

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, May 16th, 2012*. 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:

Charles P. Heady, Jr.
James Seirmarco
John Mattis
Adrian C. Hunte
Raymond Reber

Also Present

Wai Man Chin, Vice Chairman
Ken Hoch, Clerk of the Zoning Board
John Klarl, Deputy Town attorney

ADOPTION OF MEETING MINUTES FOR APRIL 18, 2012

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

Mr. David Douglas stated the April minutes are adopted.

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CLOSED AND RESERVED:

- A. CASE No. 2012-11** **Curry Properties** for an Area Variance for a freestanding sign on property located at **3026 East Main St., Cortlandt Manor.**

Mr. David Douglas stated it's closed and reserved so you don't need to say anything.

Mr. Joel Greenberg stated I don't plan on saying anything.

Mr. John Klarl stated we have in front of us a draft Decision and Order for this matter which we reviewed at our work session on Monday night. Essentially, we indicated it's an application by Curry Properties for an Area Variance for a freestanding sign on their property on Route 6 in Cortlandt and the sign in question is going to be on the Route 6 side of the property. We indicate that in January of 2012 the applicant received a Building Permit from the Town for a new eliminated wall signs and a Hyundai freestanding sign. When the freestanding sign was

delivered to the local sign contractor, that sign saying they didn't manufacture the sign, they were just installing it. Once they got it, they inspected it and they noted that it had a solid decorative base which exceeded the allowed sign square footage. Upon review of the Building Permit it was found the plan did show the solid decorative base. The assistant working on this matter for the Town apparently wasn't aware that the square footage of the base hadn't been calculated in the entire calculus of the sign, therefore, he thought with the **24** square foot decorative top portion it was okay, but as we know from our **Local Law #2 of 2011** we have a definition on how we calculate the area of a sign and essentially, we've talked about it before without reading the entire thing, that we take a lasso and we lasso then entire sign both as to words and as to other decorative features. Deducting the sign face of **24** feet for the **93** square feet of the sign results in a Variance required of **69** feet or **387%** and that **387%** kind of shocks the consciousness of this Board because we've never gone near that because of course our sign Code has a limit of **100%** and we just haven't ever gone by there except for incredible reasons. So, we ask that anyone reading this Decision down the road that it results from an unusual set of facts and circumstances and in the future must be viewed this way not simply recited as "oh, this applicant received a Variance of **69** square feet or **387%.**" Rather, this is a unique case. and, the reason this is unique is for at least three features: 1) the Town issued a Building Permit in January of 2012 for the sign, 2) the applicant relied on the Town's Building Permit to order a sign, manufactured by an out-of-state manufacturer at a cost of next to **\$20,000** and thereafter the applicant's local sign installation contractor is the party that discovered that there were problems with the square footage and reported it to the Town and 3) if this Board was not to entertain this required Variance of **69** square feet or **387%**, the applicant would be damaged by paying both for the first sign that was manufactured pursuant to the Building Permit and the second sign which would have to be manufactured within the limits of the Code. Mr. Greenberg was kind enough to show us that that replacement sign would cost over **\$22,000**. So, given all the unusual circumstances in this case and looking at section **90** of the reinstatement second of contracts, I'm not sure Mr. Greenberg's aware of that, of section **90** reinstatement of contracts it talks about the doctrine of promissory stopple which is indicated in the reinstatement to be a promise which the promisor should reasonably expect to induce action or forbearance on the part of the promisee on which does induce the act of forbearance and is binding and in justice can only be avoided by enforcement of the promise. Here the Town of Cortlandt made a promise to the applicant by issuance of a Building Permit which induced action to manufacture the sign and resulting in an injustice of payment for two expensive signs. Once again, we indicate, as the Chairman Douglas had indicated Monday night we reiterate here that it cannot be stressed enough this unique application, the numbers involved here: the **69** square foot, the **387%** cannot be easily relied upon in the future because of the unique set of facts and circumstances here. As a result, this Board is of the mind to grant the applicant an Area Variance for the new freestanding Hyundai pylon sign from **24** square feet to **93** square feet for a Variance of **69** square feet or **387%** and this is a type II action under SEQRA with no further compliance required.

Ms. Adrian Hunte asked so the public hearing is closed, correct?

Mr. David Douglas responded yes.

Ms. Adrian Hunte stated on Zoning Board of Appeals **case #12-11** for Curry Properties I make a motion that we adopt the D&O to grant the Variance for the signage, a freestanding sign on the property located at 3026 East Main Street, Cortlandt Manor on the side of the property.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the Variance is granted.

Mr. Joel Greenberg stated if I don't see you have a great Memorial Day.

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ADJOURNED PUBLIC HEARINGS:

A. CASE No. 18-09 Post Road Holding Corp. for an Area Variance for the dwelling count for a proposed mixed use building on the properties located at **0, 2083 and 2085 Albany Post Road, Montrose.**

Mr. David Douglas stated this case has been adjourned to have coordinated review with the Planning Board. At our work session we talked about adjourning it further until August given that the proceeding's in front of the Planning Board. Is that correct Mr. Klarl?

Mr. John Klarl responded yes.

Mr. David Douglas asked do we have a motion?

Mr. Raymond Reber responded so move that we adjourn this case to the August meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated **case #18-09** is adjourned until August.

B. CASE No. 2012-07 Salvatore Fertucci for an Area Variance for a side yard setback for an addition on property located at **73 Paulding Lane, Crompond.**

Mr. Salvatore Fertucci stated I just received some detailed information on the two Variances that were brought to our attention on the **9** foot of the Variance on the homes in my neighborhood. Both of them – the offsets and the descriptions; one is very similar, the one with the garage how it has this staggeredness and how it's not in line with the other. In any event, after attending the work session, I had spoken to my architect and we were kind of coming up with some compromise for some of the disagreements that some of the Board members were mentioning at the time. I'm willing to adjust it to the **9** foot instead of the **10** that's proposed and instead of

doing a three-car door we do one standard door and one large door because in **9** foot I can't get now a **9** foot – I couldn't get a full door. I'd have to get a semi-half door because on a **9** foot door you need two feet left and right for the door to work.

Mr. John Klarl asked are you talking about garage doors in both cases?

Mr. Salvatore Fertucci responded yes, garage doors. Instead of proposing making it a three-door look because some people were concerned about the characteristic of the neighborhood changing – you know, nobody has a three-door garage, there are several people that do have larger – like the oversized garage door. I'm proposing, if we can, to take it down to the **9** foot and we could adjourn and I could get the drawings, make it **9** foot and propose instead of a three-car doors, two doors; one extended door, meaning making it an oversized door and also want to take into consideration that the side of the house that faces the neighbor has **10** foot evergreens blocking us and it also has no windows facing the neighbor. In the bathroom there's a what they call a port window at the top so my neighbor loved that idea that there would be no bedroom windows facing him so he can still maintain his privacy and we also – I believe Mr. Heady was out to the site, he saw the **10** foot evergreens that are there and I also agreed to add more evergreens on his side of the fence if he wanted but he wasn't concerned at that time and that's when he gave me the letter. Taking that into consideration, trying to compromise or make it work, I'm willing to, again you have the old set of plans, the **10** foot, **9** foot, no windows other than a transit window in the bathroom for ventilation and making two doors instead of three doors and that means I wouldn't be staggering the house forward **5** feet which the plan shows. My house would then be in direct line in order for that other door to work as one door.

Mr. Charles Heady asked you want us to vote on this tonight or you want to adjourn this until the next meeting?

Mr. Salvatore Fertucci responded from what I heard at the work session, there could be stipulations made...

Mr. Charles Heady stated we just got this tonight so I don't know, maybe you better to wait.

Mr. Salvatore Fertucci stated from what I understood there could be stipulations made. That's what I was told at the work session.

Mr. John Klarl stated conditions.

Mr. Salvatore Fertucci responded yes, conditions and then I could bring it back again and have the architect redo it if we're on the same page before I spend more money for her to redraw it out. I was trying to accommodate the concerns with the three doors. I already knew that we weren't putting windows in facing the neighbor except for a transit window in the bathroom and I knew that we had the evergreens of **10** feet between us.

Mr. David Douglas asked anybody have any comments?

Mr. Charles Heady stated we'll have to determine what kind of dimensions you want here on the Variance now.

Mr. Salvatore Fertucci responded it's **9** feet.

Mr. Wai Man Chin stated we just got the '**91** and the '**05** fact sheets just right before the meeting. I just want to say that in the '**91** case the house was existing prior to his adding an addition for a bedroom and so forth in the back of the house and that's why he has **11** foot because the house is already at **11** foot away from the side yard. He had a new garage on the left hand side which is **20** feet away from the lot line. One side he didn't need a Variance, the other side the house is already prior to the Variance, that's number one.

Mr. Salvatore Fertucci asked you mean the house is existing and he got the **9** foot Variance on the existing home?

Mr. Wai Man Chin responded yes, because we give a Variance because the house is built prior to zoning and it was already there before he added the addition in the back of the house. All he did was bring it straight back from the house so that **9** foot or that **11** foot from the house to the side of the house to the lot line was already there before he added the addition, that's the case on **1991**. The '**05**, the house is turned totally sideways compared to let's say what your house is. He has one side he has **25** but **9** inches from the nearest corner side lot line. On the other side he added a two-car garage because he didn't have a garage at all so that's why he got **11** foot from there. I want to look at these things first before I even make a decision. I'm saying that what your house is, is totally different from these two cases, totally different.

Mr. Salvatore Fertucci stated the '**05**, his house is exactly straight across like this. The only thing he did was step his garage back just like I was stepping forward.

Mr. Wai Man Chin stated that's not his garage.

Mr. Salvatore Fertucci asked the blue house?

