

VILLAGE OF WOODBURY  
PLANNING BOARD MEETING

DECEMBER 10, 2008

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VILLAGE OF WOODBURY

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**VILLAGE OF WOODBURY  
PLANNING BOARD MEETING**

**DECEMBER 10, 2008**

**HELD AT VILLAGE HALL  
455 ROUTE 32, HM  
(HM FIRE DISTRICT BUILDING)**

PRESENT: G. Sewitt, Chairman  
T. Bompensiero  
M. Hunter  
S. Conroy  
L. McNeill  
D. Lindsay  
S. Turner  
R. Golden

Chairman Sewitt opened the meeting with the Pledge of Allegiance and a moment of silence for our Armed Forces and all others in harm's way.

**MINUTES**

M. Hunter made a motion to accept the minutes of November 19, 2008 as written. S. Conroy seconded the motion. The vote was as follows:

G. Sewitt - In Favor  
T. Bompensiero - In Favor  
M. Hunter - In Favor  
S. Conroy - In Favor  
L. McNeill - In Favor

Chairman Sewitt wanted to discuss the meeting of December 17th, as he said it appeared that three Board members would not be able to attend. This means there would not be a quorum for this meeting. M. Hunter made a motion to cancel the meeting of December 17, 2008. S. Conroy seconded the motion. The vote was as follows:

G. Sewitt - In Favor  
T. Bompensiero - In Favor  
M. Hunter - In Favor  
S. Conroy - In Favor  
L. McNeill - In Favor

**CARRYOVERS & RESOLUTIONS**

**TIMBER TRAIL - TAX MAP 237-2-1.21 & 4.11**

Chairman Sewitt explained that this was to be a review of a draft resolution for preliminary approval of a proposed 8 lot subdivision located on Route 32 and Timber Trail in Highland Mills. Before he began reading the Specific Conditions, S. Conroy had a question on page 3 under the heading Lots and Units. She said that originally the subdivision was for six lots because the homes were going to be on septic systems. That application lapsed, and the new application was for 8 lots on municipal sewer. However, now that sewer is not available, she asked if the approval would have to be for six lots. R. Golden explained that this is a preliminary approval.

TIMBER TRAIL - TAX MAP 237-2-1.21 & 4.11 (cont.)

Because of the lawsuit by the Village of Kiryas Joel against Orange County, the Village of Woodbury and its Planning Board do not have the authority to approve new hookups to the County system. Although the Planning Board had reviewed 8 lots and felt that they would be appropriate if hooked up to the sewer system they cannot, at this time, approve these 8 lots as shown. R. Golden said the Board could approve six of the lots, but only for purposes of preliminary approval. Prior to final approval, the Board will have to revisit the issue. If there is no sewer hookup available at that time, the applicant will not be allowed to receive final approval for any more than six lots. The lots will then have to be reconfigured, to decide which of the six lots can be approved. This preliminary approval will allow the applicant to proceed with obtaining whatever other approvals are necessary. If the stay is lifted before they return for final approval, they won't have to start all over again, and the Board can approve the 8 lots proposed.

Chairman Sewitt then began his review of the resolution beginning with the Specific Conditions. S. Turner had some comments regarding Sketch C which was to be attached to the resolution. He said the sketch attached was not the right one, as it did not show the trees that the applicant had proposed. This was corrected, and the correct sketch will be attached to the resolution.

Dave Higgins, engineer for the project, questioned the condition regarding ridge preservation. It was discovered that none of the development lies within the ridge preservation area. R. Golden will remove any language regarding materials to be submitted for ridge preservation, but leave the language dealing with materials to be submitted for Architectural Review Board.

With regard to condition number 7 regarding the HOA and the drainage district, R. Golden pointed out that the applicant never had intended to have an HOA. Therefore, he will remove the reference to the HOA. However, he will leave in the language that the drainage area will need to be offered for dedication to the Village. If the Village does not accept this, the applicant will need to return to the Planning Board with an alternate mechanism for maintenance of these facilities.

