drawings) I put one house back here, move this line back, every time I move this line back, I do get smaller area, but my lot depth keeps getting larger, and larger. So every time I move this line that 109, may become 108, 107, 106. I think what I've done, I mean let's say we go for two lots, I would rather see this whole thing make one lot, and this whole thing make the other lot, because as I move it back.

Mr. Douglas stated maybe what you're saying is that this is a parcel that should only have one lot on it. I know that's not what you want to hear.

Mr. Greenberg stated well you talked about two lots. I mean obviously we would want to get something out of this, and I think this is what is causing this lot to need the variance.

Mr. Mattis stated I think the fact that you want three houses, there is no justification for 109 feet. That is just way too much for a variance.

Mr. Becker stated my suggestion would be that you come back next month to the work session, and maybe submit two, or three different ideas that we can work with you, and try to help you find out what would work best. I think you should look at it, you may notice you can get variances that would be much less substantial, because when you look down the list of things that we are obligated to look at including to minimize any variances, and if this is a self created issue, which I think is, but if you come up with two lots that are less of a variance, I think it would be much more acceptable.

Mr. Reber stated I think our applicant is somewhat in a bind, because as he indicated, he can juggle those property lines any way he wants, he can't really improve the lot line.

Mr. Greenberg stated that is what I am saying, if you made this thing two lots, and you just said before forcing these lines is creating odd shaped lots. Wouldn't you rather see this as a lot, and this whole thing as another lot.

Mr. Reber stated there is no way you could get around a significant variance on lot #1, if you do any divisions, two, three, whatever, and you can't get around that. So then this Board has to make a decision, if we're going to get hung up on that variance, then it says you can't subdivide this property. If this Board is willing to go to two lots, then they have to accept that we're going to give a large variance, and the only justification would be that each of the lots will be well beyond the average area that's required, and recognizing that you have the long driveway, and conditional on the fact that the Planning Board is comfortable doing that. That is the only way that I would maybe consider two lots.

Mr. Greenberg stated your comment is very well taken, because if you do go to two lots, each of these lots would be more than double the requirement. Actually both of them would be almost 90,000 square feet.

Mr. Seirmarco stated I would feel more comfortable with that, if we give a larger variance for the average width, that is why I asked before how big was lot #2, and it's just a bit over 40,000 square feet, but if they're both over 80,000 square feet, then that would be better.

Mr. Greenberg stated okay, then I will revise the plans.

Mr. Klarl stated if the applicant presented the two lot plan next month, and if the Board was of the mind to accept that plan, we could carefully word the Decision & Order that explains how the numbers are skewed, so that someone else in the future can't really compare this to their situation.

Mr. Mattis asked if there was anyone in the audience who wanted to speak?

Mr. Heady made a motion in Case No. 12-06 to adjourn the case to the April meeting, seconded by Mr. Seirmarco with all voting "aye."

Mr. Klarl asked Mr. Greenberg do you plan on submitting a two lot plan at the next work session?

Mr. Greenberg asked when is the work session?

Mr. Mattis replied on the 17<sup>th</sup> of April.

Mr. Greenberg stated yes.

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CASE NO. 67-05 MICHAEL JONES-BEY a proposed two lot sub-division that would require lot width variances for two proposed lots, and front yard variance for existing dwelling on proposed lot 1 on property located at 210 Red Mill Rd.

Mr. Mattis stated we will recall this case again later.

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CASE NO. 10-06 ERZSEBEL PAPP for Area Variance for the front yard set back on School St. and Sherwood Rd. and front yard set back for open stairs on School St. on property located at 21 Sherwood Rd., Cortlandt Manor.

Mr. Philip Hersh, Esq., Ms. Erzsebel Papp, and Mr. John Delano, P.E. appeared the Board.

Mr. Hersh stated I represent the applicant with regard to her request for Area Variances as a result of a proposed taking of the road by the Town. I understand at the last meeting, when Ms. Papp was here there was some concern about the size of the residence that was to be constructed, and we've addressed that issue. We've adjusted the site. I believe we've downsized the residence quite a bit. We met with the Engineering Department, and I have our engineer here to go over the plans. We advised the Town that we would be in a position to quick claim a portion of the property to the Town. I believe that is for safety reasons.

Mr. Mattis asked is there a reason why we didn't get a copy of this so that we could review this at our work session? This is the first time we're seeing this. It really puts us at a disadvantage.

Mr. Hersh replied we provided new plans to the Engineering Department. I assumed they were going to be forwarded to you.

Mr. Mattis stated we are supposed to all get a copy a week before so that we can review it, and if Engineering got it, they never passed it along to us for our work session on Monday.

Mr. John Delano, engineer from Badey & Watson stated (referring to the drawings) the document to your left, I believe was previously tendered to the Town, correct me if I'm wrong, it was a 26' x 56' house. It came in awhile ago, that is the document on the left. After speaking with the attorney, and the owner, they had some discussion at the last meeting, and we did subsequently meet with staff. We talked about doing a different shaped footprint house, that plan was developed, and reviewed with staff, that is the plan all the way to the right, just for your information. The document in the middle is a color aerial photograph. The outside document is a 10 scale. The color photograph is a 20 scale. The black blob in the middle is the proposed structure, and it shows all the other existing structures in the neighborhood just to give you an idea of scale.

Mr. Seirmarco stated what the Chairman is trying to say is that we did not get the drawing on the right hand side.