Mr. John Mattis stated if I could comment on these? When you look at these closely you'll see that there's no similarity. Let's look at the '**05** case okay? Your house sits **50** feet back from the road this one is angled. The closest point is **127** feet **4** inches. It's **2 ½** times further back. You have built yours to the maximum allowed on both sides; **20** feet. He has a little bump out that's almost **26** feet, that's the closest. Most of his house on the left side, because he turned it sideways, most of the house is **30** to **40** feet away from the left side. He got a garage that's **22** feet wide. It starts out at **15** feet and it's angled closer. That Variance of **9** feet is only on the corner of the house, on the corner of the garage. It doesn't run along the whole property line. It angles away from the property line so that Variance is only at the nearest point. That garage – I remember this case very well and I did go out and look at it and that garage is narrower than your two-car garage – he's got a double door.

Mr. Salvatore Fertucci asked what do you mean narrower?

Mr. John Mattis responded it's **22** feet wide. If I look at your existing garage now, it's wider than that.

Mr. Salvatore Fertucci responded his is wider.

Mr. John Mattis responded no it's not.

Mr. Salvatore Fertucci responded my garage is – I think I have it on the plan...

Mr. John Mattis stated but the appearance of that is that it's much, much smaller structure because it's turned and because only part of it needs a Variance and some of its **15** feet away, some of its **11**. I'm sorry that's case **34-05**. Now, let's go to the case in **1991**. The fellow built the garage **20** feet away from the property line. He was entitled to do that. There was no Variance. If you look at the house, the house is **10** feet from the garage, the garage is **24** feet and he's **20** feet away, he's **44** – he's already about **50** feet away from the left side of the property line.

Mr. Salvatore Fertucci stated that's on the garage side.

Mr. John Mattis stated on the garage side.

Mr. Salvatore Fertucci stated his Variance was for his kitchen.

Mr. John Mattis stated my concern is; you've maxed out on both sides. He didn't even come close to that and again, when you look at what he built, he built a breakfast nook and that continues the exact line that the house had. He doesn't bump it any closer but the house is angled a little bit and it starts out at **14** feet in the front of the house and where he needs a Variance, it starts at **12** feet and it comes down to **11**. Neither case bears any resemblance to what you want.

Mr. Wai Man Chin stated the house was built in **1930**...

Mr. John Mattis stated from the appearance of the **1991** decision there was no change, you don't even see that, it's in the back and it continues the straight of the house. It doesn't come out any more it's just that the house is angled a little and the other one, as I said, he's got **25, 35** feet on the other side. The house is built sideways where yours is very wide. His is much narrower and he only needs a Variance for part of it because again, that's angled.

Mr. Salvatore Fertucci responded when you say a part of it, but is the Variance for **9** feet?

Mr. John Mattis responded the Variance is for 9 feet at the nearest point but then it angles away from the other guy.

Mr. Salvatore Fertucci stated but everybody's house is in a different situation.

Mr. John Mattis stated well that's what we're telling you. You didn't want to accept that at the work session. You said because these people got it, you got it and my comment back to you was "yes, everyone's a different situation," so now are you agreeing with me?

Mr. Salvatore Fertucci responded everybody has a different situation.

Mr. John Mattis stated that's right.

Mr. Salvatore Fertucci continued but everybody has a different need as well.

Mr. John Mattis stated that's correct but it's not necessarily need. A lot of people have needs but that doesn't mean that you get a Variance.

Mr. Salvatore Fertucci stated my thing was to try to compromise by your concern was several...

Mr. John Mattis stated my concern was that I don't think any side Variance on either side of your house is appropriate for your property in that neighborhood.

Mr. Salvatore Fertucci stated yes, and you're entitled to your opinion and I'm not here to argue your opinion but what my needs are for my family is why I'm here.

Mr. John Mattis stated but that's not one of the five factors that we look at.

Mr. Raymond Reber stated my problem with this – I have another issue here and that is that you built a two-family house, you've come before us to say you want to accommodate your mother or mother-in-law and to rearrange and expand the house to me that's unnecessary. It's a two-family. You've got a second unit there. For us to grant these kinds of Variances and encroach to me makes no sense at all. You have an alternative and to me I can't grant Variances.

Mr. Salvatore Fertucci stated my family's growing. I have a second child on the way so where do I stick the third and where do I stick my mother?

Mr. John Mattis responded but that's not a zoning issue.

Mr. Salvatore Fertucci stated I'm not here to try to argue I was just trying to compromise by doing the 9 foot and making it a two-door instead of a three-door, something to give me some kind of room to accommodate the upstairs.

Mr. David Douglas stated what I'd suggest is that we adjourn this until next month and we'll consider what you said tonight. We'll consider the details we found about the other cases though I think that what Mr. Mattis said about the cases and Mr. Chin said is factual, that's accurate but I think we do need some time to look over these things which we got tonight for the first time. That's what I'd propose to adjourn it until next month. I don't know that what you're saying is going to convince the majority of this Board but my proposal is that we adjourn to next month and we'll think it over some more.

Mr. Salvatore Fertucci stated I would just like some guidance before I make a third step or a fourth step with my architect who once again, they cost money every single time that I do this and present sizes.

Mr. David Douglas stated I can't tell you what people are going to do but I think you've heard from several members of the Board that they're skeptical about giving you a Variance in this circumstance.

Mr. James Seirmarco stated speaking for myself, just look at these two applications; both of those houses on one side don't even need a Variance, only one side needed a Variance. The Variance in the one particular house is just the corner, the majority of that whole side is probably doesn't need a Variance either but what you describe to us is an embellishment of a two-family house that already has both sides being consumed to the maximum and you want an additional space. Whether your family's growing, your mom has moved in or – those are honorable things to try and do but as far as the zoning issues go, you've already maxed out the zoning side yards on both sides so I wouldn't want to see you go out and say "okay, it's not going to be **10** foot it's going to be **9** foot. I'm not going to put a window there, we're going to put a small window and I'm going to spend 'x' number of dollars to come back with a set of plans" knowing full well that there isn't anybody sitting on this Board right now is in support of that. You're going to have to think outside the box of something that accomplishes your goals without impinging on the side yards and I think then we would all be willing to listen but if it includes doing something in the side yards, I think you're going to be wasting your time and money.

Ms. Adrian Hunte stated Mr. Fertucci, I usually go, as the rest of us do, go back to the basics here and the criteria that we look at in terms of granting a Variance or thinking about granting a Variance and from what I see here, you are maxed out in terms of building – you have a two-family home. It's unfortunate that the – I suppose for you it's good that the family is growing however, it's unfortunate that your space is limited in terms of accommodating the family but that is not necessarily what the Zoning Board is here to do. I can't tell you to limit your family or do whatever but going back to the basics is there an undesirable change that will be produced in the character of this neighborhood and I would tend to say 'yes' because you have – you're building out, you maxed out and you want to extend even further. It's causing an encroachment on the side of your neighbors whether they say they disagree or agree, it is still an encroachment on them and you have one neighbor who's saying that if you don't put windows up at the top – suppose the deer come and eat the evergreens, so you have no screen, you do have a window issue...

Mr. Salvatore Fertucci stated he was fine with it whether or not – he wrote a letter...

Ms. Adrian Hunte stated but still, the idea is that you are encroaching upon his property and within what the Code allows. It is self-created and you do have alternatives and based on that and it is substantial because you've already maxed out so based on those criteria I think that I would not be inclined to grant the Variance.

Mr. David Douglas stated as Ms. Hunte said, those are – I said at the last meeting or maybe the one before, there are five criteria that we look at and that's what the statute says we need to look at.

Mr. Charles Heady stated I think the first meeting we had here Mr. Reber suggested, which was a good idea but you didn't want to go along with it, he said you could put the garage at the back of the house [?] they had no problem but you said you can't work it out that way. Maybe it's a possibility you could work it out and it would save you a lot of trouble. If you could work it out that way you wouldn't even have to worry about this Variance. Talk to your architect and see what you can do. It would be worth your while.

Mr. David Douglas stated again, I'd stick with my suggestion that we adjourn it and let you think about alternatives. The other alternative is for us to vote on it now and I don't think you want us to do that.

Mr. Salvatore Fertucci responded I only had one other thing to do and it was taking Raymond's idea; if I eliminated the staircase that's there now, I gain 5 feet of a room and if I put the staircase on the outside of the house – that's what I was going to present before we found the Variances because I had drawings for that, was the 5 foot to create a stairwell system on the outside of the house but when we found the Variances I figured I would approach it and...

Mr. Wai Man Chin stated the Variance before is not the same with what you're trying to do.

Mr. David Douglas asked so why don't we do this, again, why don't you consider your alternatives, you said you've got that other alternatives, talk about it with your architect. Come back to us next month, in advance of the next meeting so that we get a chance to look at the plans and then we'll deal with it then. Again, you've heard what we have to say so that you don't waste your time, if you come back with the plans that are just a tweaking of what you've got now I don't think you're going to get many votes up here.

Mr. Salvatore Fertucci responded okay, thank you.

Mr. Charles Heady asked any comments from the audience? I make a motion on **case 2012-07** to adjourn the public hearing until June.

Seconded with all in favor saying "aye."

Mr. David Douglas stated **case #2012-07** is adjourned until the June meeting.

Mr. Salvatore Fertucci asked when is that?

Mr. David Douglas responded it's June 20th.

C. CASE No. 2012-12 Heide Mason and Susan Costigan for an Area Variance for the front yard setback and the height of an accessory structure for a proposed new 3 car garage on property located at **597 Croton Ave., Cortlandt Manor.**

Ms. Heide Mason stated on the last date we were here we had talked about a large, basically four car garage. Mr. Reber had suggested we rotate it. We did. I think you have those plans. We also shrunk it. As far as the garage itself goes, I believe that we're entirely within the Code for that structure which just leaves us with the shed which we essentially lopped off the end of the garage then lowered the roof and so on so it would fit within the Code. Regarding the shed, you can see on the plot plan that it sort of faces in to create sort of a courtyard area but we would require a Variance from the setback from the road and also from the side but less so than our original proposition and there's no height issue.