Chairman Sewitt finished his review of the resolution and then asked for a motion to allow the resolution to go forward, and authorize the Chair to sign it. T. Bompensiero made the motion. Before there could be a second, M. Hunter had a question regarding the road. She wondered if the road would be offered for dedication, or would it be a private road. R. Golden said that the road could not be offered for dedication until the Board actually approves the creation of the subdivision. M. Hunter asked if there should be a condition that the road be accepted, along with the drainage area, or the applicant would need to return to the Planning Board. She was concerned that the Village would not accept the road and an easement would be necessary. R. Golden felt that it would be unlikely that the Village would accept the drainage area and not the road. He said he could put something in the resolution regarding any easements that may be necessary for the drainage area. However, he said that if the Village does not accept the road, then the applicant will build the road as a private road, following Village specifications. If they want to build a road that varies from the Village specifications, they will need to return to the Planning Board.

At this point, T. Bompensiero reiterated his motion to approve the resolution and authorize the Chairman to sign it. Before a second could be obtained, M. Hunter said that she would like to see the language one more time before the Chairman signs it. A discussion ensued, after which S. Conroy seconded the motion, which no longer included the Chairman's signature. Chairman Sewitt then asked for a vote. Before a vote could be taken, R. Golden wanted some clarification as to what, exactly, the Board was proposing.

TIMBER TRAIL - TAX MAP 237-2-1.21 & 4.11 (cont.)

Chairman Sewitt explained that they were authorizing R. Golden to make the changes to the resolution, but the Board wanted to see it one more time prior to the Chairman signing it. R. Golden then said that if the Board does that, the applicant will be entitled to a default approval, as the 62 day time limit will have passed. This would be the last meeting for a vote, unless the applicant waives the 62 day time frame. A discussion ensued, during which R. Golden suggested that the Board could take a ten minute break while he crafts the necessary language for the Board to approve this resolution this evening. The Board did exactly that and discussed the next agenda item.

LEGACY RIDGE - TAX MAP 203-1-1.11 & 12.5

Chairman Sewitt explained that this was to be a review of a revised draft resolution of preliminary approval for a proposed 287 lot subdivision located on Smith Clove Road and Trout Brook Road in Highland Mills. He said the applicant had requested to be taken off of this agenda, and placed on the next available agenda. The applicant has also waived the 62 day time frame from the close of the public hearing for approval of this resolution. He then asked for a motion from the Planning Board that they agree to accept and agree that the applicant is waiving the 62 day rule. L. McNeill made the motion. M. Hunter seconded the motion. The vote was as follows:

G. Sewitt - In Favor  
T. Bompensiero - In Favor  
M. Hunter - In Favor  
S. Conroy - In Favor  
L. McNeill - In Favor

TIMBER TRAIL - TAX MAP 237-2-1.21 & 4.11 (cont.)

The Board then returned to it's review of the draft resolution of preliminary approval for Timber Trail. R. Golden then read the proposed new language for condition number 7 which dealt with the formation of a drainage improvement area and associated easements, along with a cash bond for emergency maintenance of this drainage improvement area. The cash bond will be determined by the Village Board, if it so desires. The condition also stated that, if the Village Board does not adopt a drainage improvement area the applicant must, prior to signing the final plat, obtain approval from the Planning Board for a mechanism to assure proper and long term maintenance of such drainage facilities. The formation of the drainage improvement area must be done before final approval.

All other motions were rescinded, so T. Bompensiero made a motion accept the resolution as revised this evening, and authorize the Chairman to sign it when completed. L. McNeill seconded the motion. The vote was as follows:

G. Sewitt - In Favor  
T. Bompensiero - In Favor  
M. Hunter - In Favor  
S. Conroy - In Favor  
L. McNeill - In Favor

**VERIZON - CEMETERY OF THE HIGHLANDS - TAX MAP 218-2-2**

Chairman Sewitt explained that this was to be a review of a draft resolution of approval to co-locate an additional antenna and accompanying equipment shelter on property located at 640 Route 32 in Highland Mills. He then cited a letter that had been received from the Chief of Police requesting that the Board make a provision in their resolution in case there is some type of interference with this radio frequency and the County emergency radio frequencies.