Mr. Mattis stated we have no document that shows what variances are required now. We have nothing. This is the first we're seeing this, and we'll go over this, but I certainly don't think any of us are in any position to make any decisions, or anything. We'd like to get the documents, and review them for next month.

Mr. Klarl stated we will probably need more DOTS input after we listen to the applicant.

Mr. Mattis stated yes, sure.

Mr. Klarl asked what are the dimensions of the house now?

Mr. Delano replied previously the house was 26' x 50'. The house we are proposing now is 32' 3" x 42' 3".

Mr. Klarl asked have you calculated the variances that are needed under plan #2?

Mr. Delano replied under plan #2, front yard to this corner is 20.1 feet from the proposed taking line.

Mr. Seirmarco asked so that would be on School St.?

Mr. Delano replied (referring to the drawing) this corner here on the house. So yes, it would be more toward School St. than to Sherwood Rd.

Mr. Reber stated and that would be then the closest point.

Mr. Delano stated that would be the closest point of the proposed structure, correct. This corner here just for you information would be 20.4 feet from the proposed taking line. I am not sure if the Board is aware, you probably are, but without the proposed taking the original structure proposed on the right would not have needed any variances.

Mr. Heady asked the first house you was smaller right?

Mr. Delano replied the shadow of this house now is 26' x 50', I believe 1300 square feet. The shadow created by this house is about 1375 square feet.

Mr. Heady stated so you would need less of a variance on that first house.

Mr. Delano stated well the second plan we've also re-situated the location of the house. This house is moved over here in an effort to kind of limit ourselves from encroaching any more. The property back there has very steep slopes. So what we did we came up with the alternate footprint trying to put a comparable size home on the property. We held the position of the proposed 3 foot terrace. We held that position, and we rebuilt the lot back in this direction. So instead of having a 12 foot deep patio here, we ended up with an 8 foot patio here, but we've essentially held this wall position. This end of the house is somewhere in the neighborhood of about 12 feet further over this way. It is an approved situation here by a couple of feet, we would of had 18.8 feet here, and because of the style of architecture this will require a staircase. The style of architecture, and the position on the lot, they would have been subject to zoning, because of the height. So there would have been a zoning set back requirement here on the staircase of 18.4 feet. Under this plan, it fits a little bit better into the grade, and there is no staircase persay. It is just a couple of spaced out steps that fit right into the grade very well. So the zoning set back is actually measured to the structure, and an improved situation as far as a set back from the proposed taking line. We did the aerial photograph just to give you an idea for the magnitude of how this thing sits compared to the other homes in the area, and also you can get a feel for this intersection, and the turn in the road. These lots were all created back in 1922, and I guess the subject lot is in fact the exact lot as it was created in 1922.

Mr. Mattis stated this is the first time anybody wanted to tackle that real steep slope issue, and

you've done a good job.

Mr. Delano stated thank you, we tried.

Mr. Reber stated I understand the direction they want to move, and I understand some of the problems, but I do think this is worthy of at least a discussion at a work session before we make a final decision.

Mr. Delano stated we will have full developed site plans provided for the Board. So we will get them to you before your work session.

Mr. Klarl asked Mr. Chairman, would like Jim to ask DOTS if they can give us a brief memo concerning their review of the plan, and the proposed taking line?

Mr. Mattis replied that would be very helpful.

Mr. Reber stated there are two issues that I would like to see DOTS address. One is the concern of the neighbors with drainage, and the steep slopes. The other is it looks like the change that they proposed is a significant improvement, and that is sight lines as your coming down the hill, and going around the bend, with the house moved back obviously they created a better situation for that as well as for the owner of the property, because they now have some room in the driveway. So it is going in the right direction, but I still would like Engineering to address those issues.

Mr. Delano stated if I might speak to those issues real quickly although the Engineer does need to look at them. The sight line situation is improved with the movement of the house back. The sight line is what the site line is, but it is an improved condition with the house in that position, with the development of the lot some of the trees obviously will come out, and that would certainly add to the improvement. As far as the drainage, you can see from the topography in the plans that we submitted, and it's actually on this document. Drainage from this property pretty much stays on the property, comes down, and there is a low flat area here where you can park there is some gravel down there. Almost all the drainage from this lot comes down, and sits on this corner of the lot right here. Under our proposed development plan, we are not proposing to alter the drainage patterns. We've designed the driveway, and we are going to take the room drainage, and roof leaders, and put them in the same location. It seems to absorb the water well.

We've got the proposed drainage so that everything is going to come to this location. There will be a surface casting with an open grading into a sieve pit, and a site berm around this side so it will not go on to the neighbor, a little bit of a berm along this side, it is designed to take a certain volume of water to take off the roof, and the property. If it continues to rain dramatically, the water will go back up into this little shallow area, and go into Sherwood Rd., as it does now, and continue on down the road where it goes now. I believe there is a minimal amount of formal drainage in this road.

Mr. Mattis stated I am glad you are addressing that, because there was a neighbor who was here

last month, who raised that as an issue, the water runoff.

Mr. Delano stated I think I explained that in my meeting with the DOTS department.

Mr. Mattis asked if there were any other comments from the Board? He then asked if there was anyone in the audience who would like to speak?

Mr. Becker made a motion in Case No. 10-06 to adjourn the case to the April meeting, seconded by Mr. Reber with all voting "aye."

## NEW PUBLIC HEARINGS

CASE NO. 13-06 ARNOLD & MARILYN MILLER for an Area Variance for the front yard set back on property located at 212 Furnace Dock Rd., Cortlandt Manor.

