

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, February 15th, 2017*. The meeting was called to order, and began with the Pledge of Allegiance.

David S. Douglas, Chairman presided and other members of the Board were in attendance as follows:

Wai Man Chin, Vice Chairman
Charles P. Heady, Jr.
James Seirmarco
John Mattis
Adrian C. Hunte
Raymond Reber

Also Present

Ken Hoch, Clerk of the Zoning Board
John Klarl, Deputy Town attorney

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ADOPTION OF MEETING MINUTES FOR JAN. 18, 2017

Mr. David Douglas stated the first item on the agenda is the adoption of the minutes for January.

So moved, seconded with all in favor saying "aye."

Mr. David Douglas stated the January minutes are adopted.

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CLOSED AND RESERVED:

- A. **CASE NO. 2016-10 New York SMSA Limited Partnership /d/b/a Verizon Wireless** for a Special Permit to install a wireless telecommunication facility on property located at **1065 Quaker Bridge Rd. East, Croton-on-Hudson, NY.**

Mr. David Douglas stated we have a draft Decision and Order and I'll turn it over to Mr. Klarl.

Mr. John Klarl stated thank you Mr. Chairman. We do have in front of us a draft Decision and Order and with my apologies to the audience it's about 5 pages. This is an application for a Special Use Permit for the installation of a wireless telecommunications facility consisting of the installation of a 140' monopole, with antennas for Verizon Wireless together with related equipment at the base thereof, in an approximately 5,457 sq. foot fenced equipment compound as detailed in the Site Plan dated January 12, 2016, for the property located at 1065 Quaker Bridge Road East, Croton-on-Hudson, NY. The property is approximately 48 acres, and located in the R-80 Residential Zoning District.

This application for a Special Use Permit is made under Town Code Chapter 277 ("Telecommunications Towers"), and specifically under Section 277-6 ("Special Use Permit Application and Other Requirements") which provides: "A. All applicants for a special use permit for a telecommunications tower shall comply with the requirements set forth in this section."

Chapter 277 ("Telecommunications Towers") was enacted by the Town Board in 1998 (as Local Law No. 4-1998). Section 277-4 provides: "The Zoning Board of Appeals of the Town of Cortlandt which is the officially designated agency or body of the community to whom applications for a special use permit for a telecommunications tower must be made..."

The owner of the property at 1065 Quaker Bridge Road East, Croton-on-Hudson, NY (in the R-80 Zoning District) is Danish Home for The Aged, Inc. The proposed Lessee of a portion of the property to be used for the wireless telecommunications facility is New York SMSA Limited Partnership d/b/a Verizon Wireless (a nationally recognized owner/operator of wireless telecommunications facilities).

It should be noted on this application:

1. The proposed Verizon Wireless antennas will be approximately 136' above ground level, mounted on a 140' tall monopole. Therefore, the Applicant's monopole is within the maximum height of Chapter 277 of the Town Code.
2. This application complies with Town Code Section 277-13 ("Lot size and setbacks"). Section 277-13(B) provides:

"B. Telecommunications towers shall be located with a minimum setback from any property line a distance equal to 1/2 the height of the tower or the existing setback requirement of the underlying zoning district, whichever is greater. Further, any accessory structure shall be located so as to comply with the minimum setback requirements for the property on which it is situated."

3. The proposed facility will be located entirely on the property owner's approximate 48 acre property.
4. Town Code Section 277-8 ("Shared Use") provides:

- A. Shared use of existing telecommunications towers shall be preferred by the Town...
 - B. An applicant intending to share use of an existing telecommunications tower or other tall structure shall be required to document the intent of the existing owner to share use.
5. Certain members of the public desired to have this Board review possible public health issues that may arise as a result of the radio frequency emissions generated by the cell tower facility. Without completely preempting the authority of Local Governments to make decisions regarding the placement of wireless communication facilities, the Telecommunications Act of 1996 provides five (5) separate and substantial protections for the telecommunications facility applicant in the amended 47 U.S.C. Section 332 (entitled “National Wireless Telecommunications Siting Policy”). Section 332 provides in relevant part that:

“(D) no state or local governmental entity may regulate the placement, construction, or modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such emissions comply with the FCC regulations; See NY Zoning Law and Practice, 4th Edition, Section 12:04 “Telecommunications Act of 1996 and Zoning in New York”).

It should additionally be noted that, in connection with this Special Use Permit application, the Department of Technical Services ("DOTS") has made a careful review of the application to determine technical compliance with the requirements for a Special Use Permit application under Chapter 277, and has found that the Applicant has satisfactorily complied with same.

As a result of the foregoing, the extensive Public Hearings held herein, the Board's site visit, and public concerns regarding public safety issues, the following issues were adduced and addressed by the Applicant and the Zoning Board of Appeals:

1. Balloon Test: The balloon test on October 1, 2016 confirmed that views, if any, of the tower from the neighborhood adjacent to the property will be relatively minimal regardless of the season. From almost all vantage points in the surrounding neighborhood, the proposed facility does not rise above the existing tree line due to topography and existing mature trees. See the Visual Analysis submitted as Exhibit 4 in the VW November Submittal. It should be underscored that adverse aesthetic or visual impacts do not result from mere visibility of a proposed tower. The NYS Department of Environmental Conservation provides the following guidance with respect to assessing aesthetic impacts:

“Aesthetic impact occurs when there is detrimental effect on the perceived beauty of a place or structure. Mere visibility, even startling visibility of a project proposal, should not be a threshold for decision making. Instead a project, by virtue of its visibility, must clearly interfere with or reduce the public’s enjoyment and/or appreciation of the appearance of a inventoried resource.” (Assessing and Mitigating Visual Impacts, DEP-00-2, July 31, 2000, Pg. 9).

In the testimony received by this Board after the balloon test, it was generally agreed that the proposed tower would not be visible at the Croton Dam on the Teatown side and, while the tower is visible from the Spillway side, it is generally the same view as the already existing and far more significant Con Ed transmission line towers.