R. Golden said that he had received this letter also, and forwarded it on to the attorney representing Verizon Wireless. The attorney had no problem with making this a condition of the resolution of approval. He was also very confident that there will be no such interference. He added that it is Verizon's policy that if there is any such interference, Verizon will fix the problem.

R. Golden also noted that the Board had previously had authorization for Verizon to come before them, however, the authorization did not come from the owner of the property. He said this error was noticed by M. Hunter. He said he now has a copy of the land lease agreement and has been able to review it. He said, from his review, it is clear that Verizon has the authority to come before the Planning Board to obtain whatever approvals are necessary.

R. Golden also pointed out that throughout the document all references to "Verizon" should be "Verizon Wireless".

Chairman Sewitt then reviewed the resolution beginning with the Specific Conditions. After his review, M. Hunter made a motion to accept the resolution with the changes made this evening, and authorize the Chairman to sign the final copy. T. Bompensiero seconded the motion. The vote was as follows:

G. Sewitt - In Favor  
T. Bompensiero - In Favor  
M. Hunter - In Favor  
S. Conroy - In Favor  
L. McNeill - In Favor

**KFC/TACO BELL - HARRIMAN COMMONS - TAX MAP 225-1-16.13**

Chairman Sewitt explained that the next item on the agenda was a review of a draft resolution for ARB approval for proposed alterations to the exterior of an existing building and accompanying signage, located within the Harriman Common Shopping Center. He then began his review of the resolution, beginning with the Specific Conditions.

There were no changes proposed for the resolution, so M. Hunter made a motion to accept the resolution as written, and authorize the Chairman's signature. T. Bompensiero seconded the motion. The vote was as follows:

G. Sewitt - In Favor  
T. Bompensiero - In Favor  
M. Hunter - In Favor  
S. Conroy - In Favor  
L. McNeill - In Favor

## REGULAR AGENDA

### D'AMICO - TAX MAP 228-9-3

Chairman Sewitt explained that this was to be a discussion of a proposed two lot subdivision located at 111 Summit Avenue in Central Valley. He then asked the applicant to give the Board an overview of the project.

Jonathan Cella from Zimmerman Engineering appeared on behalf of the applicant and explained that the proposal is for a two lot subdivision of a 2.1 acre parcel in the R1-A zoning district. The property is located on Summit Avenue and Oak Concourse. There is one existing residence on the parcel and one proposed building lot. Both lots will have access onto Summit Avenue, and both lots will be serviced by Town water and on-site septic. He added that the building lot is going to be conveyed by the owner to his daughter. He said, as the proposal currently stands, there are three area variances needed. One would be for the area of the building lot. The other two would be for side yard setbacks.

Chairman Sewitt reminded the applicant that this Board is not in a position to authorize variances. He then asked D. Lindsay for his comments. D. Lindsay said the applicant is aware that they need a referral to the ZBA. He also noted that, with regard to the water supply, the applicant is proposing to tap into the water lines that are to be constructed by Summit Developers, LLC. He said that project has been approved by the Planning Board, but there is no scheduled time for this development to occur. This water connection will need to be established, and some sort of agreement reached with Summit Developers before this Board could approve this subdivision.

D. Lindsay also had an issue with the on-site septic. He wondered if the lot line change would encroach on the location of the septic system. He asked that this be researched further by the applicant.

S. Turner pointed out that this property lies within the ridge preservation area.

S. Conroy the made a motion to authorize D. Lindsay to prepare a memo referring this application to the Zoning Board of Appeals. L. McNeill seconded the motion. The vote was as follows:

G. Sewitt - In Favor  
T. Bompensiero - In Favor  
M. Hunter - In Favor  
S. Conroy - In Favor  
L. McNeill - In Favor

### SWILLER/RAANANAH PARK - TAX MAP 204-1-12

Chairman Sewitt explained that this was to be a discussion regarding the conversion of a seasonal use to a year round occupancy dwelling. The property is located within Raananah Park at 23 Raananah Road in Highland Mills. He then asked the applicant to give the Board an overview of this project.