Mr. Arnold Miller appeared before the Board. He stated we are requesting a front yard variance on our house in order to expand our kitchen. Right now we have a front porch, which is not used, and we want to extend the kitchen onto the porch, and of course it is closer to the road than it was. For you information, the house was built in the 1830's. So the house is what the house is, and this is what we're asking for. We're going to extend the kitchen about 5, or 6 feet, and then on top of that we're going to extend our bedroom. There are no alternatives.

Mr. Mattis asked was anyone out to look at this besides me?

Mr. Douglas stated I was. It seemed to be that the addition will not have any additional impact. The house is right against the road, and if I understand what you are seeking to do, it is not moving anything any closer, am I correct?

Mr. Miller replied correct. We are not changing the footprint of the house at all. We are just utilizing existing structure.

Mr. Douglas asked are you going up one story, or two stories?

Mr. Miller replied just one story up.

Mr. Douglas stated my gut reaction is that this does not seem problematic at all. Obviously, this house is prior to zoning, and although aesthetics is not a factor on the Zoning Board, I think aesthetically this would be an improvement.

Mr. Mattis stated the line of the house, the part in question, as you look at the house, it's the right hand side, the house slopes away from the road. So actually the variance is less than what the house actually sits on the other side of the property, the left side.

Mr. Douglas stated also there are no homes particularly close to the property.

Mr. Miller stated there is nobody to the right, or left, and actually after our property there's like a 10 foot area of grass to the road. So really, instead of being about 38 feet, it is really about 48 feet to the road.

Mr. Mattis stated right, and the required variance is 50.

Mr. Miller stated actually it's 20 feet, so it's 58 feet to the road.

Mr. Mattis stated from the road, it meets what would be required, but the property starts back further. So that is what makes the requirement for the variance.

Mr. Reber stated I'm familiar with this property also, and likewise I don't see any problem with this. It seems quite reasonable to me.

Mr. Mattis asked if there was anyone in the audience who wanted to speak?

Mr. Douglas made a motion in Case No. 13-06 to close the public hearing seconded by Mr. Seirmarco with all voting "aye."

Mr. Seirmarco made a motion in Case No. 13-06 to grant a front yard variance from 50 feet down to 36.4 feet, for a 13.6 foot variance. This is a Type II Sequa with no further compliance required seconded by Mr. Reber with all voting "aye."

Mr. Flandreau stated that anyone granted a variance tonight that results in a building permit, you can come in on Tuesday after the paperwork is filed with the Town Clerk.

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CASE NO. 14-06 RICHARD & TERRY BECKER for an Area Variance to allow an accessory building in the front yard on property located at 2521 Maple Ave.

Mr. Becker recused himself from the case.

Mrs. Terry Becker appeared before the Board. She stated we are requesting a variance that will allow us to build a garden shed, storage structure on the front yard of our property on Maple Ave. The reason for the variance is because our backyard is entirely on lakefront property, so we would be unable to build in the backyard. So there is virtually no other option, and we're placing the structure in a wooded area. It is going to be screened from the street so it would be essentially not visible from the street. We might even add more trees to further screen it, because we don't want it to be visible from the street, and the back of the structure is going to adjacent to a lot that we own. So there would be no impact to others on that side.

Mr. Heady stated I would have to say also that you have to put it in the front, because your septic fields are in the back, is that right?

Mrs. Becker replied well the septic fields are actually in a further part of the front. You couldn't put it in any other spot in that area, because of the septic fields.

Mr. Douglas stated I think what he is saying is that you couldn't put the structure any closer to the house, because of the septic fields.

Mrs. Becker stated that is correct.

Mr. Douglas asked how far is it from the side? I know you own that lot at this point, but of course at some point in the future you may, or may not own that lot, but how far over is it from that side?

Mrs. Becker replied the structure goes 20 feet back, and 6.6 feet from the side.

Mr. Mattis stated so it is somewhat close, but if you've been out there, and if you look at the topography, if that property were ever sold, and a house is built it would be doubtful it would be anywhere near there, because of the topography, the slopes, and the elevation. The house would have to be put somewhere else on the property there.

Mrs. Becker stated right, there is no way that they could have a house built close to the other side of that elevation. It would have to be a considerable distance away.

Mr. Flandreau stated also for an accessory structure 6 feet is required for the rear, and the side yard set back.

Mr. Reber stated so in other words, if this had been moved back beside the house there wouldn't even be a question.

Mr. Flandreau stated right, correct.

Mr. Klarl the Board has reviewed a number of similar cases, but two that come to mind, we had a shed that was requested to be placed in the front yard, a garden shed, on the former Jackie Gleason property, and we entertained that application, and granted that variance with the idea that it would be in the front yard, but that it would be screened from the road. In addition, we had another gentleman, I think it was an attorney, that came in to place a tennis court in his front yard, and since an accessory structure has to be in the backyard. He said he really couldn't place his tennis court in the backyard, because he had DEP property behind his house. So because of watershed reasons he asked that the tennis court be place in the front. Once again, that was granted by this Board with the condition that it would be screened so that it wouldn't be seen from the road. So we have a number of precedent cases where we've granted a shed in the front yard with a screen, and there were reasons that it could not be placed in the rear of the property.

Mr. Douglas stated I just want to point out to the members of the audience, obviously, Dr.