2. Break Point: As indicated on the signed and sealed Site Plans, prepared by a licensed engineer and submitted in connection with Verizon Wireless’ application, the tower is set back from the nearest property line approximately 437’, well in excess of the 70’ required set back in accordance with the Town Code.
3. Public Necessity: In his third Memo, Mr. Frank Franco (a neighbor) cites Omnipoint Communications v. the City of White Plains, when indicating that Verizon Wireless has failed to show that the Facility is a “public necessity”. However, the “Public necessity” requirement noted in the White Plains case references a “standard” that was “articulated by the New York Court of Appeals in Consolidated Edison Co. v. Hoffman, which concerns the showing that a utility must make under New York law before a Zoning Board of Appeals may grant a use variance.” As Verizon Wireless is requesting a Special Permit (a use permitted as of right as long as conditions are met) and not requesting a use variance, the “public necessity” standard and noted in the White Plains case and referenced in Mr. Franco’s third Memo does not apply.
4. Height of the Tower: Mr. Franco’s third Memo references Section 6409 (a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“TRA”) for the proposition that the Tower is effectively being approved at a taller height than is indicated on the Plans since the TRA permits additional height for co-location. The ZBA can only review the application before it and not speculate on what may or may not be proposed in the future. Notwithstanding, at the request of this Board, Verizon Wireless submitted a letter, indicating that it will not raise or authorize the raising of the tower beyond the 140’ proposed herein.
5. Significant Gap in Coverage: Mr. Franco’s Memo asserts that Verizon Wireless has not established a gap in coverage. This assertion is incorrect. Verizon Wireless

has submitted Affidavits to the Zoning Board of Appeals from Verizon Wireless' radio frequency engineer, dated March 11, 2016 and August 10, 2016, documenting that there is significant gap in coverage and that the tower will remedy such gap in coverage. The significant gap in coverage was also confirmed by a drive test performed by C-Squared Systems, LLC, third party engineering consultants. The drive test is documented in C-Square's Radio Frequency Report. As conceded in Mr. Franco's Memo, a drive test "provides a crystal clear picture of whether or not a gap exists as well as the actual location of any such gap." The RF report affirms the RF Affidavits and provides the drive test map confirming the significant coverage gap. The RF Report also documents that the tower on the property will remedy such coverage gap.

6. No Existing Structures or Co-location Sites: Mr. Franco and certain residents expressed the view that alternative sites exist to remedy the gap in coverage, namely: a) 451 Yorktown Road (Route 129), b) 340 Illington Road, and c) the Con Ed transmission tower. However, these sites have been reviewed, evaluated and found not to provide the necessary coverage as detailed in the RF Affidavit attached to the Application herein. Verizon Wireless provided comparison coverage maps clearly showing that the coverage from 451 Yorktown Road would not provide the necessary coverage. Second, in the RF Report, C-Squared was also able to confirm that neither the Con Ed tower nor 340 Illington Road would provide the necessary coverage based upon distance and topography. In short, Verizon Wireless reviewed the closest existing tall structures to co-locate and documented that these alternative sites could not provide the necessary coverage. In addition, the Board understands that it cannot reject a proposed site in favor of a site in a different municipality, i.e., the Municipal Building in Croton, NY.
7. Impacts under SEQRA: Based upon the Applicant's Environmental Assessment Form, application documents, site inspections, the testimony and evidence received by this Board, and analysis of the criteria set forth in Section 617.11 of SEQRA, the project will not have any significant adverse impacts on the environment.
8. The Tower is an "Exception" to the "Fire Apparatus Access Road" Requirements: The Town of Cortlandt Fire Inspector made five (5) recommendations "should the cell tower be approved". The recommendations make reference to the New York State Fire Code (NYSFC). However, pursuant to Section 503.1.4 of the NYSFC "Fire Apparatus Access Roads are not required for Group U occupancies." According to Section 202 of the NYSFC, Group U includes "Towers". Therefore, pursuant to the NYSFC, the subject Tower is an "Exception" to the Fire Apparatus Access Road requirements.

This Board has reviewed all of these concerns and this Board hereby GRANTS the Special Use Permit for the wireless communications facility (described in detail above) under the following conditions:

1. Pursuant to Town Code Chapter 277, the following is required under the following sections of Chapter 277:

A. Sections 277-21 Performance Security:

Applicant and property owner shall jointly execute and file with the Town a bond or other form of security to the satisfaction of DOTS and the Town Law Department in the amount of \$5,000.00, to assume the faithful performance of the terms and conditions of Chapter 277 and this Special Use Permit.

B. Section 277-23 Liability Insurance:

Applicant shall secure and at all times maintain the Public Liability, Property Damage and Umbrella Insurance Coverage required under Section 277-23, all to the satisfaction of DOTS and the Town Law Department.

C. Section 277-24 Indemnity:

The Special Use Permit issued herein shall contain the indemnity provision as recited in Section 277-24(A), which Applicant shall acknowledge by signed writing to the satisfaction of DOTS and the Town Law Department.

2. A Building Permit must be applied for, obtained and all conditions of the Building Permit and Special Use Permit met within one (1) year of the date of this Decision and Order.

This requested Special Use Permit is a Type I Unlisted Action under SEQRA and, under Local Law 1-2005, the Zoning Board of Appeals is declared Lead Agency. The Board, having reviewed the Environmental Assessment Form submitted, finds no significant adverse environmental impacts and issues a Negative Declaration. A copy of the Negative Declaration is annexed hereto.

That, Mr. Chairman, is the Decision and Order proposed for adoption by this board tonight.

Mr. Wai Man Chin stated I'm going to make a motion on case 2016-10 to adopt the D&O as said.

Seconded with all in favor saying "aye."

Mr. David Douglas stated that Decision and Order is adopted.

Ms. Franco stated shame on you Mr. Mattis [inaudible].

Mr. David Douglas stated Ms. Franco, Ms. Franco, Ms. Franco, please. Thank you.

- B. **CASE NO. 2016-24** **Hudson Ridge Wellness Center, Inc. and Hudson Education and Wellness Center** for an Area Variance for the requirement that a hospital in a residential district must have frontage on State Road on property located at **2016 Quaker Ridge Road.**

NOTE: Only the Public Hearing on the issue of “Area Variance” versus “Use Variance” has been closed and reserved. After the adoption of a Decision and Order on the Area/Use issue, the Public Hearing on the Variance request will continue at future meetings on this application.

Mr. David Douglas stated we will have a Decision and Order ready for the next month’s meeting. That’s the March meeting. As to that Decision and Order will only be on the issue of the Area Variance versus Use Variance that’s under consideration at the moment.

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ADJOURNED PUBLIC HEARINGS:

- A. **CASE NO. 2016-29** **Alex and Diana Daoud** for an Area Variance for the front yard setback for an addition on property located at **11 Buena Vista Ave., Cortlandt Manor, NY.**

Mr. David Douglas asked and Mr. Hoch, you had not heard from them?

Mr. Ken Hoch responded correct Mr. Chairman. I had left a voicemail for the Daoud’s but I have not heard back.

Mr. David Douglas stated I assume that what we’ll do is consistent with our usual practice. If you could contact them and tell them if they do not appear at next month’s meeting, the application will be deemed withdrawn.