Ms. Susan Costigan asked if I may, could I just show you the garage plans?

Mr. Wai Man Chin asked and what is the height?

Ms. Heide Mason responded it's **14**.

Mr. David Douglas stated **14**, within the Code.

Ms. Heide Mason stated we came down to everything.

Inaudible.

Mr. John Klarl asked is that a brick or stone façade?

Ms. Heide Mason responded stone and then clapboard or look of clapboard above it to match the house. You have the plot plan for the shed though so you know where the shed...

Yes.

Mr. John Mattis stated you can have a shed without a Variance if it's **100** square feet or less, this is **242** square feet. We've never approved a shed this big. That's a concern of the Board. It's a large concern.

Ms. Heide Mason stated the depth of it is because the C kayaks we use are **20** feet long.

Mr. John Mattis asked those are two men?

Ms. Heide Mason responded no, they're the ones you see if you're along the Hudson. We go in by Peekskill Annsville. They're the very long C kayaks. I could go on on this one because I kind of like them.

Mr. John Klarl asked the ones at the paddle park at Annsville?

Ms. Heide Mason responded yes and the C kayaks are the long ones. They go from **16** feet to **22**. The two I own are about **20** feet. They're like **19.9**. That was explaining the excess depth in there.

Mr. Raymond Reber stated first I want to compliment you on the garage. You did a great job of repositioning and the design is elegant. It looks very good. However, I had the same problem with the shed as I had with any other thing. I really don't like seeing things in the front yard and my question is, is there no way, since you've got a lot of other property putting the shed somewhere else? I know hauling the kayak is a little bit of a problem but I have kayaks too and you end up hauling them anyway so if this shed was positioned somewhere else in the yard and you had to kind of drag it out. It's still a sizable building that's next to the road in the front yard and we really don't do those things.

Ms. Heide Mason asked what have you granted? Because, you said we're basically two times too large but what would be acceptable?

Mr. Raymond Reber responded what we've done is more of a shed-type structure, **10' x 15'** or **10' x 10'** and only when the yard is such that there's no way that they can physically get it in the back. What happens is it gets pushed off somewhere in the corner behind shrubbery so that basically if you're driving by in the street you don't even notice it over there, it's hidden. Those are the kind of things that we've approved. This is going to sit right there. It's a significant building. It's obvious and that's a problem I have with it. I don't know how the rest of the Board feels but.

Ms. Heide Mason responded I understand. It's **35** feet back from the road versus the original which was around **10** feet and we've gone back **25**.

Mr. Raymond Reber stated maybe with screening or whatever. I don't know how the rest of the Board feels.

Ms. Heide Mason responded we'll do whatever screening you tell us to do but the problem is, is the way the site is and you can see from the plot plan – see where it says, if you're looking at the house and you've got the slate walkway in front of the open porch, that's very narrow as it passes the house to where the retaining wall is and to put a shed back behind there is great for

lawnmowers and things like that but it's not going to work for moving those boats there. It's just, honestly – you're welcome to come look as I've said before. I have no objections to a site visit but we can't really put a shed back there that would be practical for this. I move them on a special trailer and they're big and long boats and kind of unwieldy and I'm a towering 5'2" ½. That becomes really difficult.

Mr. Raymond Reber stated I've got two-man [?] so they're similar and I keep them in my garage. I have them suspended. I actually have a rigging set up so that I can raise it and hang it from the rafters but you're right it takes the full length of the garage.

Ms. Heide Mason responded right, that's the problem. Is there something we can do in that existing proposed location for the shed that would make it acceptable?

Mr. John Mattis asked is there any way you could turn it and move it back, even though we need a Variance on the side yard, you would basically take it back to the...

Ms. Heide Mason responded so that would almost be next to the one that's there?

Mr. John Mattis asked yes, is that a possibility?

Ms. Heide Mason responded that's kind of where we cut it off from to come back within the rules.

Mr. John Mattis stated I think the front yard Variance is more of a concern than the side yard.

Ms. Heide Mason responded so if we sort of rotated it so it was just off to the side – keep it separate so that it's not part of the garage so we don't get into those issues again and put it to the left...

Mr. John Mattis stated because the house on that left side, your neighbor, is far away and their garage will screen that anyway.

Ms. Heide Mason responded well their garage is also up on big rocks.

Mr. John Mattis stated so that won't really impact them.

Ms. Heide Mason responded we could do that. We were trying to avoid that based on...

Mr. John Mattis stated we'd have to give you a fairly large side Variance but it would virtually eliminate it completely a front yard Variance.

Mr. Raymond Reber stated you still have a front yard Variance but it would be minimal.

Mr. John Mattis stated you'd still get what you want but it would be located a little different.

Ms. Heide Mason responded that doesn't kill us, we were just trying to....

Mr. Wai Man Chin stated your front yard may end up with only a **5** foot Area Variance...

Ms. Heide Mason asked could we make a quick sketch and ask you if that's what you're talking about.

Mr. Wai Man Chin stated by turning it that way you might need a **5** foot Variance for the front yard but it's better than a **15** foot so it's a big difference.

Ms. Heide Mason responded just making a sketch here if it's acceptable. Just give us a moment.

Mr. John Mattis stated unlike the prior case, the people -- the neighbors have a garage that's up on the rock and then their house is far, far...

Ms. Heide Mason responded right, it's way on the other side.

Mr. David Douglas stated it's the front Variance that gives us hesitation, the side doesn't have much impact, the front would.

Ms. Heide Mason responded since we've already chopped it off it's not that big a deal to move the garage.

Mr. Raymond Reber stated even the side yard, you'll still have a fair amount of distance.

Mr. John Mattis stated I think that if we did that and if we can get a dimension there and say no closer than 'x' number of feet to the side and grant like a **5** foot Variance in the front or a couple foot and it would be subject to that.

Ms. Heide Mason asked if it's alright with you, we'll play with numbers for a second, maybe call the next one and then maybe we can step back up again. Would that be all right?

Mr. David Douglas responded that's fine. We'll keep this open and put you on later on the agenda after you do the scaling.

Ms. Heide Mason stated I think we've got it. I'll put it on the record and then if I can show you. If we bring the shed back alongside the garage, it's separated by **7 ½** feet and we bring it back as far as we can so the edge is at the retaining wall, it's going to be slightly canted to the property line so the closest corner, which is the rear one, is **13** feet to the side but the front corner on the same side is **20** and then our setback is **49** feet to the closest corner so we're off by a foot there and then on the side we need a little more.

Mr. John Mattis asked what's required on the side, **20**?

Mr. David Douglas asked what were those numbers again, I'm sorry.

Mr. John Mattis asked so you would need **1** foot on the front?

Ms. Susan Costigan responded **1** foot on the front because it's **50** feet, we need **1** foot so it would be **49** feet for the front yard.

Mr. David Douglas stated I'm impressed with your drawing.

Ms. Susan Costigan responded thank you. I had some time to work on it. You can see how it sort of slopes sharply to the rear.

Mr. Wai Man Chin stated I think that shows a good picture.

Mr. John Mattis stated that works very well.

Mr. Raymond Reber stated I would simply recommend that we give you **2** foot in the front just in case your calculations are wrong.

Ms. Susan Costigan responded I appreciate that.

Mr. John Mattis asked you're comfortable with the **13** feet? If necessary we can make that **12 ½** because they're doing it off of side yard.

Ms. Susan Costigan stated I figured about **7 ½** feet between the two buildings because I have some overhangs. I have about **5 ½** feet between the overhangs so that should be a comfortable distance. Ken is that okay to have like **7 ½** feet between those two structures?

Mr. Ken Hoch responded yes, I'll just need a revised set of plans for the plat.

Ms. Susan Costigan responded of course.

Mr. David Douglas stated since we're on the record here, at least this side of the Board wants to praise the artistic ability of the architect. I know you had plenty of time because we went on for a while but still this is very impressive to do on the fly.

Mr. John Mattis stated you did a good job with that. Is there anyone in the audience who would like to speak? I move that we close **case 2012-12**, we close the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the public hearing is closed.

Mr. John Mattis stated I propose a side yard Variance of **17** feet of a required **30** feet, that's an allowed **13** feet from the property line and a **2** foot Variance in the front down to **48** feet from the required **50** for a storage shed as shown on the drawings and this is a type II SEQRA and no further compliance is required...

Mr. Charles Heady asked would it be subject to showing...

Mr. John Mattis responded the construction is subject to showing those points.

Mr. Raymond Reber stated plans.

Mr. John Mattis stated on appropriate plans.

Seconded with all in favor saying "aye."

Mr. David Douglas stated that Variance is granted.

Ms. Susan Costigan stated thank you so very much.

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NEW PUBLIC HEARINGS:

- A. CASE No. 2012-13** **George Murphy** for an Area Variance for the front yard setbacks to replace an existing deck on property located at **1 Hood Place, Cortlandt Manor.**

Mr. David Douglas stated we'll put that on for second call also. Ken, if you could send them a letter and tell them it will be deemed abandoned if they don't come next month.

Mr. Wai Man Chin stated or request an adjournment.

Mr. John Mattis asked did we have a motion for that?

Mr. David Douglas asked does anyone want to make a motion to send that letter?

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

Mr. David Douglas stated so Ken if you could send that letter.

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B. CASE No. 2012-14 **Earle Ellefsen** for an Area Variance for to allow an accessory structure (generator) in the front yard on property located at **2028 Quaker Ridge Rd., Croton-on-Hudson.**

Mr. Douglas Dimartris stated I'm representing Mr. Ellefsen. He's out of the country right now. I have a proxy right here.

Mr. John Klarl asked can I take a look at it please? Are you his contractor?

Mr. Douglas Dimartris responded yes.