SWILLER/RAANANAH PARK - TAX MAP 204-1-12 (cont.)

Representing Raananah Park was Nahum Bachrach, president of Raananah Park. Also in attendance was the applicant, Jonathan Swiller, who resides at 23 Raananah Road. Mr. Bachrach said that he had received a memo from Riddick Associates with a number of comments, and needed input from the Planning Board as to how they would like him to proceed.

At this point Chairman Sewitt asked D. Lindsay for his comments. D. Lindsay said that the code has specific language regarding conversion of seasonal dwellings under section 310-26. He said there were a certain number of points that he went over in the code and gave the Board his opinion of what was submitted by the applicant, and what would need to be reinforced by the applicant in terms of additional proofs, so that the Board would have sufficient information to know that the applicant had complied with the requirements.

The first point D. Lindsay brought up was that lots have to be on a public road. The code says, "a road suitably improved to the satisfaction of the Village Board." He said the applicant really did not provide any information regarding the cross section of the road, and only has general knowledge of how the road is constructed. He said information was provided on the width of the road, and that it was thirteen or fourteen feet wide. The applicant will need to appear before the Village Board for their authorization that the road is satisfactory.

The second point was that the lot must be served by Town water, or such other water system as meets New York State Department of Health requirements. He said the applicant did provide the results of a water test and the water quality is satisfactory.

The lot also must be served by a central sewer system or an individual septic system that meets Department of Health requirements. D. Lindsay said the applicant had provided some information that was noted in his report to the Board. He said it was good information. They also had a professional come and pump out the septic tank, and give his opinion about various items that he could observe. He said it all looked good and the system may be fine. However, normally a stress test is done on the system when they have no additional information. This is done particularly with older systems by placing a large amount of water through the system that has dye in it. If any of the dye surfaces, then you know there is a problem with the system. If there is no evidence of dye then the system has no problems.

The lot has to comply with New York State building codes. This is a matter for the Building Department, not the Planning Board. This will be made a condition of approval.

The last point D. Lindsay covered was that the property would have to meet the density requirement for the zone. This property is in the R2-A zone. He said his calculations show that they currently have one unit per one and a half acres, gross. Most of these units are not approved for year round use. The two units that are year round would be well under the density requirements of the zone. He deferred to R. Golden for advice on whether this would comply

D. Lindsay also said there was a minimum square foot requirement in the code. He thought the requirement was 1,000 square feet. He did not know the size of the current dwelling. He said if it was over 1,000 square feet the Board would not need to deal with it at this time.

D. Lindsay also said the lot is in the ridge preservation area. However, since the home already exists, the Board could waive the requirements for ridge preservation in this case.

SWILLER/RAANANAH PARK - TAX MAP 204-1-12 (cont.)

R. Golden then said that, with regard to the points in D. Lindsay's memo, he agreed that the applicant would need to provide more information with respect to the existing structure so that the Village Board, with the assistance of the Village Engineer, could determine the adequacy of the existing access to the site.

With regard to the water supply, R. Golden felt that the Planning Board should consider whether the water supply was adequate and safe before they consider approving this application. He did not feel that this should be made a condition of approval. He also said the same for the septic system, and felt that there should be proof given by a professional engineer that the system is adequate and safe. This should be required before any approvals, and also not simply made a condition.

R. Golden said that the requirement that the structure meet the building code could be made a condition of approval. With regard to the floor area of the dwelling, he suggested that G. Thomasberger could confirm that it either is within the code, or it is a pre-existing non-conforming use.

With regard to ridge preservation, R. Golden said that no exterior modifications are being proposed in connection with this application. He suggested a condition in the resolution stating that there are no exterior modifications being approved, and that any future modifications would need to come back to the Planning Board for ridge preservation review.