Mr. Ken Hoch stated Mr. Chairman, you need a motion to adjourn it to next month.

Mr. David Douglas stated oh yes you need a motion. You’re right. Good point. Thank you for reminding me.

Mr. John Mattis stated I make a motion to adjourn case #2016-29 to the March meeting and to

send a letter that if they do not respond the case will be deemed abandoned.

Seconded with all in favor saying "aye."

Mr. David Douglas stated it's adjourned and that letter should be sent.

B. CASE NO. 2017-01 Luis Otavalo for Area Variances for side and rear yard setbacks for an existing deck and addition on property located at 58 Sherwood Rd., Cortlandt Manor, NY.

Mr. David Douglas stated this is Mr. Serimarco's case. I'll give him a minute.

Mr. Luis Otavalo stated hello everyone. Good evening. I'm coming again for a – we come just my family; my two sons and my daughter. My engineer is not here because he showed me when he coming in you know so I coming again for my house you know and I have an evidence for the house it was before when I bought it. I have pictures I can show you, everyone. I have here with me and I want to done this, whatever I have to do but...

Mr. James Seirmarco stated I think we discussed a few things last time.

Mr. Luis Otavalo stated yes.

Mr. James Seirmarco stated and how to [inaudible] specifically...

Mr. Luis Otavalo stated the thing is, my neighbor is not here so I don't know where he is. I can wait. I don't know what to say.

Mr. Wai Man Chin asked do you like to maybe adjourn this case, maybe for your lawyer to be here? He's saying he's not going to be here tonight? Does he want to be here? I don't understand why he's not here tonight.

Mr. Luis Otavalo stated I don't have a lawyer.

Mr. Wai Man Chin stated I thought that was your lawyer last month.

Mr. Luis Otavalo stated no, my engineer. Like I said I don't have a lawyer. I try just – try to...

Mr. Wai Man Chin stated I know but what you've done over here without permits and everything else and extending the house that's not a very good thing.

Mr. Luis Otavalo responded no, like I said, I have a pictures of the house when I bought it and I have it when it's now finished and now repaired. I have over here with me now. I can show everyone.

Mr. Wai Man Chin stated these things that you should have given to Mr. Hoch before our work sessions which was on Monday, so we could see. We can't really look at it now and try to go forward with everything. This is something that you should have brought in before this meeting. It's not for us to look at it now and try to...

Mr. Luis Otavalo stated I'm sorry but I don't have experience in this. This is my first time in my life.

Mr. Wai Man Chin stated that's why last month we said that you should go and speak to Mr. Hoch about this and find out all the situations. I understand you don't understand but you know, what you did was not good by...

Mr. Luis Otavalo stated I'm sorry everyone but I bought it like that. Here are my sons. Me and my two sons and my family they give their hands to help me but here my sons he know because he look every what I did. They help me so I don't want to pay someone else to do it because it cost a lot of money.

Mr. Wai Man Chin stated that's not the point. The point is not your family helping you fix the house up and extending it and what you did. You have a permit for it.

Mr. Luis Otavalo stated I'm trying to explain to you the no permit, I understand that, I build with no permit but I did not extend. I bought it like that the house like what is now. I never extended nothing like I said the first time. No extend. Here's my son.

Mr. Charles Heady asked when you bought the house did a real estate person buy it for you?

Mr. Luis Otavalo responded yes.

Mr. Charles Heady stated they should have picked this up because the violation's from the people before you had it.

Mr. Luis Otavalo stated I contacted the real estate with the lawyer when the close, everything, the papers and they say I can't do nothing right now because you purchased already.

Mr. Charles Heady asked and you got a CO for this too?

Mr. Wai Man Chin responded no CO.

Mr. Luis Otavalo responded no. That's why and they say whatever you have right now this is what it is.

Mr. James Seirmarco asked did you contact your neighbor and ask for a lot line adjustment or an easement?

Mr. Luis Otavalo responded yes, I spoke with my neighbor the first time and he say “no problem”. I have the whole fence – Mr. Ken he see before I mean we no put the fence. The fence is there. I’m not moving nothing so my neighbor say same thing last time and say “okay, whatever is there has been for 37 years so nobody moved the fence.” The fence is there and everything...

Mr. Raymond Reber stated last month when we discussed this, we understand that maybe you don’t understand the subtleties of some of these issues but your architect was here with you, your engineer.

Mr. Luis Otavalo stated my engineer, right.

Mr. Raymond Reber stated we asked him if he understood and if he would follow up on your behalf. Now, has he been involved in any of these discussions with your neighbor or anyone?

Mr. Luis Otavalo responded no.

Mr. Raymond Reber stated well I think you need to get some help either from your engineer or someone else. Your request that you need to make of your neighbor is a reasonable one and it’s not something that would be really detrimental to your neighbor but there has to be an understanding reached and we can’t make a final decision until that is addressed because, as was explained last month, it was supposed to be addressed years ago. The town had instructed that that situation be fixed and apparently there’s nothing on record that it ever was and so that’s why now the burden is on you to get that taken care of.

Mr. James Seirmarco stated it has to be in writing or some official document. Someone’s going to have to write up to the dimensions and put it in the letter and get it notarized and submit it to the town so that we know that that...

Mr. Raymond Reber stated it has to be legally filed so it’s an official record that you have the right either for an easement, which basically says you have a right to go on your neighbor’s property to work on the house which obviously you can’t work on without going on your neighbor’s property because it’s so close to the property line, or you get a lot line adjustment which means in that area by your house the lot line is moved over the five feet or so required so that again now it’s your property and you don’t need the easement but you have to get one or the other. They’re not major issues. It’s done quite frequently. I’ve done it personally with my family. We’ve had issues like that but it’s got to be resolved and I suggest you get your engineer or someone that understands the issues involved to talk to your neighbor and work out the paperwork and the legalities.

Mr. James Seirmarco stated if you have any questions regarding this, you can contact Ken’s office and he’ll give you direction. Just call him up and...

Mr. Wai Man Chin stated we cannot give you what you want unless...

Mr. Luis Otavalo responded no, no, [inaudible] I just want it clear because like you said...

Mr. Wai Man Chin stated I understand you bought it that way and all you did is repair it but we don't have proof of that. All we have is it shows that you actually, according to the drawings that we have, that you add a little section on that area, the red dotted line on here. So, this – I suggest that you either get a lawyer or somebody to help you out on this thing because this is not going to work out good for you if you – we can't do anything. We cannot do anything for you right now until you get this all resolved.

