

CONTINUATION OF PUBLIC HEARINGS:

Nathan Kahn as Contract Purchaser – Application for Revised Site Plan for Previously Approved Special Exception in accordance with Sec. 10.D.4. of the Zoning Regulations – “Lakeside Townhouses”, 44 East Hayestown Rd. (#I09108) – SE #639. Public hearing opened 2/21/07 – 35 days were up 3/28/07. 35 day extension will be up 5/2/07.

Mr. Keller said he had listened to the tapes of the April 18th meeting, so he is eligible to vote on this.

Attorney Neil Marcus said they were close to resolution at the last meeting. There were no questions on any of the City comments that have been received. Rosemary Aldrich, the Landscape Architect and Randy States, the Geotechnic Engineer have both submitted sealed copies of their plans. Attorney Marcus said rather than making a presentation, he would like the Commission to just ask questions.

Mr. Keller asked if the neighbors had actually gotten more property with the installation of the fence. Attorney Marcus explained that the fence was moved closer to the construction site and away from property line, but that doesn't change any boundaries. Mrs. Emminger explained that because we do not regulate fencing, we usually recommend people install the fence far enough within their property line so they can maintain it from the other side without trespassing onto their neighbor's property. She said for this reason, it would look like Mr. Underwood was getting more property, but he is not and the applicant is responsible for maintaining the property on the other side of their fence. Mr. Keller asked Mr. States why there is no retaining wall. He said that the existing slope has performed well making the proposed slope longer to ensure stability. He said the units were moved farther away from property line to allow room for the water to drain. He added that they use materials that are designed to encourage the absorption of water. Chairman Finaldi asked if the Engineering Dept. is in agreement with Mr. State's recommendation. Mrs. Emminger said we have a satisfactory letter from the Engineering Dept. and the comments from that letter have been incorporated into the resolution. Mr. States said the work started today and he has an engineer on site giving him daily reports which he can copy the City on. Mr. Keller asked if they should be working now even though the hearing not closed. Mrs. Calitro explained that the Commission gave them the okay at the last meeting to start because the slope stabilization needs to be done as soon as possible. Mr. Manuel said his major concern is that the plants stay alive and are maintained. Mrs. Emminger explained that it is included in the maintenance plan that things must be replaced with same product within same growing season. Attorney Marcus said this will be included in the condominium declaration. Mrs. Emminger said it also provides that until the developer is responsible for this until the association is established.

Chairman Finaldi asked if there was anyone to speak in opposition and one person came forward.

Ron Underwood said since they put the fence up, he has more land to take care of and there is stuff on his lawn. He added that he does not want to have to take care of this additional space. Mrs. Calitro explained that the fence is not on the property line so it makes it look like there is stuff on his property, but it actually is on their property and they are responsible for it. Mr. Underwood said nobody is saying that they will maintain his side of the fence and all he wants