Becker is a member of the Board, and I just want to make it clear that we're looking at this objectively, and honestly I am looking at it even more objectively. When I started my day job, I started as an assistant to a Federal Judge, and one of the things that I learned is that when there were lawyers that we knew that came in front of him, he bent over so far backwards not to favor them, and seem to be almost unfavoring them, and I picked up something from that over the years. Actually, my gut reaction to this, and no insult to my colleague who sits next to me, but my initial reaction was when I saw this application was that I should bend over backwards to be unfair to you, because I don't want to look like I'm doing something in any way to favor someone who happens to be a colleague. So when I went out there, I looked for every way that I could think of to deny this, and honestly I could not come up with anything. It seems there is every reason to grant this variance. You cannot built it in the back, you've got the lake there, you've got the wetlands, you've got the septic in the front, and it is not impacting in any way on anybody.

Mr. Mattis stated I was out there also, and looked at this, and this is about the best location, and I think you could see it from the road, if you stopped the car, you might look, and might see that it's there, but generally speaking nobody is ever going to see it. In fact, Mr. Becker called me before he applied, and was concerned that as a Board member should he even apply, and I assured him that as a homeowner in the Town of Cortlandt, he had every right to. The fact that he's on this Board doesn't preclude him from applying for a variance. So he even had some hesitation himself whether or not he should apply for this.

Mr. Klarl stated people on the Zoning Board, Planning Board, and the Town Board all live in the Town, and occasionally they have applications that is why we have a provision as part of the application asking you disclose if you are a member of a board. Mr. Becker, in looking at your application, would you agree to a reasonable condition that DOTS be able to screen the shed that the shed could not be viewed from the road.

Mrs. Becker stated yes, from our own aesthetics, we want to screen it, and we already have plans in fact, there are certain trees that we have already explored with a tree person for transplantation, existing trees, large ones that we have that are right now too close to the area where we want to build, and are going to be placed to the area that will add further screening. I can almost assure you that we will probably purchase additional trees, if necessary. We want it to be fully screened.

Mr. Klarl stated the Board is of the mind that if they would grant the variance, they would ask that there be a condition that once the shed is erected that DOTS go out there, and analyze it, and make sure it cannot be seen from the road, and if it can, you put adequate screening.

Mr. Mattis stated you can coordinate what you'd like to do with them, if there is anything additional.

Mrs. Becker stated that would be absolutely no problem whatsoever.

Mr. Mattis asked if there were any other comments from the Board?

Mr. Reber replied I have one comment. There has been issues around Town about things in front yards, and this Board is very sensitive to that. I know two years ago there was a big concern about gym sets, play houses, and things of that nature. So obviously, we're sensitive to those issues, but as our attorney indicated, we have had other situations similar to this, and ruled in favor on the basis that it's the only practical thing for the applicant to do, and in no way detracts from the appearance of the neighborhood, and I think it fits that category perfectly.

Mr. Mattis asked if there was anyone in the audience who wanted to speak?

Mr. Douglas made a motion in Case No. 14-06 to close the public hearing, seconded by Mr. Heady with all voting "aye."

Mr. Douglas made a motion in Case No. 14-06 to grant the requested variance specifically for an Area Variance to allow an accessory structure in the front yard subject to the condition that if DOTS feels there should be additional screening that the applicant comply with DOTS' request in that regard, seconded by Mr. Heady with all voting "aye."

\* \* \*

CASE NO. 16-06 DAVID COULAN for an Area Variance to allow an necessary building in the front yard on property located at 1028 Quaker Bridge Rd. East.

Mr. Klarl recused himself from this case.

Mr. Rinaldo Garcia appeared before the Board. He stated I represent Mr. Coulan. What we're looking to do here is tear down an existing one car garage that is on the property, and rebuild it to the left side of where the existing garage is. Right now the existing garage now is as you drive in, it's straight in. We looked at trying to locate this somewhere else on the property. The property is steep, there is rock everywhere, and you really can't put it anywhere else. So that is about the only location where we can put it. One of the things that we were also planning to here is by moving it to the left side there, we're planning on planting trees along the whole front of that garage, and screening it completely from the road.

Mr. Mattis asked so you'll be able to come in, and make a turn into the garage?

Mr. Garcia replied yes, the doors will be here (referring to the drawings), you'll come in, and go that way, and the front of the garage will be all screened off with pine trees, whatever vegetation that will screen it off best.

Mr. Mattis stated well I think we might describe that, that you are putting it in sideways. It will be longer, and narrower, so what you see from the road is less also, and you will be putting in trees as well.

Mr. Garcia stated yes. There is a very large tree actually as the driveway goes in, as you go a little bit closer to where we are going, about 25, or 30 feet, there is a really, really large tree on that corner, and then we will pick up the landscaping right from there, right to the edge of the right corner of that lot.

Mr. Heady asked you are taking the existing garage down, right?

Mr. Garcia replied yes.

Mr. Heady asked why are you not putting the new garage where you are taking the old one down? You wouldn't need a variance then, am I right?

Mr. Garcia replied well yes, we would still need a variance, because it is an accessory building in the front yard, so we would need a variance.

Mr. Flandreau stated there is no Area Variance with the dimension he has now. He needs it for the accessory building in the front yard.

Mr. Garcia stated the reason why we're trying to put it to the left side is that way we can screen it off, and you don't see it. The doors would not be facing the street.