Mr. John Klarl asked your name is? It says that Earl and Barbara Ellefsen are the owners of the property located at 2028 Quaker Ridge Road, Croton and they've authorized Douglas Dimartris to make the attached application for a Zoning Variance for a generator represented at all Board meetings and signed, the young couple.

Mr. Wai Man Chin stated for the record he has to keep it.

Mr. David Douglas stated if you could tell us what it is that you're seeking.

Mr. Douglas Dimartris stated the Variance is for a generator and a propane tank.

Mr. Wai Man Chin asked in the front yard?

Mr. Douglas Dimartris responded yes, out of the setback line I guess.

Mr. Wai Man Chin stated in the front of the house. No matter where it is it's in the front yard. I usually don't have a problem with generators in the front yard or anywhere nearby a house or anything like that but this one, why is it so far away from the house? Why is it so close to the neighbor's property line? And, I believe you're going to put a propane tank over there also?

Mr. Douglas Dimartris responded the propane tank is actually setback down below the hill so you can't see it within **10** feet of the property line and as far as the generator goes, we actually have some spare conduits out there by the service entrance by the meter there. So, instead of destroying the whole driveway and getting it cut back into the house, we decided to use those conduits in there to get the generator near the service.

Mr. Wai Man Chin asked you're going to put a transfer switch down by the...

Mr. Douglas Dimartris responded yes, at the meter.

Mr. Wai Man Chin asked at the meter?

Mr. Douglas Dimartris responded yes.

Mr. Wai Man Chin stated the only thing is I see it's just too close to the neighbor's house because that neighbor's house is very close to the lot line over there.

Mr. Douglas Dimartris responded I believe there's dimensions there. I think it was **25** feet from the front.

Mr. Wai Man Chin stated it's almost **80** feet away from their house.

Mr. John Mattis asked what about the propane tank? It would be even closer to the neighbor.

Mr. Douglas Dimartris responded the propane tank is **10** feet from the property.

Mr. John Mattis asked and it's down below right?

Mr. Douglas Dimartris responded it's set down – there's a little grade hill there...

Mr. John Mattis stated well if I were the neighbor I'd be very concerned because as you know propane is heavier than air and if there's ever a leak – the people you're representing would be okay because that won't go up to their house but it could go down to the neighbors. I would be very concerned and I don't know that I'd want somebody's **250** gallon propane tank **10** feet from my property line. It's actually closer to the neighbor's house than it is to your client's house.

Mr. Douglas Dimartris stated that house is that close to the property line on that side?

Mr. John Mattis responded if you look at the topographical that we have...

Mr. Douglas Dimartris responded because I couldn't see it from...

Mr. John Mattis stated it may be equidistant but that's still – it's the closest you can get to any neighboring house let me put it that way.

Mr. Douglas Dimartris responded really, because I know there is not too much around there. It's pretty set back pretty far.

Mr. Raymond Reber stated the neighbor's house is actually closer to the property line than your applicant's house.

Mr. Douglas Dimartris asked it is?

Mr. Raymond Reber responded yes.

Mr. Douglas Dimartris stated I didn't measure that myself.

Mr. Raymond Reber stated I could not approve this for that very reason. It's a big yard there's got to be some other way of locating it so that you're not encroaching the neighbor like that.

Mr. James Seirmarco stated he just updated it to **500** gallons.

Mr. Douglas Dimartris responded I thought it was **500**, maybe it's **250** – is it **250** on the drawing.

Mr. David Douglas stated it said **250**.

Mr. Raymond Reber stated **250** I thought.

Mr. Wai Man Chin stated that's the problem I have with that. I never had a problem with a generator in front of the house or anywhere but the tank I think is too close to the property line. It's got to be moved somewhat closer. You're saying that there's a spare line where the meter is all the way to the house?

Mr. Douglas Dimartris responded yes, underground conduit.

Mr. Wai Man Chin asked open conduit. Empty you mean?

Mr. Douglas Dimartris responded it's empty yes, there's a few of them. They're spares from when the house was built.

Mr. Raymond Reber stated the generator, if you want to put it there, fine but you've got to find some other place for the propane tank.

Mr. Douglas Dimartris asked okay, back towards the back of the house or just away from the property line?

Mr. Raymond Reber responded get away from the neighbor, just get away from the neighbor and get it over towards the applicant's house or whatever.

Mr. Wai Man Chin stated the back of the house is fine too because the other house is way far away.

Mr. Douglas Dimartris stated I don't have the drawings. I just gave them to Ed.

Mr. Wai Man Chin stated this would be the back of the house. Here's the front. This is where you propose it, it's right there the house. You see what I'm saying? Move that far away.

Mr. James Seirmarco stated just for a minority position on this. I'm not even for the generator in the front yard. This is a large enough piece of property – I share that there's an open conduit and it's certainly going to reduce your cost but that's a self-imposed hardship, not – it doesn't hold any water with me. There's plenty of other locations on this property that you can put a tank and

generator in the back without putting it in the front yard.

Ms. Adrian Hunte stated I agree that you do have alternatives. They need to be explored but nonetheless I do think that you have alternatives and there are some safety issues here as well that would have an adverse impact on the area.

Mr. David Douglas stated perhaps what you could do is, you could go back and consider alternatives and come back to us next month.

Mr. Douglas Dimartris responded okay, as long as we relocated the system back further...

Mr. David Douglas responded we'd have to see what you propose. I for one, I'm just one vote, but I'm not going to give you a blanket statement and say as long as you move it where it is...

Mr. Douglas Dimartris responded I understand, we'll give you some more dimensions and another area and the whole thing right?

Mr. David Douglas responded right, you're going to come back with a new proposal as a new location and...

Mr. Wai Man Chin asked what do you do with the transfer switch? Is it an outdoor transfer switch?

Mr. Douglas Dimartris responded yes. We'll see you next month.

Mr. Charles Heady stated it's the propane tank itself if you moved it back. You understand what he said?

Mr. Wai Man Chin stated it's more with the propane tank than anything else.

Mr. Douglas Dimartris responded yes, there's actually some screening there around the electrical service, that's what would be a plus for the generator to be close to that.

Mr. Wai Man Chin stated we always like to have...

Mr. John Mattis stated we require adequate screening so the neighbor couldn't see it.

Mr. James Seirmarco asked have you considered burying the tank? Many people are burying the tanks these days?

Mr. Douglas Dimartris responded that could be the situation that we might end up doing that but it still couldn't go in the same spot could it?

Mr. David Douglas responded no.

Mr. Wai Man Chin asked anybody in the audience?

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

Mr. Wai Man Chin stated I'm going to make a motion on **case 2012-14** to adjourn it to the June meeting.

Seconded with all in favor saying "aye."

Mr. John Klarl asked will your clients be here next time?

Mr. Douglas Dimartris responded I don't know when he's getting back. I've got to tell him some great news.

Mr. David Douglas stated make sure you get us the alternative plans sufficiently in advance.

Mr. Douglas Dimartris responded I will in plenty of time.

C. CASE No. 2012-15 Phil Padilla on behalf of Joyce Fisher for an Area Variance for the front yard setback for an entry canopy on property located at **113 Montrose Point Rd., Montrose.**

Mr. David Douglas stated if you could just tell us who you are and what you want.

Mr. Phil Padilla stated my name is Phil Padilla and I am a friend of Joyce Fisher. We're trying to install an entry portico to the front door of her house. I believe we have roughly **35** feet to the road and we need **50** feet. I think that's what it is. We're looking for a Variance in order to install this just so that when you walk into the front door just to mainly shade you from rain and poor weather – it's a straight raised ranch and unfortunately, as I just mentioned to Joyce, we should have taken some pictures of the way it looks now so that you could see it's just a plain **1960** one level ranch and this would actually enhance the house besides giving the physical entrance protection actually.

Mr. Raymond Reber stated this house is a stand-alone house. One of the things we always look at when we look at any kinds of additions that require a Variance is how it sits relative to its neighboring houses. There are no neighboring houses. This house is by itself. We usually do look favorably on these entryway canopies for the obvious reason that the applicant has mentioned; to give some protection at the front door. It adds a little architectural feature. In this case it will still be **34** feet off the road. Esthetically it'll look fine. It certainly doesn't deteriorate the neighborhood so I see no problem at all in granting this Variance so that they can have that canopy over the front entrance.

Ms. Adrian Hunte stated I agree.

Mr. John Mattis stated I agree and I'm familiar with that neighborhood. There's actually only one more house on that road so you won't really get any traffic going by there anyway.

Mr. Phil Padilla responded I don't think anyone even saw the sign that we posted.

Mr. David Douglas asked any other comments?

Mr. Wai Man Chin responded no, no problem.

Mr. David Douglas asked anybody in the public want to be heard?

Mr. Raymond Reber stated on Zoning Board of Appeals **case 2012-15** I move to close the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the public hearing is closed.

Mr. Raymond Reber stated on Zoning Board of Appeals **case 2012-15** for 113 Montrose Point Road, Montrose NY for a Variance to put a portico over the front entrance that would require a Variance of **15.68** feet from a Zoning requirement of **50** feet down to **34.32** feet, this is a type II SEQRA no further compliance required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated your Variance is granted. You'll need to get the paperwork from Mr. Hoch.

Mr. Ken Hoch stated you'll get it in a few days in the mail and then we'll process your Building Permit.

D. CASE No. 2012-16 William Anthony for an Area Variance for the side yard setback for a detached garage on property located at **43 Brandeis Ave., Cortlandt Manor.**

Mr. William Anthony stated I'm requesting to be able to build my garage with a slightly smaller side yard clearance than was set up in the existing plans which was the required **4** feet. I was looking to just reduce it down to **2** feet and the main reason was so that, as you can see I have a fireplace that sticks out into the proposed driveway area. It also basically sticks out into the view of when you are pulling out of the garage so moving the garage over **2** feet I felt made the view, when you're coming out of the garage, a lot better as far as when you are backing out if

somebody should be standing somewhere around where the fireplace is or – that was my main concern, just that view. The side yard now, there's a stone wall there so the only impact there would be on the neighbor would just be that the stone wall would be just taken off of that section where the garage would be and then the stone wall would just continue a little further up the road but it wouldn't impact anything else. There's a row of bushes there which would stay. Basically, it wouldn't change anything there. That was my only thing. I just wanted to move the garage over **2** feet a little closer over on that side.