R. Golden also agreed that this would be considered a Type Two action under SEQRA.

There was some discussion regarding the access to the site. R. Golden said that the Board should get input from the emergency service providers, and use that information to make its determination as to the adequacy of the existing road. Mr. Swiller assured the Board that there was a yearly contract for snow plowing for the road. He also said that a modular home had been constructed further into Raananah Road than his house and an 18 wheeler had to carry it in. The load was larger, wider, and heavier than a fire truck. He said the vehicle was able to pass his home, do a sharp turn and continue on down the road with no problem. R. Golden said that normally D. Lindsay would write a letter to the emergency service operators and ask for their input. Sometimes their response is in writing, other times it is simply verbal. D. Lindsay suggested that in this case he would ask for a reply in writing.

Mr. Swiller then said that he had done an open tank test on his septic system and was told by G. Thomasberger that this would be adequate. D. Lindsay will discuss this with G. Thomasberger. R. Golden said that the applicant would need to comply with the items in D. Lindsay's memo, as well as providing the information discussed this evening. He said he would contact G. Thomasberger regarding the pre-existing non-conforming matter. D. Lindsay suggested that the applicant retain the services of a professional engineer to help with the matter of the septic system.

With regard to the roadway, Chairman Sewitt suggested that the Board do a site visit to see the road for themselves. It was decided that the Board would do a site visit at 8:50 next Saturday morning.

SWILLER/RAANANAH PARK - TAX MAP 204-1-12 (cont.)

R. Golden suggested that, in order to keep the process moving along, this item be placed on a particular agenda. It was decided that the matter would be placed on the agenda for either the first or second meeting in February which would be the 4th or the 18th, depending on when the necessary materials are received.

FUENTES - TAX MAP 246-1-36 & 41

Chairman Sewitt explained that this was to be a discussion of a proposed modification to a cluster subdivision map to develop open area A. The property is located at 2 and 34 Highland Woods Boulevard in Highland Mills. He then asked the applicant to give the Board an overview of the project. Jay Miro, attorney for the applicant, appeared and explained that a subdivision was created in 1984 with four lots that showed proposed dwellings, and two lots that are designated as "open area A" and "open area B". He added that there was a map note that referred to these open areas and he then read it to the Board. The note read, "open area A and open area B, as well as other lands of Highland Sand and Gravel Inc as shown hereon are not approved for building lots." He said there is a road through the middle which goes back to an area that says "other lands of Highland Sand and Gravel". Mr. Miro said the lots had gone through a number of tax sales. Mr. Fuentes bought the lots in 1995. Since that time he has approached the Town and the Village at various times to develop these lots. He said the Building Inspector, Gary Thomasberger, had issued a letter of opinion to Mr. Fuentes advising him that, based on his knowledge, these lots were to remain forever green. The applicant then took that letter and appealed to the ZBA for an interpretation. Prior to the ZBA decision the applicant attempted to withdraw their application. The ZBA chose not to allow them to withdraw their application, and rendered a decision stating that G. Thomasbergers interpretation that these were not buildable lots was, in fact, correct. The applicant then filed an Article 78 action in the Supreme Court challenging the ZBA's determination. This action asked that the court set aside the determination of the ZBA because the applicant had formally withdrawn the application in a timely manner. They then asked the court to interpret the map note to see whether it rendered the lots not buildable. The court ruled that the applicant had withdrawn their application with the ZBA in a timely manner, so the ZBA decision was null and void. However, the court also said that they had not exhausted their administrative remedies and said they would need to appear before the Planning Board to have the map note amended or interpreted. That is why they are before the Planning Board this evening.