Mr. Seirmarco stated the existing garage does not need a variance for the side yard property line. The proposed garage will need a variance in the side yard. I guess what I'm trying to figure out is I drove out there, and I looked at this, right now you drive up the driveway, and drive right into the garage, it seems quite straightforward, and simple. I did back out, and made a U-turn, and drove straight down the driveway. Now if you're going to come up the driveway, and go into the garage, that is going to be more or a vicarious turn into the garage. Why would you want to do that?

Mr. Garcia replied well what he wants to do is actually to create the structure that doesn't create a big impact. The house sits up high, when you pull in you can't really see it. So you drive up, and all you see is that small garage.

Mr. Seirmarco stated I came to the same conclusion, the reason you're moving the garage to the left is so that you can see the house.

Mr. Garcia stated right, and kind of screen it off, and create a visual impact of the structure that is the front porch. We are going to try to extend that pavement back about 6 to 8 feet, so that you can come in there, and turn into the garage.

Mr. Seirmarco stated it's a pretty sharp drop off down to that stream on the left side.

Mr. Garcia stated on the left side yes. Where the garage is going to go, it's not that bad, if you noticed, there was that staircase that goes back to the patio area, that is where the garage is going

to go. It's just beyond the fence, and it's not that bad. I chalked it all out the other day. So it's maybe about 4 feet below the actual grade of the garage.

Mr. Mattis stated so to summarize the two reasons why you're moving it. One, when you look at it now, you see the garage, and you see the house behind it, you're not going to see the garage. Number two, you can screen it, where if you had the garage in the same location, you would have to drive straight in, and you couldn't screen it. So it actually makes it look much better.

Mr. Seirmarco stated it all actuality, it's hard to see it no matter what, because it's so far back from the road.

Mr. Garcia stated right. They renovated the house about 4 years ago, and they are trying to make it look better.

Mr. Douglas asked the neighbors on the left side will not be able to see the garage from their house?

Mr. Garcia replied no, there is a lot of vegetation there, and it slopes up, and there is all trees in there. So you really can't see it from their property.

Mr. Mattis stated you really can't even see it from the road. If you're going by, you have to stop to actually see it. He then asked the Board if there were any other comments?

Mr. Reber stated I have a question for our attorney.

Mr. Mattis stated unfortunately he recused himself.

Mr. Reber stated okay. Well the question I have is I know in the Town now we're concerned about water bodies, and streams, and set backs from streams, and the environmental impact, and there is this small brook that runs along the property line, and this building now is moving closer, and I am wondering if that is something that we should be considering.

Mr. Seirmarco stated that was one my points.

Mr. Flandreau stated any job that has a full foundation, which this would, we would send out the environmental monitor to take a look at the site to make sure that doesn't require a wetlands, or steep slopes permit, and if it does, then he will have to go through that process as well.

Mr. Reber asked that would be a condition then of our approval?

Mr. Flandreau replied yes, that is for any type of building with a foundation.

Mr. Mattis stated well we don't even have to make that a condition.

Mr. Reber stated well I would like to flag it because people tend to forget, and just for the record.

Mr. Mattis stated okay, so then we can make that a condition. I mean it is something that should happen anyway, but we can make sure that it happens, absolutely. He then asked if there was anyone in the audience who wanted to speak?

Mr. Seirmarco made a motion in Case No. 16-06 to close the public hearing, seconded by Mr. Douglas with all voting "aye."

Mr. Seirmarco made a motion in Case No. 16-06 to approve the front yard set back requirement for this new accessory structure. This is a Type II Sequa with no further compliance required.

Mr. Reber stated I would like to amend it that with two conditions. One that again, the building does not come closer than 6 foot normal set back requirement for a side yard, and also that the placement of this building be reviewed for wetlands, and drainage to determine that it does not adversely effect the brook, seconded by Mr. Becker with all voting "aye."

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CASE NO. 17-06 15 ADAMS PLACE INC. C/O JOSEPH CARLUCA for Area Variance for the front yard set back for the principal dwelling and front yard, and side yard set backs for the open stairs on property located at 265 Broadway, Verplanck.

Mr. Aldo Pirosolli appeared before the Board. He stated I here to represent Mr. Joseph Carluca.

Mr. Mattis asked in what capacity are you representing him?

Mr. Pirosolli replied well he gave me a paper with his permission to represent him. He handed the paper to Mr. Mattis.

Mr. Mattis stated he authorizes you to act on his behalf with this letter. We need this letter for the record.

Mr. Becker asked can you explain to us the project here?

Mr. Piroselli replied we are asking for a side, and front variance for a staircase in the left corner of the house. It is an entrance way that will be about 4.4' x 6'. It is only one story, and to enclose a porch that will be about 3' x 3'.

Mr. Becker asked right now is the inhabitable? Are people living in this house right now?

Mr. Pirosolli replied no.

Mr. Becker asked how long has it been vacant?

Mr. Pirosolli replied this house has been vacant for a long time. I think about 3 months ago.

Mr. Becker asked so you purchased it with the idea that you would fix it up, and live there?

Mr. Pirosolli replied yes.

Mr. Mattis stated actually the property still looks pretty bad, but it looks much better than it did. It was overgrown, and it looks like you've cut some of that down.

Mr. Seirmarco asked you said it was vacant for a pretty long time, was it over a year?

Mr. Pirosolli replied I think it was around 15 years, or probably more.

Mr. Seirmarco stated I don't think so.

Mr. Klarl asked would you say a number of years?

Mr. Pirosolli replied yes, sure.