Mr. James Seirmarco stated I did get a chance to stop by, look from the street, drove through the neighborhood. I think you'll be one of the only people to have a garage in the area. Most of those houses are taking up quite a bit of area on each lot, so you'll sort of be unique there as far as having a garage.

Mr. William Anthony responded there's only a few homes in the neighborhood that have garages. There's probably maybe **6** or something like that. My home was renovated so I have one of the only ones that's really new. It was finished in **2004**. As I said, the problem I had was initially I needed to use my entire front for septic so I was not able to build a garage in the front in order to get the state to approve the septic system. I had to not only use the entire front but I had to buy additional property from the community so I could meet the criteria for the septic. That's reason I couldn't put the garage anyplace except for on that side and on the back there.

Mr. James Seirmarco stated it's a larger garage that you possibly should need. Would you consider making the width on the right side the same width as the driveway extension? That reduces your side yard setbacks and minimizes your requirement for that encroachment because this is – I understand why you want the **2** feet so you can open the door and get out but – and I know it means nothing to anybody else but I know my garage, it's unfortunate my wife has to get out before I pull into the garage and that's just the way it is. This may be just a – the lot is small and the house is large, it takes up a lot of the area, you may have to facilitate that. In my opinion, everything would be okay except if you could make the garage the same width on that side as the proposed driveway extension.

Mr. William Anthony responded as you said, I was hoping as you said, in other words with the garage of this dimension it gives me the ability to – see I have a work van so it gives me the ability to put my work van in there and be able to load and unload my vehicle in the winter and in the dark which for all the years that I've lived here I've had to do that outside. After **30** years of being a plumber, I'd like to have a garage so that I can set myself up for my job so the main reason I wanted a garage of this size is because I have a lot of my materials – my plumbing business is basically in that garage as well as, even though my wife's car would be the one who would be parked in it, I would be using the garage. My primary concern is just being able to put my van in there, get loaded up whatever I need to do. That was the only reason I didn't really want to reduce the size at all because even this size is not that big once you come right down to it but if I have no choice but to do that then if that's what I have to do.

Mr. Wai Man Chin stated I originally had reservations about this in trying to shrink it down

somewhat and I didn't realize that the chimney actually is – I guess the plans didn't show the chimney of the garage itself. Driving by that chimney you have to kind of move it in towards the house more you kind of have to go kind of veer back a little of an angle to get in there but if we pull back...

Mr. David Douglas stated I think you can go straight in.

Mr. James Seirmarco stated you should be able to go straight along the proposed driveway.

Mr. Wai Man Chin stated originally we knocked down the foot and a half that he needs or whatever it was, a foot and a half...

Mr. Raymond Reber stated this is an **R-10** lot which is absolute minimum size lots we have in the Town, because of the that the zoning has minimized the side yard setback to only **4** feet. If you look through the Town, very rarely will you find garages on **R-10** properties. I grew up in an **R-10** house. Nobody on my street had a garage for one simple reason; you can't put garages usually on an **R-10** lot, there's just not enough room. To me, **4** feet is the absolute minimum and I would not grant a Variance to go below **4** feet on a side yard setback. To me, it's just unconscionable. If you can rearrange the layouts so you can make it to fit within that **4** foot, fine, then you don't need a Variance. But, to me, **R-10** lots are not designed to have garages that's why they don't exist because there's just not enough room and **4** feet is an absolute minimum so to me, I would not grant any Variance on the **4** feet.

Ms. Adrian Hunte stated I concur.

Mr. Wai Man Chin stated I look at, if you move that garage door over towards the house a little bit, you probably take away that foot and a half that is what you're asking for because from **4** feet down to **2 ½** feet – that would eliminate the Variance then by moving the door over one foot it will work. The garage is pretty wide compared to a car. A car is usually **6** foot, even a van is **6** foot **6** tops but if a garage door is wide...

Mr. William Anthony responded it's not that we can't make it work within the – my only concern was just that, as I said, if the fireplace wasn't sticking out there, none of this would really be an issue but you know my wife's managed to hit everything that isn't tied down since we've been there. She's driven on top of a pile of rocks. If it's there, she can crash into it so the bottom line is...

Mr. David Douglas stated before you continue, this is being recorded. You sure you want to say this?

Mr. William Anthony responded and that's fine but I can guarantee you if I leave this the way it is I can guarantee you that that fireplace will end up having something missing...

Ms. Adrian Hunte asked and let me guess, you've never backed into anything right?

Mr. William Anthony responded oh no, I've backed into things, there's no doubt but I mean just to add a little humor to this thing. It is what it is. I'd just hoped that maybe I could move it over a little. I'm not looking to create any major problems that's all.

Mr. Wai Man Chin stated like Mr. Reber said, **R-10s** are very tough.

Mr. William Anthony responded I know. It was tough for me, as I said; when I went to do this septic system what we went through to get a legal septic system in there was unbelievable.

Mr. John Mattis stated you're lucky with an **R-10** with the upgraded requirements for septic you could even do it. It is a problem.

Mr. William Anthony responded as I said, it was not only did it take some amazing engineering but it cost me **\$51,000** to do it but you know – I have the most expensive septic system probably in Westchester but it's a good one. So look, if that's what it is...

Mr. David Douglas stated there are certain factors that – you may have heard us say this earlier tonight. There are certain factors we just look at under the statute and I don't think that you meet the criteria under them. One of them is whether there's any detriment to nearby properties and I believe that moving it as close as **2 to 2 ½** feet that would be a detriment to your next door neighbor.

Mr. William Anthony responded okay.

Mr. David Douglas stated for the record, I just want to go through the factors. One issue is whether or not you can achieve what you're trying to achieve by another method and I think you just said there are alternatives. The Variance that you're requesting is fairly substantial; I think it's **37 ½ %**. I don't know that it has any negative impact on the physical and environmental conditions but the fifth factor is the difficulty is self-created and it is. I don't think that you really do meet the criteria for a Variance here.

Mr. William Anthony responded okay, I just I've never applied for one before so I understand what you're trying to do let's put it that way.

Mr. John Mattis asked I have one question that isn't shown here. What is the height of that garage? It looks like there's more metal work on the top?

Mr. William Anthony responded I think it's **12** feet.

Mr. John Mattis stated because **14** is the maximum.

Mr. William Anthony stated no, it falls within all of that.

Mr. John Mattis stated it wasn't shown there so I had to ask the question.

Mr. William Anthony responded I'm pretty sure it's **12**.

Mr. David Douglas stated I think you can get a sense of where the Board's going. There's two approaches; either we can have a vote or you could withdraw it.

Mr. William Anthony stated I got closest with Mr. Chin at least.

Mr. David Douglas stated Mr. Chin is giving you an opening.

Mr. John Klarl stated the Chairman said you could have a vote or you could withdraw your application.

Mr. William Anthony stated I'll withdraw the application because I don't think, based on what we discussed, that it's – I'll just have to make a few changes that's all and be satisfied with – as you said, I'll be one of the only people who has a garage in the whole neighborhood.

Mr. Wai Man Chin stated consider yourself lucky.

Mr. William Anthony responded yes, but then again it's not like anybody's giving it to me.

Mr. John Mattis stated thanks for your understanding.

Mr. David Douglas stated thank you for being so understanding on what we're doing here. **Case #2012-16** is withdrawn as stated by the applicant.

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My name is Lindsey Furchanti and I am the new neighbor of William Anthony and I know he withdrew his Variance of the...

Mr. John Klarl stated he said he might.

Mr. David Douglas stated no he withdrew it.

Ms. Lindsey Furchanti stated I was just wondering if I would be able to ask a question because I'm not exactly sure being that I am the new neighbor and; is he still able to build the garage if I'm opposed to the garage? How far away can he...

Mr. David Douglas responded as long as he stays within what's allowed under the Code, under the **4** feet then he can build the garage.

Ms. Lindsey Furchanti stated my last question basically is: I know you said it was a **14** foot height requirement...

Mr. John Klarl stated limitation.

Ms. Lindsey Furchanti responded limitation, I'm sorry, if he's going to – I don't know if there were plans in putting a deck or if it was a pitched roof, I don't know any of that information: is he allowed to do that or...

Mr. David Douglas responded if he goes above **14** feet he would have to seek a Variance.

Mr. Wai Man Chin stated if he goes to **14** feet, he doesn't require a Variance, if he stays within **4** feet of the lot line he doesn't need a Variance.

Ms. Lindsey Furchanti stated the only reason I'm asking these questions, besides the fact that I'm a new resident, is that my bedroom window will be looking at his garage and if he does put a deck, which I know I've had conversations with him about it, is going to be right there and I know the property is quite close. I wasn't sure what the next step is...

Mr. David Douglas stated if he stays within the – if he stays **4** feet or more and **14** feet or below then he's allowed to build it.

Mr. John Mattis stated and the drawings did show a flat roof.

Ms. Lindsey Furchanti stated it did.

Mr. John Mattis stated and it did show something like a deck, yes.

Ms. Lindsey Furchanti asked so as long as he's in the Variance, it doesn't matter what he builds...

Mr. David Douglas responded right, as long as he's within the setbacks he's allowed to build – as long as he gets the necessary Permits then he gets approved.

Ms. Lindsey Furchanti stated thank you very much. I appreciate your time.

