

1. EDEN WOODS – SBL# 20-1-3.3 – Request site plan amendment from previous approvals for the caretaker, swimming pools, basketball courts and handball courts. Zone: R-1. Location: Zimmerman Rd., Loch Sheldrake.
  - Jay Zeiger, Kirk Rother, and Joe Ganz represented.
  - Jay Zeiger: This project is fully approved and well into construction. Kirk showed you some pictures, there are some houses there now. The approval is what you are looking at the bottom over here. The bottom Arthur is what was approved. Apparently, Kirk you should give the engineering proposal. The proposal is to move the pools where the tennis and basketball courts were, and move the tennis and basketball courts and the caretaker's house.
  - Arthur Rosenshein: Can you explain the engineering problem?
  - Kirk Rother: This is Eden Woods on Zimmerman Road. The pools were located the rear of the site. The biggest challenge is that is about 12 feet fill. To do that would be a difficult tasks.
  - Arthur Rosenshein: That was not existing in the original engineering?
  - Kirk Rother: The basketball courts were in the front adjacent to Zimmerman, they are looking to move the pools to the front where the basketball courts were, then move the courts by the community center.
  - Jay Zeiger; Then build a caretaker at that same location.
  - Kirk Rother: This pink box is a proposed caretaker house.
  - Irv Newmark: How is the caretaker getting in there? Separate driveway?
  - Kirk Rother: No he will just park here.
  - Irv Newmark: Okay. How about some heavy landscaping along the road over here, so you don't see the pool?
  - Arthur Rosenshein: The problem with the pool, let's face it. You don't put the pool next to the road, which was something we weren't thrilled with to begin with. You put it in the back which was fine. What height fence and what will it look like around that pool?
  - Joe Ganz: We don't need more than 8 foot fence.
  - Balsey Louckes: Are going for 2 story houses?
  - Audience: 1 story.
  - Balsey Louckes: 1 story plus the basement. How far out of the ground is the basement?
  - Joe Ganz: 4 feet.
  - Paula E Kay: What kind of landscaping do you plan to do by the fence?
  - Kirk Rother: We just talked about that. Suspecting that is going to be a common, we will put a wall of evergreen.
  - Arthur Rosenshein: What size?
  - Kirk Rother: What size would you like?
  - Mollie Messenger: The NYSEG went through and caught a bunch of stuff, there are wires overhead. You really need to look at what you can plant there. Also, the caretaker unit and the handball courts and all of that stuff, I don't know what you can plant there because they just cut everything down. You will have to be creative with landscaping around there.
  - Arthur Rosenshein: The site plan will say that the fence will be under 8 feet. What

will the fence be made of and what will it look like? We will want a design on that, something more than the usual ones we see perhaps. Something that looks visually, if not appealing, not obnoxious.

- Joe Ganz: The real question is are you opposed to the pools being moved?
- Arthur Rosenshein: I think we are realistic that the pools can be moved, we are talking conditions now.
- Joe Ganz: I am fine with a nice fence. It is going to be like (inaudible) I am assuming. That's what will stand up. We can color it whatever color.
- Irv Newmark: Not a gaudy looking color.
- Arthur Rosenshein: I think you better come back with an idea.
- Mollie Messenger: I think you will need that for the Zoning Board next week.
- Arthur Rosenshein: Regardless of what the Zoning Board does, if you don't meet the Zoning Board approval, we can't approve it if we wanted to right now. It's not in the zone. Your setback is not as per requested.
- Jay Zeiger: For next week Joe, we will bring a proposed design of the fence, maybe a picture. Maybe you will have landscaping.
- Paula E Kay: I suggest a very detailed landscaping plan.
- Gary Tavormina: From what I understand, the ZBA is restricting the height of the foundation to 2 and a half feet out of the ground. Is that true?
- Paula E Kay: I don't think.
- Gary Tavormina: I want to make sure they don't go to the ZBA and the ZBA says you only have 2 and a half feet out of the ground.
- Paula E Kay: There are no blanket conditions from the ZBA.
- Kirk Rother: We have been to the ARB five times regarding how far out of the ground these foundations are.
- Arthur Rosenshein: Yes it's become an issue, we call them mushrooms.
- Paula E Kay: What about density? Is there a density issue with the caretaker? Do you have the density with adding the caretaker?
- Mollie Messenger: The caretaker should have a shed.
- Kirk Rother: It is on here. It's in back.
- Irv Newmark: Is this the front? Where is the front of the caretaker's house?
- Kirk Rother: This way.
- Arthur Rosenshein: Is everyone okay with if the ZBA allows it, we will be okay with it given the landscaping is appropriate? You passed the hardest part. Now just make it look pretty so we can say yes.
- Mollie Messenger: Can we have an update on the rest of the project? Where are you at with the Department of Health, moving the road and water main and all that?
- Kirk Rother: What do you mean by moving the road? When it is happening?
- Mollie Messenger: I am more concerned about the water main, but yes.
- Kirk Rother: The water main extension has been submitted to the Board of Health.
- Mollie Messenger: When did you submit?
- Kirk Rother: Like 6 weeks ago.
- Mollie Messenger: They didn't have it like a couple weeks ago, that's what makes me nervous.
- Kirk Rother: Will sent me back a signed notification of submittal.