Mr. Seirmarco stated I noticed when I drove by there, and looked at it, there was a building permit on the tree.

Mr. Pirosolli stated it is a building permit for some interior work that we are doing. I think it is just moving a couple of walls.

Mr. Seirmarco asked so there is nothing for the exterior?

Mr. Pirosolli replied nothing, except for this. Right now it is just a little flat front, and you just walk into the house on the right. We are just going to close that up.

Mr. Mattis stated the variance in the front, again, this is very similar to Mr. Miller, who we just approved. The road, where the road ends is not where the Town's property ends. It goes back probably another 15 feet, or so. This actually sits back far enough, if the property started where the road ended, then you wouldn't need a variance. So it sits back as far as the two other houses that are near it.

Mr. Becker stated yes, I also went out there, and I agree. It looks like it's fully set back. I have a question for our attorney. Because the lot is nonconforming, and has not been inhabited for five years, or more, do we need to re-address the whole structure?

Mr. Klarl stated typically when you have a nonconforming use like a gas station in a residential zone, and someone does not use it for two years, and doesn't use their gas station, and they come back, then they've lost their nonconforming use. In terms of the dimensional requirements, it

would be not able to be expanded.

Mr. Douglas stated so the fact that something has not been used, if it's a dimensional aspect, then they cannot expand it.

Mr. Klarl stated we haven't then said to someone that if they have a house that encroaches say within a set back, and they don't use it for five years, and someone comes to buy it, we haven't said anything that you can't use it as a house. We've said we would have a problem, if you tried to bump it out, but we don't prohibit that use. What we do is when someone has a nonconforming use in a given zone, and they terminate that use, and that use is terminated for more than a year, then they lose that nonconforming status, but in terms of a dimensional deficiency, we would just have a problem, if they were trying to bump out the encroachments that he has.

Mr. Seirmarco stated he is just enclosing this existing structure. They are not expanding anything here.

Mr. Pirosoffi stated the foundation is already existing.

Mr. Heady asked on that deck, are those stairs there now?

Mr. Pirosoffi replied the stairs are there, the only thing is because we are enclosing that front corner, we need a platform right at the door, so that is why we are asking for the 3 feet of platform to the steps. The steps are already there, but they are right at the foundation right now.

Mr. Reber stated this property has some interesting features. Normally, when someone asks us to grant a variance, we try, and clean up some of the other encroachments, or problems. This house is right on the property line on the left side of the house as you look at it. In fact, it comes within a 1/2 foot of the property line in the back corner. There is nothing we can do about that, and the property line goes contiguous with 15<sup>th</sup> St., except 15<sup>th</sup> doesn't exist, it's a paper road. However, there is a deck in the back with apparently stairs that comes off the deck, which are located on 15<sup>th</sup> St. Are you intending to keep those stairs?

Mr. Pirosoffi replied as far as I know, yes.

Mr. Reber stated and behind that is a shed, which is on 15<sup>th</sup> St. Will you be moving that shed?

Mr. Pirosoffi replied not that I know of.

Mr. Mattis stated well I think what we have to do as condition is have them remove the shed, and put different stairs on the deck.

Mr. Reber stated yes, theoretically, they could have the stairs go off the deck toward the right, and have a walk around the right side of the house, and then they would not be encroaching on

public property.

Mr. Mattis stated or even in the back. We can leave that up to them.

Mr. Seirmarco stated I think the reason they have the stairs on the left is so they can go down to the front of the house to the existing stairs, and I agree you can put the stairs off to the right.

Mr. Reber stated yes, they can put a walkway all the way around the house. If it's just a walkway that encroaches, that would be better than what they have. There shouldn't be anything on Town property, whether it's a shed, or a staircase, or whatever.

Mr. Mattis asked is there any other comments from the Board?

Mr. Heady replied I agree with Ray.

Mr. Mattis asked if there was anyone in the audience who wanted to speak?

Mr. Becker made a motion in Case No. 17-06 to close the public hearing, seconded by Mr. Reber with all voting "aye."

Mr. Becker made a motion in Case No. 17-06 to grant the front yard variance from the required 35 feet to 7.5 feet, and a side yard set back from 5 feet to 3 feet for the principal dwelling, and a front yard variance from 29 feet to 4.7 feet as exists, and a side yard variance from 5 feet to 3.4 feet. In addition, we require that the shed be demolished, and relocate the stairs on the deck to the alternate side. This is a Type II Sequa with no further compliance required, seconded by Mr. Reber with all voting "aye."

#### ADJOURNED PUBLIC HEARINGS FOR TELECOMMUNICATIONS TOWER

CASE NO. 48-05 CINGULAR WIRELESS SERVICES, INC. for a Special Use Permit for a wireless telecommunications facility on property located at 451 Yorktown Rd., Croton.

Mr. Chris Fisher, Esq. appeared before the Board. He stated I am from the law firm of Cudey & Fader appearing on behalf of the applicant. We have been working at this application for some time. I really just came here tonight to give you the status of the application. We are working with Thalle Industries as an alternative to the proposal we had at Platinum Auto Body. I initially spoke with representatives of the property owner. So the next step for my client is to give them an official proposal, do a site visit, try to come up with a location that meets with the radio frequency engineer's needs, the property owner's needs, your needs etc. So we are going to try, and do that. My best guess is that I probably am not going to have further information for two months as opposed to one month. I will leave it to your discretion, if you would like to see me back in another month, or to just come back in May.