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E. CASE No. 2012-17 David Vanvoorhis for an Area Variance for an accessory structure (wood shed) in the front yard and for unenclosed storage of material (firewood) occupying more than 100 square feet in the front yard on property located at **27 Susan Lane, Cortlandt Manor.**

Mr. Alan Rapulier stated and I represent the property owners Mr. Vanvoorhis and Mr. Bavone. There's a couple of questions: the first one is an Area Variance for a shed and if I can approach, probably the best evidence I can give you is this is a photograph that was taken by Sue McDonald who is here, from **1987** – somewhere between **1987** and **'88** which shows the shed. The shed is also on the survey map which I've presented to the Board. The shed has been in existence, we believe, since the house was built. The shed has not been improved by the property owners with the exception that the roof was repaired by Mr. Vanvoorhis. I can approach Mr. Chairman and I'll pass this photo around.

Mr. David Douglas stated actually if you could start over there and then it'll come down this way.

Mr. Alan Rapulier stated if it's necessary Ms. McDonald can authenticate that photograph and the time period.

Mr. David Douglas stated that's okay, we're a little less formal than a court. We're not going to require here to testify and authenticate things.

Mr. Alan Rapulier stated we're all familiar with the factors for Area Variances. I believe all the factors are satisfied in the case of the shed. It's set in concrete I might add. It's not easy to move. It's been there for at least **25** years. I'm happy to address any questions you have on that but that's the first form of relief we're seeking. Maybe we ought to handle that one first and then I'll go to the second matter.

Mr. David Douglas stated why don't you just go on.

Mr. Alan Rapulier stated the second issue is the issue of these outdoor storage of wood. The house has three fireplaces and is heated with wood and has been heated with wood rather for as long as these gentlemen have owned it. I brought some photographs which I think are helpful and I'll give them to Ken, showing the backyard and showing the condition of the rock and sort of the steep areas which help show why the wood is stored where its stored.

Mr. John Mattis asked how long has Mr. Vanvoorhis lived there?

Mr. Alan Rapulier responded since **1995**. There's a lot more wood now than there typically is because ConEd has been doing some tree work and dropping wood off. I asked Mr. Vanvoorhis when I began, "how much space do you really need?" He said "I need a couple hundred square feet." There's more than that there now. When I burn it, there'll be less but ultimately what I would need is a couple hundred square feet to store the wood. There's also a large fence which the neighbor has installed.

Mr. Wai Man Chin asked the white fence?

Mr. Alan Rapulier responded the white one, yes. This picture that I'm giving Ken shows the

fence and the wood pile. It's pretty hard to see the wood pile if you're on the other side of the fence is essentially what I'm getting at. Clearly you can see the wood pile, apparently, when you're on this property.

Ms. Adrian Hunte asked Mr. Rapulier how much of the wood is on the side of the house now and what's in the front?

Mr. Wai Man Chin stated this was taken three days ago, this picture.

Ms. Adrian Hunte stated I haven't seen it yet.

Mr. Alan Rapulier asked can you answer that question Dave? I don't know the answer. How much is on the side compared to how much is in the front? 80%? It's all in the front? Some of it's on the side though.

Ms. Adrian Hunte asked what's this along the fence?

Mr. Alan Rapulier stated I think what she's asking is what's in – there's some wood along the fence and then there's some wood on the other side of the driveway in the front yard, correct? I guess there's none there.

Mr. John Klarl stated it's all in the front. The gentleman is saying it's all in the front?

Mr. Alan Bavone stated I'm co-owner of the house. There's a driveway, there's a fence and the wood pile is kind of in between the driveway and the fence. That's how it goes.

Mr. James Seirmarco asked have you recently rearranged the wood?

Mr. Alan Bavone responded no.

Mr. James Seirmarco stated that's funny because this picture was taken the 20th of April and it shows the wood touching the fence and then this picture shows the wood pile all covered with a piece of plastic and it's **10** feet away from the fence. You didn't rearrange anything?

Mr. Alan Bavone responded a couple of months ago, we came home and some of it had toppled over part of the wood pile. It wasn't toppled – if you stack wood this way and it rolls down, because it could roll, that would be one thing. This had been physically pushed over. We came home and wood is very heavy, wind certainly didn't push it. I don't know who would have pushed it but somebody with another motive may have pushed it. We came home and we found the wood pile pushed over and we spent **5 ½** hours putting it back up as a wood pile. We usually keep it very neat and tidy...

Mr. Alan Rapulier asked in reaction to the violation that Ken submitted did you and Dave move the wood?

Mr. Alan Bavone responded, no we cleaned up – we had some big log piles that we were saving for the parks because they were going to make some benches for the park nearby so we just kind of rearranged that stuff so it didn't look like we had just left it there haphazardly, those things were going to be used for park benches.

Mr. Charles Heady asked in other words you just restacked the wood from when it went over. That's all you did right?

Mr. Alan Bavone responded yes, that's all we did.

Ms. Adrian Hunte asked could you explain to us again about the alternatives. We know that it slopes in the back and you said you're close to the lake but is it impossible to store some of the wood in more than one place rather than in your front yard?

Mr. Alan Bavone responded if you look at our backyard, there's a slope that's probably on the **60%** range. If you walked into my backyard with anything other than sneakers, you would be in danger of falling down that hill. It's a pretty steep – when you come down to my house, you come down a hill like this and then my house is at the bottom, well that hill kind of continues. Our house is built on this big giant rock. As a matter of fact, that rock goes into my basement. If you go into my basement, you see a big giant rock. That rock continues to slope down to the water because that's the way the topography of the area is. So, that sloping just continues to the lake. That's how it goes. Our house is built on top of that rock.

Ms. Adrian Hunte stated Mr. Vanvoorhis the problem we have is that it's unenclosed and it's more than **100** square feet and it is in the front of the house. If we can figure out a way to do this – if you come up with some sort of alternative it wouldn't be as much of a problem. I am concerned, I don't know how much wood you've got there but you've got enough wood stored for how long? Is that one season?

Mr. Alan Bavone responded yes, I would say one season.

Ms. Adrian Hunte asked two years or...

Mr. Alan Bavone responded no, it's about one season. This past winter, as everybody is aware, was very mild. It was really unusual for us. Some years it's not like that and you go through a whole lot more wood. This year was very mild and we didn't go through it as quickly as past ones and also you had the added factor that there were these storms in Town and Dave has gone out and helped clear the roads of some of those downed trees and was very helpful in Town getting rid of – when there were downed lines and stuff like that, getting those trees off the lines and off the roads and that's how we ended up kind of like collecting more than we usually do. I think that storm in October took down tons of trees in the area and that's how we ended up with such a surplus and then after that big giant storm we had a really mild winter.

Mr. John Mattis stated as I face the house from Susan Lane, near the rear of the house on the right hand side, is that an easement or is that your property? There seems to be a structure there; what is that structure?

Mr. Alan Bavone responded there is an easement that goes to the right and then there's a little shed on that easement.

Mr. John Mattis stated it's more than a little shed. It looks quite big from the aerial view.

Mr. Alan Bavone responded well, that shed has also been there since we purchased the property.

Mr. John Mattis asked and do you use that shed? Is there any reason why you couldn't put the wood there?

Mr. Alan Bavone responded there's some lawnmower and stuff like that.

Ms. Adrian Hunte stated but that's not responsive, can you put some of the wood there?

Mr. John Mattis asked or all of the wood.

Mr. Alan Bavone responded it's actually on Sue McDonald's property. It's on that easement.

Mr. John Mattis stated but that easement says you're allowed to put stuff there, correct? Store stuff, such as wood. I'm just looking to see if there's alternatives to get us off of that fence and the problem on the left hand side.

Mr. David Vanvoorhis stated our problem is that that side of our property was sold to Sue McDonald to build her house and there's no access to that except for driving across our septic field. We just had it repaired so in order to get anything up there we'd have to...

Mr. Alan Bavone continued go right over top a septic field that is...

Mr. Raymond Reber stated my reaction to the fact that this is located in the front by the driveway is I assume that was done for convenience years ago. It's easy, you can just unload the wood right there, it's fine. My problem is, if I say we grant this how do I then distinguish this from anybody else that has front yards and wants to put things in their front yard? That's what I'm wrestling with here. I guess, for me, I would have to see the property and be convinced that there's no other place on the property because it is only stacking wood. It's not like you need some fancy big structure like a building or a garage. You've got rock, but I can't believe that there's not someplace back there where you can find some area where you can put a pad and store wood. Short of actually going to the property and being convinced that there's no other alternative, I've got a real hard time here because, like I said, I don't know how...

Mr. Alan Bavone stated we can invite you to come look. If you're going to stack wood, it has to

be flat.

Mr. Raymond Reber stated yes, but you can build a pad.

Mr. Alan Bavone responded and that's just where our property is not.

Mr. Raymond Reber stated understood. It's just that being in the front yard if we say "yes it's fine" then somebody else comes along and they want to put something else in their front yard. We've got to have a real concrete reason to say absolutely, positively no other way that this wood could be stored and storing wood to me is not that difficult.

Mr. James Seirmarco asked is a cord of wood **4' x 4' x 8'**?

Mr. David Vanvoorhis responded yes.

Mr. James Seirmarco stated so let's assume that that's **32** square feet so you said you needed **200** square feet, so that's roughly a little over **6** cords. How much do you think you have there now? You have more than **6** cords there by what's covered, probably double that at least.

Mr. David Vanvoorhis responded I'm sure if we measured it, it would be. There's a cord in the shed so there's about **3** sheds or...

Mr. James Seirmarco stated there's probably more like 10 cords there. So, you need more than **200** square feet.

Mr. David Vanvoorhis responded if we get rid of the logs that belong to the Town that they're going to use for their benches, that's half of the pile on the end. It's not that much. Our option is to put it on our side lawn, or side yard, which isn't the lawn it's the actual bank of the Westchester Lake. Now, if we get a flood, what happens to the wood? It ends up in the lake. Are we going to be responsible for that? I would think that your Board would have a problem putting in a wetland setback but this is a more reasonable area.

Ms. Adrian Hunte asked can you put this on some sort of pad in the back of the house or the side?