Ms. Adrian Hunte stated Mr. Hoch, excuse me, did you hear from one of the neighbors? Was that discussed?

Mr. Ken Hoch responded no, the only contact I had, Mr. Otavalo called me on Monday to say he has not been able to reach any agreement with the neighbor on acquiring some of that property. The other thing is, he also expanded what was there. He built a second story on – so it wasn't just a repair. It was also an addition.

Mr. John Mattis stated the first story was there.

Mr. Ken Hoch stated the first story was there, not legally, and then he added onto the first story.

Mr. Wai Man Chin asked you understand what we're saying?

Mr. Luis Otavalo responded yes, and the plan when I come into town to say okay I need a history for the house and it was ready, the two stories were there when I bought the house.

Mr. Wai Man Chin asked you're saying it was two stories there before – you didn't add the second story?

Mr. Luis Otavalo responded no, no, no, it was already two stories when I bought it. When I see...

Mr. Wai Man Chin asked your real estate broker made a bad mistake or the title company made a bad mistake. It's all your problem now.

Mr. David Douglas asked Mr. Otavalo, I'd suggest what we do is we adjourn this another month and that you, or even better, your engineer who was here last month speak as soon as possible with Mr. Hoch. Call him up or come to his office at a convenient time and talk through with him what the issues specifically are and what needs to be done.

Mr. Luis Otavalo stated yes, but I think I want to be honest with everybody. If I have to cut the house I don't have any more money to redo it. I spent my every – I don't have more money you

know. I pay my rent...

Mr. David Douglas stated but we can't even do anything at this point.

Mr. Wai Man Chin stated we can't even tell you what to do or not to do right now because right now we have to have this all straightened out first before anything is done. We're not asking you to take down this part of the house or whatever. You have to resolve a lot line adjustment or whatever you got to do to make it legal and then go forward with that, with us. We can't make a decision on it until you – otherwise you will have to cut the house back to – according to code but you're saying you bought the house the two stories the way it was and all you did was repairs on it? According to our drawings that Building Department has it's not that way that you added the second story.

Mr. Charles Heady stated the owner you bought before, from, he was supposed to get a Variance from that land next door or a lot line adjustment. It says in the papers here. He should have taken care of it before you bought it.

Mr. Luis Otavalo stated nothing like that.

Mr. Wai Man Chin stated you bought it and now it's your problem.

Mr. Luis Otavalo stated I bought it with the problem. I know I bought the house...

Mr. David Douglas stated the first step you need to do is you should speak – and is the engineer who was here last month, is he still helping you?

Mr. Luis Otavalo responded yes. He's been contacting me, anything...

Mr. David Douglas stated what I suggest is you tell him to call Mr. Hoch and then he can talk through with Mr. Hoch what the issues are and they can work out what the next steps need to be because we can't do anything until the issue with the property and the lot line...

Mr. Charles Heady stated he'll understand.

Mr. David Douglas stated you're right, the engineer will understand what the issues are so it's the best to do that if he's still working with you for him to call up Mr. Hoch and they can talk it through.

Mr. John Klarl stated and Mr. Chairman, if they do have a subsequent meeting; Mr. Hoch, the applicant, the engineer I'll be happy to join in to discuss the easement issues, the boundary line agreement and help out.

Mr. Luis Otavalo responded okay. Like I said I have pictures they can...

Mr. Wai Man Chin stated you can submit the pictures in right now if you want and give it to us. Just give them to Mr. Douglas or actually give them to Mr. Hoch.

Mr. David Douglas stated why don't you give them to Mr. Hoch and he'll make copies for each of us. And he'll make copies and we'll look at it between now and the next meeting.

Mr. Wai Man Chin stated you've got to have your engineer speak with Mr. Hoch on this whole thing and if your engineer is not available or can't help you out then I suggest you get a lawyer to try to help you out with Mr. Hoch.

Mr. Luis Otavalo stated I will be honest, like I said, I'm work[in the City of Somers] and this time if I get the lawyer, the lawyer will charge a lot of money...

Mr. Wai Man Chin stated that's not going to help us make a decision on anything. We can't make a decision on anything.

Mr. David Douglas stated the first step is to have your engineer who was very helpful last month when he was here.

Mr. Luis Otavalo stated I don't know. He's a good guy, person I mean.

Mr. David Douglas stated he understands the issues and he was helpful when he spoke with us last month so have him call Mr. Hoch and he can setup a meeting with Mr. Hoch and Mr. Klarl and they can talk the issues.

Mr. James Seirmarco stated this sounds very complicated but actually it isn't.

Mr. Luis Otavalo stated like I said, I'm not really, really happy a hundred percent that I bought this property.

Mr. Wai Man Chin stated it became your headache now.

Mr. Luis Otavalo stated I don't know what to do right now.

Mr. David Douglas stated the thing to do is to have your engineer call Mr. Hoch. That's the first step to try and to make, perhaps make some progress towards things...

Mr. Luis Otavalo stated okay. I call my engineer and he contact Mr. Hoch.

Mr. David Douglas stated right.

Mr. Wai Man Chin stated and we'll adjourn the case until next month.

Mr. Luis Otavalo stated okay, I'd like to continue this...

Mr. Wai Man Chin stated we'll continue it but it's adjourned. It's continued but it starts next month again after your engineer talks with Mr. Hoch to try and resolve some things.

Ms. Adrian Hunte stated the next meeting is March 15th.

Mr. Luis Otavalo stated March 15th.

Mr. David Douglas stated if that doesn't work for you then we can push it back two months if you're not available that day but the next meeting is March 15th. I assume you want to get this moved forward as soon as you can.

Mr. Luis Otavalo stated yes because I want to be honest, I talk to Mr. Ken two months ago. I rent you know and I'm not signing again for a lease for another year. March I'll be done in my apartment.

Mr. David Douglas stated we'll adjourn it to March and then again, have your engineer call Ken Hoch as soon as possible.

Mr. Luis Otavalo stated okay, please, I appreciate everybody. Thank you. So I call my engineer and he contact Mr. Ken.

Mr. Wai Man Chin stated Mr. Seirmarco will adjourn this until next month.

Mr. James Seirmarco stated right. I make a motion to adjourn it to March 15th.

Mr. Wai Man Chin asked anybody in the audience want...

Seconded.

Mr. David Douglas asked does anybody else want to be heard on this?

Mr. Mike Druchunas stated from Cortlandt Manor.

Mr. David Douglas asked what's your address?

Mr. Mike Druchunas stated 293 Lafayette. I just had a comment. It seemed a little back-and-forth. Like it wasn't clear exactly what he needed. I know his engineer is going to step in but are you all just saying that he needs an easement? That would be the first step and after that...