Mr. Mattis stated if you think that it would be best to adjourn it to May, we will leave that up to

your discretion.

Mr. Fisher stated I think it would be best, if you just put me on for May instead of April. So that is our update. Thank you.

Mr. Mattis asked if there was anyone in the audience who wanted to speak.

Mr. Jeff Weiss appeared before the Board. He asked will there be any change to the date before next month, or will it just be on the agenda in May?

Mr. Klarl stated once we make a motion here tonight, then it's on for May.

Mr. Mattis asked if there were any comments from the Board?

Mr. Reber made a motion in Case No. 48-05 to adjourn the case to the May meeting, seconded by Mr. Douglas with all voting "aye."

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CASE NO. 69-05 OMNIPOINT COMMUNICATIONS, INC. for a Special Permit for a wireless telecommunications facility on property located at 3105 East Main St.

Mr. Daniel Braff, Esq. from the law firm of Snyder & Snyder appeared before the Board. He stated as you may recall we are proposing a 140 foot monifold in the Cortlandt Town Center. At last month's meeting, you asked us to address the comments of the Department of Technical Services, and we did that. Does anyone have any questions?

Mr. Heady replied it doesn't show it on the drawing, but Cod Edison has had a lot of trouble in the city where people are getting shocked, are the grids here going to be grounded. On you drawing here and C71, I don't see anything where it is grounded here. Did I miss it?

Mr. Braff replied it is certainly grounded. We don't show specific ground details on these site plans, there's only drawings, but absolutely on the next round of drawings, we will show them.

Mr. Heady stated the reason I ask that is that personally if they are not grounded, someone could really get whacked pretty hard. I didn't see it on here, that is why I asked.

Mr. Braff stated you are correct, it is not on here. These are not construction drawings, but absolutely yes, the site will be grounded, and that level of detail will be in the next round of drawings, when we actually apply for the building permit.

Mr. Heady asked so you will have those drawings at the next meeting, is that what you're saying?

Mr. Flandreau stated he is saying that it is going to be on the application for a building permit, if this is approved for a Special Permit, and it will be submitted through the Code Enforcement for their review, and for the Engineering Department.

Mr. Braff stated that is correct.

Mr. Reber asked do we have a letter from the Engineering Department stating that the response that was sent March 13<sup>th</sup>, properly answered the questions that they were asking?

Mr. Flandreau replied I don't have an actual memo from the Engineering Department, but I did talk to the engineer, who reviewed it. The only comment he had at that time was he was concerned about the monifold being only 100 feet from the building, when the monifold is 140 feet, but I don't think he took into account that there is a breakpoint halfway up so it is only going to break 70 feet, and that will still give you 30 feet from the building. That was there only concern that he commented about.

Mr. Seirmarco stated I would feel comfortable for our records to see something in writing that they are satisfied with the information before we close on this.

Mr. Flandrea stated no problem, I will get something from them.

Mr. Mattis asked if there were any other comments from the Board? He then asked if there was anyone in the audience who wanted to speak? He stated once we get that review back, then I think we will be ready to act on this at the next meeting.

Mr. Reber made a motion in Case No. 69-05 to adjourn the case to the April meeting, seconded by Mr. Douglas with all voting "aye."

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CASE NO. 15-06 CINGULAR WIRELESS SERVICES INC. for a Special Use Permit for a wireless telecommunications facility on property located at 5742 Albany Post Rd., Cortlandt Manor.

Mr. Chris Fisher, Esq. from the law firm of Cudey & Fader appeared before the Board. He stated I am here on behalf of the applicant. This application you have seen previously, this was approved by a Special Permit by your Board. Our proposal is to co-located on it. We are looking to put 12 antennas on it at the 120 foot level of the tower in very much the same configuration as Sprint did. You have sets of plans. The antennas are proposed to go 10 feet below Sprints, which is a typical separation. They will be very much the same configuration in terms of the number of antennas, the type of platform that was previously approved. The equipment that Cingular uses is also very much the same as Sprint uses. They are equipment cabinets on a concrete pad. In this particular case, Sprint has a 30' x 30' compound for the tower, and it also reserves space within that area for Nextel, because as you probably know Sprint, and Nextel merged so at some point there will be official equipment for Nextel there, which of

course would be subject to an application before your Board. We in terms of coming to an agreement with both the property owner, and Sprint have proposed a 10' x 30' expansion on the compound, basically to the rear of the property, it is highlight here in the drawings. It basically just expands the 30' x 30' compound to a 40' x 30' compound, same fence detail, and same basic equipment. Obviously, from my client's perspective they are trying to provide service very much the same way as Sprint is, and when you move out of the City of Peekskill moving north, there is not another site for awhile, near the Putnam County border. If you look at the coverage plots that were submitted, which are behind Tab C, Exhibit 2, that is identifying the Cingular site as #629, and that is in the Town of Philipstown, it was a monifold pine facility about 100 feet tall approved by the Zoning Board there about five years ago, or so.

Mr. Klarl asked a monifold pine means an artificial tree?

Mr. Fisher replied yes. I submitted with the application a number of materials that I thought you might feel relevant, our lease agreements, the application forms, the RF studies, an accumulative analysis of the FCC emission requirements.

Mr. Mattis stated we can cut this much shorter than our normal approvals, we're concerned with what's going on the pole, and primarily with the equipment, where that is located, and I think we should send that to our Engineering Department for their review also.

Mr. Douglas stated another issue that came up at the work session is why the building permit has no CO issued to what we previously approved.