Mr. David Vanvoorhis responded again, it's all slope so.

Mr. John Mattis stated people build decks like that every day of the week.

Mr. Alan Bavone can build -- where the lake comes out, if we build something there and build it along side of the lake. I think our other neighbors might actually -- right now that wood is being hidden by their fence. If we pile that wood pile up right along the fence, then when they're sitting on their deck they're going to look directly at that wood pile. I think they would be a lot less happier staring at the backend of the wood pile than not seeing it at all through their fence.

Mr. Alan Rapulier I don't think that they have title – I'm looking at the map now and the deed description and not being as fluent with the site as these guys are, I don't think that they have title to that easement area. Correct me if I'm wrong but who's shed is it? Is it Sue's or yours?

Mr. David Vanvoorhis stated it's ours.

Mr. Alan Rapulier asked who's property is it?

Mr. David Vanvoorhis responded it's her property.

Mr. David Douglas stated so it depends on what the terms of the easement are.

Mr. Alan Rapulier [inaudible] permanent solution is what I'm getting.

Mr. Raymond Reber stated I'm not suggesting that you encroach an easement, I'm saying hopefully somewhere on their property we can find some spot...

Mr. Alan Rapulier stated I just want to make it clear that with the good graces of their neighbor...

Mr. David Douglas asked what are the terms of the easement? What's in the easement for?

Mr. Alan Rapulier responded I'm looking at the deed and I don't see any.

Mr. David Vanvoorhis stated when she bought her property for her house she needed so many acres.

Mr. John Klarl asked who's the easement entered into and how long ago was it?

Mr. David Vanvoorhis responded Bob O'Connor.

Mr. John Klarl asked and Ms. McDonald?

[inaudible]

Mr. John Klarl asked and do you know who the grantor or grantee was of the easement?

Ms. McDonald responded my husband and I.

Mr. John Klarl asked and you granted it to the O'Connor?

Ms. Sue McDonald [inaudible]...

Mr. John Klarl asked Mr. Rapulier you don't have the instrument tonight that expresses the easement between the McDonald and O'Connor.

Mr. Alan Rapulier responded I do not have it. I just have their deed and the deed does not refer together with a Permit of an easement.

Mr. John Klarl asked but it was a written easement?

Ms. Sue McDonald responded yes.

Mr. Alan Rapulier responded I can get it.

Mr. John Klarl stated two weeks before that I want to see the easement yes.

Ms. Sue McDonald stated we agreed to the easement because Bob had already – when he owned the whole property, he had already built the one shed and he also had built a barbeque area and he had extended a patio out there and he didn't want to take them out so we granted them an easement on the line to the edge of the wall. There was no particular stipulation on what could be done with the easement...

Mr. John Klarl asked was there any permission or prohibition against putting some kind of structure on the easement, like a wood shed?

Ms. Sue McDonald responded I don't recall but there isn't any room for a wood shed on that easement. Also, if you haven't seen the property, the piece where the wood is, is to the side of the house. There is no side yard other than from the edge of the driveway to the fence, and that's not a very large area. They just don't have a side yard. I don't particularly have a side yard either. I have a little bit more property on one side than that.

Mr. David Douglas stated there is land to the side between the house and the lake.

Ms. Sue McDonald stated as Alan said, it's on a slope and it's in a wetland area.

Mr. David Douglas stated I think a site visit makes sense.

Mr. Wai Man Chin stated yes it does.

Mr. David Douglas stated I share Mr. Reber's concerns. I'm very hesitant to grant something like this because of the potential precedent it would set throughout the Town and I really think we need to take a look at the site to see what exactly is the situation and whether or not this is really different from many other situations in Town.

Mr. John Klarl asked Mr. Rapulier, do you think there's been a survey prepared since **25** years ago when the easement was established? Do you think anyone has a survey...

Mr. Alan Rapulier responded I have one from '95.

Mr. John Klarl asked it shows the easement?

Mr. Alan Rapulier responded it does. I don't know the copy that I submitted with the application may have it on it. I'll have bigger ones made.

Mr. John Klarl asked who's survey are you looking at?

Mr. John Mattis stated that's July 27th, 1995, we have that.

Mr. Alan Rapulier asked it shows the easement on it?

Mr. John Mattis responded yes it does.

Mr. David Douglas stated if we were to do a site visit, we would do it the Saturday before the meeting, that's generally what we do right?

Mr. Alan Rapulier responded I don't refute consent to a site visit. That makes sense. The only thing I want to respond to is I know that circumstances are not really a Board of precedent but you have people who come and say "hey, maybe you did something that I'm entitled to as well." This is not new. Burning of wood and fueling this house with wood is not new. What I'm getting at is...

Mr. David Douglas stated it's not the burning of the wood that's the zoning issue. It's the storage is.

Mr. Alan Rapulier responded I understand that but what I'm saying is it's a little bit different than someone coming to you and saying "I want this for this." This has been a use, it's been established...

Mr. John Mattis stated it actually isn't because when we look at a violation that somebody has something existing we have to look at it as if it didn't exist and would we grant the Variance.

Mr. Alan Rapulier responded but I think you also...

Mr. John Mattis stated but you don't reward a violation by saying you've had the violation so we give it to you.

Mr. Alan Rapulier responded that's a fair comment but I think the people would dare to say when you consider the factor's effect on the neighborhood, what I'm suggesting to you is there's been none.

Ms. Adrian Hunte stated but I don't think that's quite accurate as well. I don't think that just because the wood hasn't rolled off onto somebody's property and injured people that there's been no impact. The Code is there for a...

Mr. Alan Rapulier responded I'm not saying there's been none, I'm just saying there hasn't been until now.

Ms. Adrian Hunte stated but I think there is. there's a reason why they don't want to have – the Code and the Town does not want to have certain structure or items in the front yard and wood in of itself, piles of wood, they attract animals, vermin or whatever and termites or whatever you may have, so there could be adverse impact from having that much wood stored and particularly in the front yard it could be an attractive nuisance to children coming by, they want to play on the wood and it's there or they see, it's unenclosed, it's open. It can be undesirable and that's what people have to look at when they come by the property.

Mr. Alan Rapulier responded some of those factors we can surmise that that might be the case. I'm only suggesting it isn't that it isn't. There hasn't been any evidence in this record that that's happened now.

Ms. Adrian Hunte stated the fact that it exists is evidence in the record.

Mr. Alan Rapulier stated I'm merely making my record. I'm not looking to argue with anybody. You understand I have to...

Mr. James Seirmarco stated I'd like to go back. It says the scrap material or wood or unenclosed storage cannot be greater than **100** square feet. If I take a cord of wood, that's **3** cords is **96** square feet. I don't know whether that's going to be enough for three fireplaces in a cold year. You may have to replenish that very often. You can't just keep **6, 7, 10** cords there, although you could probably burn that but the Code doesn't allow more than **100** square feet of unenclosed storage.

Mr. John Mattis stated you're asking for more than **100** square feet.

Mr. James Seirmarco stated what I'm trying to say is that they're going to have to facilitate everything more than **100** square feet.

Mr. David Douglas stated I want to go back to the site visit. Let's get a date for this. June 16th is the Saturday before. Does June 16th work for most people here?

Ms. Adrian Hunte stated I'm not available but you can have the visit.

Mr. Charles Heady asked what time? 10 o'clock?

Mr. David Douglas responded how about 10 o'clock on the 16th, is that okay for the owner?

Mr. James Seirmarco asked can you send a reminder e-mail to us?

Mr. David Douglas asked does that work for the owners? According to my calendar it's in between when taxes are due and Father's Day. Sounds like I'll be in a very bad mood.

Mr. Alan Rapulier responded that's fine.

Mr. David Douglas stated it's also the day after my wife's birthday so I guess I should be in a good mood. I always have to pay taxes on my wife's birthday.

Ms. Adrian Hunte asked is there anyone in the audience that would like to be heard? Please approach. Good evening. State your name into the microphone.

Mr. Mike Kaplan stated I'm the resident next door.

Mr. John Klarl asked do you have the white fence?

Mr. Mike Kaplan responded yes, the white fence is on my property. I'm not sure if you saw the pictures. I have photographs here from April 10th and April 20th that show the wood pile was twice the size.

Mr. John Mattis stated we have copies of those.

Mr. Mike Kaplan stated the wood pile is over **50** feet long. It's over **6** feet high. I can actually see it in my front yard. The reason we put up the fence is because when we first moved there we were having problems with the neighbors encroaching on our property with parking and their animals. The wood pile, I understand people need a wood pile for heating but the wood pile's never been replaced. It seems like it's the same pile and it keeps getting larger and larger and larger. There are other places to put the wood. They have a deck in the back, an **8' x 30'**. It could easily be stored in the back. The side yard that's immediately to the side behind it is completely flat land. It could be lined up along the house. As far as being wetlands, they're defining the wetlands as **100** feet within a water base. Right now the wood is stacked in the wetlands. Keeping it there, it's still in violation of wetlands if you want to use a wetlands buffer. On the other side of the property, where the shed is, there's also a patio, a nice flat patio. We all choose how we want to use our land. They chose to put a patio, a hot tub, a barbeque, whatever there, that's not my problem. They have wood. They have to decide what they want to use their property for. They want to use it for a patio, use it for a patio. If you want to store wood, you store wood. I'm not familiar with wood terms as far as – I know the shed has a certain amount of wood in it. I don't have an objection to the shed. I understand having a small amount of wood but the amount of wood that he has stored besides the shed, it's probably about **20** times the amount of the shed. It's excessive. It's just an eyesore. It's in my front yard and also you see the pictures that I actually submitted to Ken where the wood is stacked on my fence. I don't know if you have a copy of the police report, I did submit that to Code Enforcement. If you

could see the wood wasn't simply stacked up and pushed over. This was wood that was deliberately placed upwards, cut mark up, cut mark down, and wedged into the fence. This wasn't something that was pushed down. This wasn't something that someone sabotaged. This was a malicious, deliberate thing that the homeowners did a day or two after they received the notice from Ken saying they were in violation. I object. There are other ways they could put the wood. They could easily put it on the side of their property. I don't see any wetlands buffers on their survey map they issued and I'd really like to see topographical map because I've see the back of their house from my boat and it's not this steep slope that we would go rolling down a hill. There are other places they could put the wood and my objection is that it's in my front yard. At some time we might want to remove the fence but right now I could see the wood over my fence. That's all I have to say.