- Mollie Messenger: You may want to check in on that.
- Kirk Rother: As far as the improvement to the corner of the road...
- Joe Ganz: At the same time.
- Mollie Messenger: I can't give any COs on the houses without the water main, I need the road to be done and the extensions to be done.
- Joe Ganz: That's not going to work?
- Mollie Messenger: No, I need all that paper work to be done.
- Jay Zeiger: What extension?
- Mollie Messenger: The other properties, you have to write the other properties, and move the road. All the stuff we talked about.
- Will Illing: Is that new road flagged so we know the limits of where that right of way is? It should be out on the site now so they don't build anything in the right of way.
- Kirk Rother: Who does that?
- Will Illing: The developer.
- Kirk Rother: I don't understand what you mean by that.
- Will Illing: We have a new right of way going through there.
- Jay Zeiger: There was a deed. It's not a right of way.
- Will Illing: Whatever you want to call it. That needs to be flagged now, while you are building construction on your site, I want the bounds need to be marked so you know where to measure setbacks from.
- Jay Zeiger: He says it is already done.
- Will Illing: Let's make sure it is before mistakes are made.
- Kirk Rother: Everything on this whole site is being staked.
- Will Illing: That's fine, I am talking about that proposed road.
- Arthur Rosenshein: Who ends up owning the old road?
- Kirk Rother: We offered dedication to the Town.
- Arthur Rosenshein: They have taken it?
- Kirk Rother: I believe.
- Jay Zeiger: It's not to take yet because they have to do work. It turns out they are our client. I spoke to them, I don't think they care one way or another, they have agreed to own it.
- Mollie Messenger: It is small pieces of property, but all of that has to be changed and filed. We need to get working on that.
- Arthur Rosenshein: Alright, so go to the ZBA. You have gotten out of us what you needed.
- Kirk Rother: If the ZBA grants their variance, do we have to come back?
- Paula E Kay: Yes.
- Arthur Rosenshein: We want to see that landscaping, what the fence around it will look like.
- Joe Ganz: Do we get the approval for the caretaker's house?
- Paula E Kay: No, we need the density issue on the map.
- Joe Ganz: I believe the density is not an issue.
- Paula E Kay: We need calculations on the map.
- Balsey Louckes: Mollie, these houses are all single family houses. Down the line

they decide it is not enough room. Are they allowed to go up with these?

- Mollie Messenger: They can go up to 35 feet.
- Balsey Louckes: Right there becomes an issue for your pool, because it is no longer 8 feet. When you go up 2 stories, you need another pool fence because now you see in the pool.
- Joe Ganz: You should worry down the road.
- Balsey Louckes: No we have to worry now.
- Mollie Messenger: Joe you may need more than 8 feet. If you are 5 feet out of the ground, that first house may be able to see into the pool.
- Joe Ganz: Not from the road side.
- Mollie Messenger: I'm not talking about the road. I'm talking about from that house to your pool, you may need a higher sidewall. You're already 5 feet out of the ground with the house.
- Will Illing: It will be 8 feet above ground.
- Mollie Messenger: You might have issues there, before you put a restriction of 8 foot sidewalls, you might want to think that over.
- Balsey Louckes: Down the road, you may be thinking about this fence will have to be 14 feet.
- Jay Zeiger: Because it is a condominium development, there were restrictions put into the condominium declaration that prohibits anybody from doing work without approval from the association. If anybody wants a second floor, the condominium board was concerned about the...
- Balsey Louckes: They won't think about it down the road. They will give approval to do it then say we need a bigger fence. Then the people driving by are looking at a bigger fence. The condo board will say whatever you want.
- Joe Ganz: They have to come back here too.
- Balsey Louckes: They have to come back to the Planning Board, that's not a problem. They're going to go up and need a bigger fence.
- Jay Zeiger: We'll look at it. Mollie, when we submitted the ZBA application, we had this. You can see that this has been changed here. How do we get....do we just email you the updated?
- Mollie Messenger: Have the dimensions changed?
- Kirk Rother: No they are the same pool, for whatever reason...
- Mollie Messenger: The ZBA is doing a dimension, they will want to see what it will look like. If the dimensions haven't changed then it is kind of...
- Kirk Rother: Yeah the front setback is the same.
- Mollie Messenger: You're going for an area variance. They need to know the nominal distance. That is what they are looking at.
- Jay Zeiger: If you can email to me.
- Mollie Messenger: That's fine. So they have the right thing to look at, that makes sense.