Mr. David Douglas asked are you speaking on his behalf? I know you're here on your own case?

Mr. Mike Druchunas responded I'm just curious how this would work.

Mr. David Douglas stated his engineer should speak with Mr. Hoch. His engineer was very helpful last month and they'll be able to talk through the issues so that's what they're going to do okay?

Mr. James Seirmarco stated I make a motion that we adjourn the hearing until March 15th.

Seconded with all in favor saying "aye."

Mr. David Douglas stated this case is adjourned until the March 15th meeting.

- C. **CASE NO. 2017-03** **Viktor Solarik**, architect, on behalf of Richard Joseph for Area Variances for the total square footage of accessory structures, and an accessory structure, a chicken coop/garden enclosure, in the front yard on property located at **14 Bramble Bush Rd, Croton-on-Hudson, NY**.

Mr. David Douglas stated we got a letter today from the lawyer for the applicant saying that they're withdrawing their application. That case is withdrawn so we don't need to talk about chickens.

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NEW PUBLIC HEARINGS:

- A. **CASE NO. 2017-05** **Daniel and Nancy DelMonte** for an Area Variance for the side yard setback for front porch and garage additions on property located at **15 Damian Way, Cortlandt Manor**.

Mr. Daniel DelMonte stated good evening folks.

Ms. Adrian Hunte stated good evening. This is my case.

Mr. Daniel DelMonte stated we are requesting...

Ms. Adrian Hunte stated excuse me sir, your name.

Mr. Daniel DelMonte stated I'm sorry, Daniel DelMonte, 15 Damian Way, Cortlandt Manor.

Ms. Adrian Hunte asked Mr. DelMonte, would you explain what it is that you'd like to have considered?

Mr. Daniel DelMonte responded I'm requesting a variance for a proposed attached garage and also a variance for a front porch. The front porch would be a 10% variance and the needed proposed attached garage would be a 33% variance. Originally, we wanted to put a two-car garage in there but we didn't think it would be a reasonable request.

Ms. Adrian Hunte stated I believe we received some documentation from neighbors. Is there anyone here from the neighborhood, please would you like to come up and speak?

Ms. Nancy Kenny stated good evening.

Ms. Adrian Hunte stated state your name please.

Ms. Nancy Kenny stated her name.

Ms. Adrian Hunte asked and your address.

Ms. Nancy Kenny stated 11 Damian Way.

Ms. Adrian Hunte asked and what is your concern?

Ms. Nancy Kenny responded I think most our concerns are in the documentation that we provided.

Ms. Adrian Hunte stated we have a letter addressed to the Chairman of the board, Mr. Douglas, dated February 11th, 2017 and it has the signatures and names of 8 neighbors: 11, 278 Lafayette, 16 Damian, 3 Damian and 4 Damian. It appears as though they are opposed to your project Mr. DelMonte on several ground, including: adverse impact on the neighborhood and water runoff issues, changing the character of the neighborhood. Does anybody on the board need time to review this or have we all reviewed the letter?

Mr. James Seirmarco responded I read it.

Mr. David Douglas asked do people want some time to consider it? I think I'd prefer it. I know we first saw it at the work session and I don't think we had a chance to really to...

Mr. Wai Man Chin stated we actually got it today so we didn't really have time to review that letter and the signatures by all the other people.

Mr. John Mattis asked you both are signatories on that?

Ms. Nancy Kelly responded yes.

Mr. John Mattis asked you also? And you're from which address?

Ms. Devine stated number four.

Mr. John Mattis asked do you want to summarize what your concerns are?

Ms. Nancy Kelly responded I'd prefer if you read what's in the document. I feel like it's more simply stated.

Ms. Adrian Hunte asked should we read the letter for the record?

Mr. David Douglas stated it's in the record because it's part of the file so.

Mr. John Mattis stated if we don't read it or discuss it, nobody knows what it is including the applicant.

Mr. David Douglas stated that's true. Mr. DelMonte have you seen their letter.

Mr. Daniel DelMonte responded I have not.

Mr. David Douglas asked could you provide a copy to Mr. DelMonte, of your letter?

Ms. Nancy Kelly responded sure, no problem.

Mr. Wai Man Chin stated again, we just got it...

Mr. David Douglas stated I think what we should do is we will take into consideration your opposition and we should probably adjourn this until next month so that we talk among ourselves about the issues because this is all new to us, from the opposition.

Ms. Nancy Kelly stated okay, that makes sense.

Mr. David Douglas asked okay Mr. DelMonte, do you understand what we're going to do?

Mr. Daniel DelMonte responded I do understand.

Mr. Wai Man Chin stated I mean you can explain what you want to do anyway and so forth and then we see on other things besides the letter.

Mr. Daniel DelMonte stated I explained what I wanted to do but I'm not sure that what you had said with the issues really pertain to this in any way. An additional garage I think will bring value to the neighborhood. It'll increase the value of my home which in turn would increase the value of my neighbor's homes and the way I'd like to do it, it would be a very tasteful way and it would really look good. If I was left to do another way, it probably wouldn't look too good to do a detached garage.

Ms. Adrian Hunte stated well esthetics are not the only, in fact, we have to look at...

Mr. Daniel DelMonte stated I understand that but I think it would be important to my neighbors who live in the neighborhood...

Ms. Adrian Hunte continued whether you have any alternatives. If there is opposition, whether it's possible for you to place your garage in the back of your property or somewhere else. Those are issues that are being raised by your neighbors.

Mr. David Douglas stated we understand you haven't seen their letter yet so maybe it makes sense...

Ms. Adrian Hunte stated I think we need to adjourn this so that everyone can have an opportunity to review the letter...

Mr. Daniel DelMonte asked so how am I supposed to get a copy of this letter?

Mr. David Douglas responded they're going to give you a copy of the letter.

Mr. Wai Man Chin stated they have to give you a copy.

Mr. Ken Hoch stated I'll give you one.

Mr. David Douglas stated Mr. Hoch will give a copy of the letter, okay that's fine.

Ms. Adrian Hunte stated on case number – is there anyone else in the audience who wishes to be heard? Hearing none. On case #2017-05 the application of Daniel and Nancy DelMonte for Area Variance for side yard setback for front porch and garage additions, 15 Damian Way, Cortlandt Manor, NY 10567 I make a motion that we adjourn this matter to the March 15th, 2017 Zoning Board of Appeals meeting to give the board and the public and the applicant an opportunity to review a letter submitted by residents of the neighborhood concerning the project.

Seconded

With all in favor saying "aye."