Mr. James Seirmarco asked do you have additional pictures that you submitted?

Mr. Mike Kaplan responded yes, I don't know what you have, what you don't have. This is April 10th and – he cleaned up most of the yard – he still has from the [inaudible] over.

Mr. David Douglas stated if they're from the 10th and the 20th, we have those.

Mr. Mike Kaplan stated I just have this one additional. I don't know the date of that. It wouldn't be the 10th or the 20th because that's not...but this is the wood pile too, between the wood pile and my fence. I don't know if you've seen that. It's not just a neat roped wood. This was the wood coming into my property.

Mr. Wai Man Chin asked I think that's why Chairman Douglas would want to have site visit.

Ms. Adrian Hunte asked thank you Mr. Kaplan. Anyone else wish to be heard?

Mr. Alan Rapulier asked we'll keep the hearing open I gather?

Mr. David Douglas responded yes, it'll get adjourned; the hearing will be kept open until the next meeting.

Ms. Adrian Hunte stated Zoning Board of Appeals **case #2012-17** for the applicant David Vanvoorhis for an Area Variance for an accessory structure, wood shed in the front yard and for an unenclosed storage of material (fire wood) occupying more than **100** square feet in the front yard I make a motion that we adjourn the matter until the June meeting of 2012, meeting of the Zoning Board of Appeals and to enable the members of the Board to have a site visit and it is tentatively scheduled for the 16th of June at 10 a.m. Saturday, 2012.

Seconded with all in favor saying "aye."

Mr. David Douglas stated case is adjourned and the site visit is scheduled.

F. CASE No. 2012-18 Adam Goodrich for an Area Variance for the front yard setback for a garage extension on property located at 18 Meadowsweet Rd., Cortlandt Manor.

Mr. Adam Goodrich stated good evening everybody. Thank you for being here. I'm not looking to store any firewood I just would like to store my car in my garage and store some of the stuff that I've accumulated over the years and my children have accumulated. I would like to extend my existing two-car garage further towards the front of the house and into my driveway. A couple of years ago you guys granted me a Variance to build a front porch on my house which required, I believe, a three foot or two foot Variance and the extension of this garage, it's not going wider, it's just coming towards the front of the house. It would be maybe about a foot or half a foot past the front edge of the front porch, simply for a matter of more cold storage in my home. It's a non-heated space. I have yet to be able to park my personal car in my garage and I'd like not have to shovel out every winter. The façade of the garage will still be approximately, I think it's **44** or **45** feet setback from the curb. That's my case.

Mr. John Mattis stated this is my case. The first question we have to ask is: are there alternatives? How far is that extension coming out? The size of the extension.

Mr. Adam Goodrich responded approximately **10** foot further towards...

Mr. John Mattis asked can you put it back there?

Mr. Adam Goodrich responded I can't go to the back because there's a room behind the garage. There's a laundry room behind the garage. I was considering going to the side but that would significantly widen the house and it would look sort of ostentatious whereas my two neighbors to the left and to the right of me already have an extended garage with a – if you look at the sketch I showed you, the peak of the addition is only going up approximately **14** feet off the ground whereas my neighbor to my right and to my left the peak of their – the gable on their garage goes actually to the top of the roof line which is approximately **26** feet off the ground. To go to the right would also require me to cut out the entire driveway in order to get a car into that third bay of a garage as well as the gas line comes along the right hand side of my property so Con Edison would have to cut back their gas line and reroute it as well as reroute the meter onto the side of the house.

Mr. John Klarl stated it sounds like it's a good reason to put it there.

Mr. Adam Goodrich responded and quite honestly I don't think it's really going to affect the esthetic of the house whatsoever because the house is to the right and to left of me have the identical gable cut into the roof except that theirs goes all the way to the top peak of the house whereas mine will only go to the peak of the porch which is next to the garage if you see the two lines sort of match at the same elevation.

Mr. Raymond Reber stated it's interesting that you mention that you didn't want to have – make the house look too overwhelming on a parcel and of course we had an earlier case where the applicant's house currently is with **20** feet on both sides, he wants to go further – in fact, for the record, you've got **68** feet on both sides of your house, you have plenty of room.

Mr. Adam Goodrich responded if I went to the right, not only would I have to make the bay of the garage I would have to make the room over the garage wider and the house would be – I mean it's a good size house to begin with...

Mr. Raymond Reber stated I understand, I just thought it was ironic when you have **68** feet to work with. My only concern is; I would have no trouble with you coming out and lining up with the porch because we've already given you that, I just think encroaching a few feet further, that to me is a little excessive. I would say if you come out and line it up with the porch, to me that would be adequate.

Mr. Adam Goodrich responded respectfully, the only problem with doing that is that I won't be able to pull in two cars back to back. The depth of the garage is not deep enough to give me the ability to pull two cars and the reason why I wanted to do it is because I have teenage daughter who has a car and I want to be able to put three cars in a garage as well as have cold storage space and if I was to go flush with the...

Mr. Raymond Reber stated it sounds good but again, I mean, a lot of people have cars that are outdoors. I just can't you know – I have a problem with that.

Mr. David Douglas stated I understand the reason but to me that's not a convincing enough reason to give a Variance. Many people park outside. I always park outside. I've got a two-car garage and one side is filled with junk and that causes a lot of fights in my family which I lose so I always park outside.

Mr. Adam Goodrich responded okay, I respect that, I was just hoping being that we had the Variance for the porch years ago we're only coming out **2, 2 ½** feet past that line and I'm still **45** feet off the curb.

Mr. Raymond Reber stated and somebody else **2** feet more. After a while **2** feet adds up to **12** feet and before we know it the neighborhood's changed. I would say the porch, no further.

Ms. Adrian Hunte stated I agree.

Mr. David Douglas stated I agree.

Mr. John Mattis stated I agree.

Mr. Adam Goodrich stated so if I may keep the application valid until I verify whether or not that distance will suffice and if it doesn't I'll withdraw my application.

Mr. David Douglas stated what we'll do is we'll adjourn it until next month and in the interim...

Mr. Raymond Reber stated you still need a Variance, but...

Mr. Adam Goodrich responded I understand that.

Mr. John Klarl stated you give us your further thoughts on it next time.

Mr. John Mattis stated our concern is; first the porch came out, then the garage comes out a little further and...

Mr. Adam Goodrich asked can I ask a question then, if I was able to verify the distance of my neighbor's garage in relation to the curb where – because their garage comes out further than my garage and I think it actually comes out further than my front porch.

Mr. John Mattis stated that's something that I wondered why – I don't think we gave a Variance there. I think the property line must come out further.

Mr. Adam Goodrich responded no, we're all lined up right down...

Mr. James Seirmarco stated but you never know.

Mr. Adam Goodrich responded no, I understand that. I haven't taken that measurement yet but I'd like to know what theirs is to the curb to the front of their garage is to where I would propose to be and then go from there. Is that fair enough?

Mr. James Seirmarco stated you can buy a smart car...

Mr. Raymond Reber stated those other homes that's the way they were built originally. Your neighbor's houses, those two houses on each side, I mean they were built that way.

Mr. Adam Goodrich responded I realize that. I was just hoping that being that I'm trying to build something that's very identical to what they're doing, those two or three extra feet you would have granted me that but I will review.

Mr. John Mattis asked is there anyone in the audience that would like to speak?

Mr. John Klarl asked you want to adjourn this to the next meeting?

Mr. Adam Goodrich responded I'll adjourn it and if I decide to withdraw it can I just call up the Town and say "I choose to withdraw it?"

Mr. Raymond Reber asked yes, but you still want to build something don't you?

Mr. Adam Goodrich responded not necessarily because with respect, if I can't get two cars in there back to back coming **out** 8 feet and spend the money to do it, it doesn't make sense for me to do that.

Mr. John Mattis stated it would be helpful to see where the other houses line up.

Mr. Adam Goodrich stated I'm going to take out my tape measurer and Hilte laser and measure...

Mr. John Mattis asked is there anyone in the audience who would like to speak? I move that we adjourn **case #2012-18** to the June meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated it's adjourned.

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Mr. David Douglas stated I'd like to move that we go into executive session to discuss an issue.

Mr. John Klarl stated Mr. Chairman at the same time since according to you, you're going to indicate to the public that we're going to go into executive session and we'll come out and there'll be no public transaction.

Mr. David Douglas stated we're done. I'm going to move that we go to executive session and can I also join that with a motion that we adjourn immediately following. We'll make a motion to adjourn after we come out of executive session but there won't be anything else to be seen or heard.

Mr. John Klarl stated sometimes you have audience members, you have to tell them whether there'll be business transactions after that or not.

Mr. David Douglas stated the executive session won't be recorded but what we're talking now is being recorded.

Mr. John Mattis asked can we adjourn and then...

Mr. David Douglas responded that's what I asked John.

Mr. John Klarl stated we want to tell the public that there's no business being transacted after the...

Mr. David Douglas stated so if you're watching, you can turn off now. There's not going to be anything to see. I'd like to move we go to executive session.

Seconded with all in favor saying "aye."

* * *

Mr. John Mattis stated motion to come out of executive session.

Seconded with all in favor saying "aye."

* * *

ADJOURNMENT

Mr. John Mattis stated I make a motion we adjourn the meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated meeting's adjourned.

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**NEXT MEETING DATE:
WEDNESDAY JUNE 20, 2012**