S. Conroy explained that there was an additional 26 acres that was also to remain forever green and the Town was successful in purchasing this property for back taxes. She said the two lots in question had been reduced in the amount of taxes to be paid because it was believed that they were to remain unimproved lots. This information was obtained from the tax assessor's office. R. Golden was not aware of any dedication of a conservation easement for this land, and he did not think these two lots were in the nature of park land that would require special action before the land could be developed. S. Conroy said it was not park land, but the developer was allowed to cluster the proposed development because a certain amount of open space would be left. R. Golden pointed out that the Board is actually faced with an old, approved subdivision with map notes saying these lots could not be built upon. The applicant now is asking the Planning Board to modify the approval so the lots can be developed. He said if the Planning Board felt that these two lots could be developed without any adverse consequences they may want to modify the map note and permit some development to occur. The extent and the nature of such development will be controlled by the decision of the Planning Board.

## FUENTES - TAX MAP 246-1-36 & 41

A discussion ensued during which the Board members expressed the opinion that further research would need to be done. They wanted to see if they could ascertain the rationale that the prior Planning Board used in determining that this note be placed on the map. R. Golden agreed that the Planning Board could request minutes of previous meetings concerning this subdivision to aid them in making their decision.

The discussion continued. Mr. Miro had materials that he wished to distribute to the Board members. He was told that he should submit them to the Building Department to be stamped and dated. Copies will then be made for each of the Board members.

S. Turner agreed that the Board would need further information to determine if these lots were part of a system of open space that was proposed for the development. Mr. Miro said he could get the Board more information, but added that the resolution of approval had no conditions.

D. Lindsay explained that, in a cluster development, applicants are allowed to have smaller lots if they agree to leave open space. He asked the applicant if he had a case for taking a cluster development that dedicates open space and smaller lots and coming back to ask for the open space lots to be developed. Mr. Miro said the map does not describe what a cluster subdivision is, nor does it describe that there is open space that must remain forever green. He said it doesn't say anything other than the map note that they are not buildable lots. He also added that the note does not say they are not buildable lots. It says they are not approved as building lots. S. Conroy said that the map was missing the piece with the 26 acres that wrap around. She felt the Board should see the entire subdivision proposal, not just these two lots.

The discussion continued. Chairman Sewitt finally said that the Board would need a clearer picture of this proposal before making a decision. He asked for copies of minutes and maps which show the entire subdivision. R. Golden added that D. Lindsay and/or S. Turner will look into the code and how it existed at that time. This will help the Board to make a more informed decision.

M. Hunter also noted that the Board only received a copy of one map, even though the application refers to open area A and open area B. It was discovered that the applicant did submit two maps. However, the maps are almost identical and the Board members only received one. D. Lindsay also noted that the applicant would need to submit a copy of the filed map.

At this point the discussion was over. Chairman Sewitt then asked for an attorney/client meeting. This meeting lasted from 9:45 to 9:50 p.m.

## SUCCESS MARTIAL ARTS/PREIRA - TAX MAP 226-1-5

Chairman Sewitt explained that this was to be a discussion of a revised site plan, with possible setting of a public hearing for Success Martial Arts Center to be located in an existing structure on property located at 140 Route 32 (formerly the Woodbury Diner). He then asked the applicant to give the Board an overview. Aliece Terhune, an attorney with Jacobowitz and Gubitz appeared on behalf of the applicant. She said that a site visit had been done. As a result the site plan had been revised. Mr. A.J. Copolla then gave the Board a presentation showing the building as it currently exists, and how they would change the landscaping in the front of the building. He also explained that G. Thomasberger had made a determination that the vestibule in the 50' open area is permitted, as is the parking in front of the building. This parking will be for employees only. There will also be a landscaped berm around the perimeter, to the edge of the pavement. Mr. Copolla said they had sent a letter to the DOT but as yet have received no reply.

SUCCESS MARTIAL ARTS/PREIRA - TAX MAP 226-1-5 (cont.)

Mr. Copolla said they will not be doing any work in the DOT right-of-way.