Mr. David Douglas stated it's adjourned to next month. Thank you very much.

- B. CASE NO. 2017-06 Michael Druchunas and Siew Yin Wee for an Area Variance for accessory structures, and an Area Variance for the height of an accessory structure on property located at 293 Lafayette Ave., Cortlandt Manor.**

Mr. Michael Druchunas stated I sent Ken a package of updated material over the weekend.

Mr. Wai Man Chin stated you have to state your name again.

Mr. Michael Druchunas stated his name and this is my wife Siew Yin Wee. We're from 293 Lafayette and this is our site plan, a proposed site plan. We live in a unique house. We believe it was built mid-seventeen hundreds. The previous owners did a history on it and they traced it back to 1750. We bought the house in August of 2014 and one of the plans we had when we bought it was we wanted to add some kind of garage. We couldn't just add any type of garage because we want to remain true to the architecture of the house. We don't want it to stick out like a sore thumb so over the past year I've been researching on line and I found this old barn up in Upstate New York. It's an old – the timbers are hand-hewn. It dates back to 1850 I believe so it's been standing in Upstate New York for 150 years. The plan is to – we found this specialist company that locates these old barns and they take them apart, they restore them, then they set them back up where you want them. We found this, again, just to paraphrase, we found an antique barn to compliment our antique house and we think it adds value to the community. It's a beautiful structure. It's very unique. It's the smallest barn that we could find and it packages excellently in this very odd property we have it set on. It's like a triangle so it's a little used yard on the property. Nothing grows there. You can't see it from the street. There's a line of trees. There's a stockade fence. It's out of the way. Again, we think it adds value to the neighborhood and that's what we propose.

Mr. Wai Man Chin stated from the drawing I see your proposed barn is only 12 foot from the property line, 12.7 feet.

Mr. Michael Druchunas responded it's behind the fence, a stockade fence and a dense tree line.

Mr. Wai Man Chin stated yes but you're way beyond your setback requirements. Your whole barn is beyond the setback requirements.

Mr. Michael Druchunas stated we see – if you drive up the road, you'll see...

Mr. Wai Man Chin stated that's not the point.

Mr. Michael Druchunas stated okay, that's fair but we've looked all over the yard and there's nowhere else to package it. If you look at the pictures that come later, you'll see how the property has a very steep grade and there's really no way to get into the back of the property. It makes sense here to put it at the end of the driveway where the cars would be. Again, it doesn't – I don't understand what the reservation would be about putting it near the fence on the other side of the fence. What is the public harm?

Mr. Wai Man Chin responded you're asking for a big Variance from the setback requirements on your property.

Mr. Michael Druchunas stated okay, and...

Mr. Wai Man Chin stated the setback requirements on the properties so people don't build between the lot line and...

Mr. Michael Druchunas stated I understand but again, it borders a road. It doesn't border another neighbor.

Mr. Wai Man Chin stated you're not getting the point.

Mr. Michael Druchunas stated I get it, it's a setback yes I understand.

Mr. David Douglas stated it's not just a setback, it's – under the code, an accessory structure such as a barn are not supposed to be in the front yard.

Mr. Michael Druchunas stated I know and...

Mr. David Douglas stated so actually it's not just that it's close to the road, which what you're proposing is, it's that, as a general matter, it's just not allowed period, unless we give a variance.

Mr. Michael Druchunas stated I know there was some language about the front yard and we had an argument that it's really not fair to treat -- to give us two front yards. We're on a corner. If you look at the pictures I sent Ken a view from Lafayette...

Mr. David Douglas stated whether it's fair or not, that's the way it's interpret under the...

Mr. Michael Druchunas stated that's the variance that we're asking, one of the variances is that we don't feel it's fair to be considered a front yard for several...

Mr. John Mattis stated if that's the case, excuse me for interrupting, go to the Town Board and ask them to change the code. We do not set the code, but we have to use the code. We don't make subjective judgments; what's fair and unfair. We try to make objective judgments.

Mr. Michael Druchunas stated correct, that is one of the variances that we're asking for and isn't this the right format for the variance?

Mr. David Douglas responded yes.

Mr. John Mattis stated but to say it's not fair: don't make that statement.

Mr. Michael Druchunas stated okay, I take that back but that is one of the three variances that I have outlined.

Mr. John Mattis stated which are two more than most people ask for by the way.

Mr. Michael Druchunas stated well, it's a unique piece of property.

Mr. David Douglas stated so you're seeking, with respect to the barn, you're seeking a variance to have it in the front yard and also the barn you proposed is going to be over 21 feet in height.

Mr. Michael Druchunas stated roughly 7 feet there...

Mr. David Douglas stated the town maximum under the town code is 14 feet. We have rarely given variances for height and the ones that I recall are – it's a couple of inches, maybe a foot.

Mr. John Mattis stated the purpose of that by the way is to not have a loft like you want.

Mr. Michael Druchunas stated the other purpose, our position is that we don't want to tack on a structure that looks like a 1950s garage onto a 1750s house. That would look ridiculous.

Mr. John Mattis stated but that's esthetics and we don't deal with esthetics.

Mr. Michael Druchunas stated you don't deal with esthetics...

Mr. John Mattis stated you have needs here, return on investment, financial burdens, we do not deal with that either.

Mr. Michael Druchunas stated I just entered everything from my perspective so you would have a better idea of why we were asking for this.

Mr. David Douglas stated we don't deal with esthetics but from your point-of-view, can't you have a smaller – I mean I'm not sure we would allow the structure in the front yard at all but with regards to the height you can have an old, small barn.

Mr. Michael Druchunas stated it could be slightly reduced. We'd have to cut down the timbers.

Mr. Wai Man Chin asked can I ask you a dumb, stupid question?

Mr. Michael Druchunas responded sure.

Mr. Wai Man Chin asked did you buy this barn already?

Mr. Michael Druchunas responded no we didn't.

Mr. Wai Man Chin stated okay, good.

Mr. Michael Druchunas stated if I said we did would it help?

Mr. David Douglas responded no, we would feel more guilty. It would make us feel bad.

Mr. John Mattis stated the other problem is not just the height, your total accessory square footage you're only allowed 1,083. You're request 1,700.

Mr. Michael Druchunas stated yes, we're asking for a variance of...

Mr. John Mattis stated that's a – you're almost at two thirds variance for both the height and – we never give that on either of those let alone both of them.

Mr. Wai Man Chin stated that's why we have the Zoning Board and there's codes.

Mr. Michael Druchunas stated but the house is so small though. The house is...

Mr. John Mattis stated that's what happens when you buy a small house.