Mr. Flandreau stated we have looked into it, and still haven't figured out why they haven't called for the final inspection on that. We will be getting in touch with them on that.

Mr. Klarl stated so can call for a DOTS review on two levels. Number one, to look at this application, and number two, to look at the CO by the previous applicant.

Mr. Heady stated Mr. Fisher I need to ask you the same thing I asked the previous applicant, on the ground, and I will tell you why. A couple of years ago I had work done at my house, and the electrician put two 8 foot copper drives into the ground, now here you show ground on here that doesn't go anywhere, is this going to be put on the plans here?

Mr. Fisher replied I will have to have my engineer answer that. He is here.

Mr. Paul Pape' appeared before the Board. He stated I am with the firm of Pape' Engineers & Construction, we prepared the plans. He asked what are you currently asked about?

Mr. Flandreau replied he is looking at the plans, the fence detail, S2.

Mr. Pape' stated yes, if I may reply with due respect, the grounding requirements essentially between carriers is essentially the same. The first thing we want to protect is the structure from

heightened ground since the monifold stands so high above the ground. The monifold essentially, currently has an existing ground between 3, and 4, 10 to 15 foot copper ground connected with a solid tin copper wire. Then at the equipment cabinets, a similar ground ring is also prepared per carrier, one around each carrier. One would be around the proposed Cingular, and there is one around the existing Sprint. It is also required to a greater extent than even to what your house services grounding requirements are so that the antennas function as they should. They're very sensitive to the low power, and they're very sensitive to fluctuations in ground potential. The fence detail area is really shown more as a site plan requirement to demonstrate that we proposed to fence the compound extension in a similar fashion to what exists. It is Sprints, and Cingular's grounding requirements that any object within 6 feet of a grounded object also be grounded. So normally things like the equipment cabinet, monifold structure themselves, other metallic objects such as fence posts be bonded together, and then tied together with those existing grids.

Mr. Heady stated you explained it very well. What I'm getting at is on the drawing it doesn't show it on here at all, am I right?

Mr. Pape' replied that is correct.

Mr. Heady stated it seems to me that it should be on there. You want us to approve this, am I right?

Mr. Pape' replied yes, I would for a zoning perspective. We wouldn't plan a building from these particular sets of plans. They would be augmented in a fashion to show the specific electrical connections, and telephone connections, etc. I think it was our intent that we didn't want to inundate you with information that might be considered superfluous for the purpose of this evening.

Mr. Heady stated we have to look out for the people too, especially if there are kids or something around there, they could get hurt real bad.

Mr. Pape' stated yes, I agree wholeheartedly with your concerns that the public is protected from shock, or things of that nature, and I can assure you that in addition to public safety the functionality, and the operation of the antennas themselves are both requirements of paramount in each carriers objective.

Mr. Heady asked well eventually will you be bringing us a sketch of that?

Mr. Pape' replied in a response similar to what was offered before I think that I can assure you that I know those grounding details will be on, if this application is approved, and the drawings are advanced to a building permit. They will appear on building permit drawings.

Mr. Mattis stated so the Code Enforcement, and the Engineering Departments will see that, and wouldn't grant a building permit unless that is satisfied.

Mr. Heady asked in the conclusion here I was matching the plans up, and I noticed there is no engineer's approval. No engineer has checked this out, and signed it. The other company's has a stamp on it.

Mr. Fisher asked are you referring to I think exhibit D?

Mr. Heady replied yes exhibit D, page 6.

Mr. Fisher stated there is no stamp, because that is the compliance statement for FCC emission purposes, and it is actually not a professional engineer, or a structural engineering question, it's actually done by a radio frequency engineer. There is no licensing for it. So it is just a calculation done to show that we comply, but it's not something that we can seek out a professional engineer to seal in the state of the art form.

Mr. Heady stated the reason I picked it up is because the applicant before you had a seal.

Mr. Fisher stated yes, their attorneys have everything sealed to make sure that they can represent that somebody put their stamp of approval on it.

Mr. Mattis asked if there were any other comments from the Board? He then asked if there was anyone in the audience who wanted to speak?

Mr. Reber stated I just want to make a comment before we adjourn this, that we did approve this monopole when they came before us originally. So we are obviously familiar with the site, and I think that certainly what they're proposing is consistent with what we anticipated, since we insist on co-location so there wouldn't be additional towers, the addition of the base station as proposed, again is reasonable based upon the site inspection that we had previously done. It is the appropriate way to expand it. So I would have no trouble approving this. It is just a matter of working out the engineering details with DOTS.

Mr. Reber made a motion in Case No. 15-06 to the April meeting, seconded by Mr. Heady with all voting "aye."

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CASE NO. 67-05 MICHAEL JONES- BEY for a proposed two lot sub division that would require lot width variances for two proposed lots, and front yard variance for existing dwelling on proposed lot 1 on property located at 210 Red Mill Rd., Cortlandt Manor.

Mr. Mattis recalled Case No. 67-05. He stated there is no one here now for this case. We had sent them a letter. They have not shown up, or contacted us one other time, and we told them if they did not contact the Town asking for an adjournment, or show up here tonight, then we would consider the case abandoned.

Mr. Becker made a motion in Case No. 67-05 to deem the case abandoned, seconded by Mr. Seirmarco with all voting "aye."

Mr. Douglas made a motion to adjourn the meeting, seconded by Mr. Reber with all voting "aye."

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Christine B. Cothren