At this point Chairman Sewitt asked D. Lindsay to review the comments in his technical memo. The first item D. Lindsay wanted to discuss was zoning. He said the Board had authorized this applicant to be referred to the ZBA if necessary, depending on G. Thomasberger's determination. G. Thomasberger made a determination that this was a permitted use in the zone, so no use variance was needed. He also made a determination that the parking and the vestibule in the front fifty feet, as well as the side yard, were existing conditions. As long as the applicant does not exacerbate those conditions by increasing the amount of non-conformity they can remain as they are. D. Lindsay said it was his opinion that this application is properly before the Planning Board, and that they can proceed.

D. Lindsay asked about the existing sign. Mr. Copolla said they would utilize the existing sign, but change the wording on the panel. There will be no changes in the square footage.

D. Lindsay also suggested that comments be obtained from the Fire Department because of the public occupancy. He added that there are two fire hydrants in close proximity to this building.

D. Lindsay also suggested that the Board require that the storm water drainage system be cleaned and inspected, as the site has not been used for quite some time and there has been a lot of construction equipment on the site.

With regard to the entrance on Route 32, D. Lindsay said the applicant intends to continue using this entrance. He also noted that there is currently a grassed area to the south of the entrance. The applicant is proposing to place striping on the pavement in this area. He was not sure how effective this would be. He noted that the applicant shows a berm further to the north of the structure where the existing parking is. He suggested the same thing be done on the south side. D. Lindsay said that normally he would recommend extending the curb. However, he understood that the applicant did not want to intrude on the DOT right-of-way. Mr. Copolla said the DOT has the drawing already, and will most likely have some comments of their own regarding the entrance. The Board members agreed that a berm on the south side would add symmetry to the site by matching the berm on the north side. S. Turner added that emergency vehicles have enough ways to access this site, so a berm would not interfere with emergency access.

R. Golden discussed the easements that had been shown and said that one of the easements was unnecessary. He suggested that there be a condition of approval stating that there will be a new superceding easement which eliminates the filed easement and, instead, requires the applicant to file an easement with the County Clerk. This easement will show the metes and bounds of the sewer easement that is already indicated on the plans.

D. Lindsay also cited an offer of dedication for Turner Road. He said that dedication should be perfected at this point.

With regard to the parking lot, D. Lindsay recommended that the entire lot be paved, especially because of the storage of heavy equipment. Ms. Terhune said that the contractors that are storing the equipment had agreed to restore any parts of the parking lot that they had damaged. R. Golden suggested that the applicant get an estimate of how much it would cost to pave the parking lot, and then ask the contractor to contribute a share of the cost. Chairman Sewitt also pointed out that the Board would be asking them to stripe the parking lot. This will be easier to accomplish on a new surface. It will also be easier to maintain.

SUCCESS MARTIAL ARTS/PREIRA - TAX MAP 226-1-5 (cont.)

S. Turner felt that the landscaping may have some areas that need to be filled in. He said that in the past the Board has waited until a project is further along, and does an inspection prior to the Certificate of Occupancy. He suggested that this could be done here also. S. Turner also wanted to see the applicant's plans for the area beyond the paved parking area. He requested that this be shown on the plan.

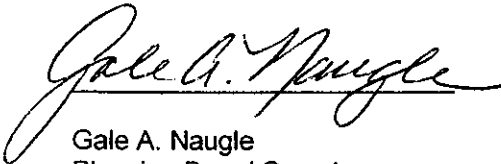
S. Conroy wanted the record to reflect that there had been a response from the County Department of Planning 239 review. Their recommendation is to approve, and that this is a matter for local determination.

M. Hunter then made a motion to authorize the Chairman to set a public hearing when all necessary paperwork is submitted and the consultants say it is ready. S. Conroy seconded the motion. The vote was as follows:

G. Sewitt - In Favor  
T. Bompensiero - In Favor  
M. Hunter - In Favor  
S. Conroy - In Favor  
L. McNeill - In Favor

There was no further business for the Board to conduct, so S. Conroy made a motion to adjourn the meeting. M. Hunter seconded the motion. The vote was unanimous and the meeting was adjourned at 10:30 p.m.

Respectfully submitted,



Gale A. Naugle  
Planning Board Secretary