Mr. Wai Man Chin stated or a small piece of property.

Mr. Michael Druchunas stated we have a big property and a small house and the fact that we need storage I mean I don't know if that's being taken into account or not.

Mr. John Mattis stated well storage, you can put a shed up for lawn equipment. What do you need?

Mr. Michael Druchunas responded we need a tractor, and cars. Cars are the main thing.

Mr. Wai Man Chin asked wasn't that the garage back here?

Mr. John Mattis stated okay, but there are a lot of places that – I don't have a garage. A lot of people don't have garages.

Mr. Michael Druchunas stated but it's for a hobby. We bought the house to enjoy the house.

Mr. John Mattis stated I understand.

Mr. Michael Druchunas stated that means I can't really pursue my hobbies. I can't pursue woodworking to the fullest extent. I can't participate, again, in a classic car hobby. It all goes down to the quality of life.

Mr. John Mattis stated I understand that but everybody in the town has hobbies and we set legal precedents and if we said "okay, you want to do woodworking and you want to have classic cars so we give you a variance," we just opened it up to anybody that has any kind of hobbies because we can't say no after that.

Mr. Michael Druchunas asked but I mean, what is the main – is this really infringing on the public welfare, the public good, the character of the neighborhood?

Mr. James Seirmarco responded we don't make the rules.

Mr. Wai Man Chin responded it sets a precedent.

Mr. John Mattis stated the height of it is going to be overbearing from either road and you have a six foot fence and you want a 21 foot high, that's number one. So what is it? It's too close to the property line, excessive, excessive variances, both in the amount of accessory structures, the height and the fact that it's not allowed in the front yard. You're asking for way too many things.

Ms. Adrian Hunte stated and if we do grant a variance it's usually to be for the least amount of percentage or that we can have you fit your project into. So, we're not...

Mr. Michael Druchunas asked can I show the pictures Ken just to go through so people know...

Mr. David Douglas stated we've got the pictures.

Mr. Ken Hoch stated the board has your pictures.

Mr. David Douglas asked can I make a suggestion, especially since you haven't bought the barn yet? Maybe you should go back and think through other alternatives that would achieve many of your goals that would allow you to come up with a different plan that doesn't involve a massive barn in the front yard.

Mr. Michael Druchunas stated it is a small – it's 600 square foot...

Mr. David Douglas stated well, it's 21 feet high.

Mr. Michael Druchunas stated the height can be reduced but I don't – what is the magic number?

Mr. David Douglas responded 14 feet is what code – is the maximum of the code.

Mr. Michael Druchunas asked but what would be a reasonable variance?

Mr. David Douglas responded 14 feet – again, we have rarely given variances for the height. You're proposing to put an oversized structure in the front yard and you may quibble with the fact that that's a front yard but that is right on Lafayette and you're proposing to put this very large structure right...

Mr. Michael Druchunas stated you can't see over the trees.

Mr. David Douglas stated you can. Those are big trees. A little fence and big trees...

Mr. John Mattis stated it's going to be very, very visible at 21 feet high.

Mr. David Douglas stated it will be.

Mr. Michael Druchunas stated it's a beautiful barn.

Mr. David Douglas stated that's not the point.

Mr. Michael Druchunas stated the street will look – it will add to the character.

Mr. David Douglas stated we're not questioning. I think it's really cool. I think the concept of putting a 1800s barn to compliment a 1700s house is really fascinating. I think that's really cool but that's utterly irrelevant to the fact you said I'm allowed to consider in my capacity here. You and I can talk about it and I'd say it's really interesting but that's not going to help for the purpose of a variance.

Ms. Adrian Hunte stated you have two options here: one is to, as Mr. Chairman Douglas suggested, go back and rethink your project or have us vote now on what you've presented here.

Mr. Michael Druchunas stated I can present a less high barn but it still has to be in that location. I mean, I'm on a corner lot unfortunately and there's no other practical place to put it but in that spot.

Mr. David Douglas stated I think you're sensing that if we were to vote on this that you most likely will not prevail.

Mr. Michael Druchunas stated it doesn't sound promising right now.

Mr. David Douglas it doesn't sound promising right?

Mr. Michael Druchunas stated if I come back in March with a 14 foot structure, I mean, is there any value in pursuing it?

Mr. Raymond Reber stated the thing that hasn't been brought up and I'm sitting here quietly listening to all this, aside from the front yard, the barn is situated 100% in the setback zone. So, whether it's in the front yard, side yard, back yard, that in itself gets us very upset. So even if it wasn't a front yard, putting a barn there totally intrudes on the setback.

Mr. Michael Druchunas asked why would anyone be upset?

Mr. James Seirmarco responded because we're enforcing the laws that...

Mr. Michael Druchunas stated I've been waiting for...

Mr. Raymond Reber stated please, can I finish?

Mr. Michael Druchunas responded sure.

Mr. Raymond Reber stated you keep bringing up it's an unusual lot, etc. It's not. It's a corner lot. It's a reasonably shaped lot. It's reasonably flat. I'm very familiar with the property. Personally, there are alternatives so before I'm going to grant somebody to put a structure totally in the setback that also happens to be a front yard variance, even if it was 14 feet, it's not going to get approved by me. I'm just letting you know where I'm coming from.

Mr. Michael Druchunas asked what if I went to the neighbors, convinced...

Mr. Raymond Reber stated it doesn't matter.

Mr. Michael Druchunas asked don't we all have a stake?

Mr. Raymond Reber stated here's the issue. If we voted for it and said okay you can put it right in the setback zone in the front yard and you come up with all these logical reasons and your neighbors say it's fine. A week later every neighbor on the street can come to the town and say "I want to put a structure here. I want to put this there, because you let that neighbor put it in his front yard in the setback zone." We have no way of saying no then. These rules are set up by the town to maintain a certain character of the community. The character is setbacks that you can't put structures too close to the property lines, whether it's side, back or front and we don't want to have stuff all over front yards and yes you have two front yards but that goes with a corner piece of property. We face this quite often. There are situations where certain things, if you're not encroaching on the setback, for example you have some room from the setback line over to your house. If you were say expanding your house a little toward the road but not encroaching the setback we'd say "yes, it's front yard, you're intruding but you know what? You've got enough room there. We can give you a small variance." We've done that with some people but not to take a whole structure and just plop it in the setback. There's degrees that we can give, just like they said with the height. Six inches or a foot, we could consider it if it seems to fit in and it's not going to cause a problem but we're limited. We just can't throw these rules out the window.

Mr. David Douglas stated basically the choice is what we said before: we can vote and you've got a sense of where we're going or you could think it over, perhaps come with a new reduced proposal or...

Mr. Michael Druchunas stated I could come up with something that probably meets with a lot of your specs but it's going to look ugly.

Mr. David Douglas stated we can't consider esthetics. Under the law there are five factors and

esthetics is not one of them. We have to follow what the factors are under the law and one of them is whether you can achieve your goals, I have my cheat sheet even though I've been doing this for 13 years, whether you can achieve your goals through a reasonable alternative that involves less of a variance and you clearly – that you clearly can so...

Mr. Michael Druchunas stated while I'm here, and you're all here, do you see any – where would be the ideal location that...

Mr. David Douglas stated we don't want to micro manage. We don't want to say: put it here, put it there.

Mr. Michael Druchunas stated I'm not asking to micro manage it, I'm just asking for help.

Mr. Raymond Reber stated the ideal location is -- your plan shows the setbacks and shows areas, for example, around the accessory building that you have which by the way is a significant sized structure and also to the other side of your house there's an area where the play set is. Those areas – if you put something in there it doesn't even come to us because you're putting it in acceptable zones. Then the only thing is the height if you wanted a variance for that.

Mr. Michael Druchunas stated the driveway would have to go around the whole property.

Mr. Raymond Reber stated you're just asking us for...

Mr. Michael Druchunas stated I'm just asking for help. I have all the experts here.

Mr. John Mattis stated there's another issue that's come up too that you brought up. Round four guest quarters...

Mr. Michael Druchunas stated that's a distant project which I just included to be completed...

Mr. John Mattis asked when was that, what we call garage or you call it – that's the problem because you already have a substantial size accessory structure.

Mr. Michael Druchunas stated and we are thinking about actually connecting it onto the house. We have an architect draw that up so it would be consolidated as part of the primary structure.

Mr. John Mattis asked how would it be connected?

Mr. Michael Druchunas responded there's a concept that would a bridge – there's a hallway that we would connect it to.

Mr. John Mattis stated it's got to be more than a hallway. It's got to be living quarters.

Mr. Michael Druchunas stated it is actually, if you go in there, it's heated...

Mr. John Mattis stated no but I mean to connect it. We've had people that try to put breezeways and all these things and...

Mr. Michael Druchunas stated it would be integrated but...

Mr. John Mattis stated because that's the only way you could make it a guest room.

Mr. Michael Druchunas stated or we'd have to put septic in the back and get a guest apartment which we don't...

Mr. John Mattis asked when was that built? Do you know?

Mr. Michael Druchunas responded that was built – it's been updated over the years. I think it was originally built in the 1800s then they added onto it.

Mr. John Mattis stated no, I mean the guest...

Mr. Michael Druchunas stated the guest house was the old garage but then it was – there are pictures I sent to Ken that shows a very clear picture of it but it's no longer suitable for that. It now has wood framing. There's no port for the car to enter in. It's really cool. It has windows, electricity. It has the C of O.

Ms. Adrian Hunte stated Mr. Druchunas you also have on your short environmental assessment form, part I: project information under number 7 where it asks: is the site of the proposed action located in or does it adjoin a state listed critical environmental area. You have 'yes' checked. If 'yes' identify. You have county, state park lands.

Mr. Michael Druchunas stated I just got off the Internet – I didn't see anything around me but that automatically popped up. Again, I'm surrounded by homes. I'm on a hill. There might be a wetlands across from Lafayette which I'm guessing or it might be the Blue Mountain Reservation which is further down the road.

Ms. Adrian Hunte stated and also you have checked 'yes' that the proposed action will result in a change in the use or intensity of use of land; 'yes' and will this impair the character or quality of the existing community? You've checked 'yes, moderate to large impact maker.'

Mr. Michael Druchunas stated positive. It's beautiful.

Ms. Adrian Hunte stated that's not what it says here. Those are items that we have to take into account whether there's any adverse impact or impact on environmental conditions in the area.

Mr. Michael Druchunas stated I may have incorrectly filled it out. Will it impact having a garage? I don't know. Other people?

Mr. David Douglas asked so why don't we – I sound like a broken record here, why don't we adjourn this so you could think through possible alternatives?

Mr. Michael Druchunas stated my goal, I know, will be to eliminate one of the variance requests and then re-present.

Mr. John Mattis stated that isn't enough. You mean the height?

Mr. Michael Druchunas responded yes.

Mr. John Mattis stated that doesn't even come close.

Mr. David Douglas stated that's not going to do the trick.

Mr. Michael Druchunas stated the height and maybe buy a few more feet of setback.

Mr. John Mattis stated you're at 1,700. You're allowed 1,000 of accessory structures. You're almost 70% over. We don't grant that kind of variance.

Mr. Michael Druchunas stated but the house is so small...

Mr. John Mattis stated we give 20% and 30% maximum.

Mr. Michael Druchunas stated but that's because the average house in our neighborhood is over 2,000 square feet where ours is 1,600.

Mr. John Mattis stated but that's what you have to live with because the code says you don't want to overwhelm a property with accessory structures. If you have a big structure, a big house, you can have bigger structures and they still look – they don't overpower the house in comparison. I looked at where it was superimposed on that drawing and it looks as big as the house. It looks as big as the house almost.

Mr. Michael Druchunas stated it's 800 square feet and it's about half the size of the house. Right?

Mr. John Mattis stated but it look awful big.

Mr. Michael Druchunas stated it's a rendering.

Ms. Siew Yin Wee stated it's a rendering. It's half the size of the house.

Mr. Michael Druchunas stated and you're not seeing the back, around the house. This is a perspective drawing.

Mr. David Douglas stated we're going around in circles so I'll be a broken record for the last time. Why don't you take a month to think through what we've said and see if you can come up with another proposal? If you can't and you want to withdraw your application that's fine too. That's up to you but you see where we're – this is not going to fly so I'd suggest that we adjourn it and then you come back with some sort of reduced proposal, substantially reduced proposal.

Mr. Michael Druchunas stated okay, sounds like a challenge.

Mr. David Douglas stated that's the challenge. You can meet the challenge. You seem like a creative person.

Ms. Adrian Hunte asked do we have a motion?

Mr. David Douglas responded yes.

Mr. Michael Druchunas stated thank you.

Mr. Wai Man Chin stated glad you didn't buy the barn yet.

Mr. James Seirmarco stated I make a motion to adjourn this to March 15th meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated this case is adjourned until March.

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ADJOURNMENT

Mr. Wai Man Chin stated I make a motion to adjourn the hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the meeting is adjourned.

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**NEXT MEETING DATE:
WEDNESDAY, MAR. 15, 2017**