

“Minutes are not official until approved by their respective board.”

TOWN OF FALLSBURG ZONING BOARD MEETING

March 17th, 2016

Steve Burke, Chairman, Jason Pantel, Peter Frunzi, Joe Puccio, Paul Lucyk, Neil Sapolsky, Board Members, George Sarvis, Code Enforcement, Paula E. Kay, Deputy Town Attorney.

- Steve Burke called the meeting to order.
- February meeting minutes approved.

OLD BUSINESS:

1. SAL CRACOLICI – SBL# 9-1-7 – Requests a use variance to allow a previous non-conforming use of a restaurant/bar that has terminated due to abandonment for a period of time exceeding two years. Zone: REC-1. Acres: 1.07 Acres. Location: Benton Hollow Rd. and Hasbrouck Rd., Woodbourne.
 - Sal Cracolici represented.
 - Sal Cracolici: I was here last month for the variance. I didn't have the owner's proxy. I guess he sent in the letter. Now I am asking for a variance to open a restaurant.
 - Steven Burke: The only reason he is here is because it wasn't in use for 2 years, correct?
 - George Sarvis: It was nonconforming.
 - Steven Burke: You're going to use it the same way it was used?
 - Sal Cracolici: It will be more restaurant than bar.
 - Paula E Kay: We have a letter from the owner why it can't be used for any of the other uses that are allowed in that zone.
 - Steven Burke: And to give permission to act on his behalf. Any questions? Mailings okay?
 - Paula E Kay: We are ready for the public hearing.
 - Steven Burke: Anyone from the public like to speak on that matter?
 - Allen Frishman: I am in favor.

- Steven Burke: Okay. We will close the public portions. No violations George? No. Okay. So board comments?
- Jason Pantel: It's what it's always been.
- No comments from the rest of the board.
- Steven Burke: We kind of went over this last meetings. Let's run down the....cannot realize a reasonable return substantial as shown by the accompanying financial evidence.
- All board members say no.
- Steven Burke: Alleged hardship is unique and does not apply to substantial portion of the district or neighborhood?
- Paula E Kay: It is somewhat unique, because had it been a restaurant that had been used for the 2 years, there really aren't any other restaurants.
- All board members say it is unique.
- Steven Burke: Requested variance will not alter essential character of the neighborhood?
- All board members say it will not.
- Steven Burke: Alleged hardship has not been self-created?
- 4 board members say it has not, 1 board member states it has.
- Steven Burke: Lead agency?
 - MOTION:
 - Jason Pantel motions for lead agency. Paul Lucyk seconds. All in favor.
 - MOTION:
 - Jason Pantel motions for negative dec. Paul Lucyk seconds. All in favor.
 - MOTION:
 - Paul Lucyk motions to approve. Jason Pantel seconds. All in favor.
- Paula E Kay: Now you are going to go back to the Planning Board.
- Steven Burke: The only condition I am doing is to make it a bar and restaurant.

2. YESHIVA ZICHRON MAYIR – SBL# 42-1-14 – Requests a use variance to allow a new dormitory in a non-conforming property and an increase in lot coverage. Zone: R-1. Acres: 18.8 acres. Location: 9 Ronald Tawil Way, Mountaindale

- Allen Frishman and Jay Zeiger represented.
- Jay Zeiger: We were here....
- Steven Burke: Just to let you know, one member had to step out because he works for the applicant. You will need all 4 votes for this one.
- Jay Zeiger: We were here about 6 months ago, at the time there was a question about some trailers on the property and the old dormitory building. We came back last month and the decision here was there was 2 items that had to be taken care of before you would consider. One was reschedule the public hearing. We sent out those notices. The second was to send it to the County for 239

review. The review came back and their conclusion is that the matter is for local determination. We're going to need the public hearing. We sent out the notices. One of the big questions that was raised was what is going to happen with the old dormitory building. I know some members here were not satisfied with the state of that building. We went to the applicant, the building will come down as soon as the new building is built and operational. The old dormitory.

- Paula E Kay: Can we say as part of the CO?
- Jay Zeiger: There are people in the old building, especially if the new building is done in the summer, we have to move them out of the old and into the new. What we may want to say, we can talk about how we deal with it, is that the condition of the CO is to put a bond to tear down the old building. We can't tear down the old until the new is up.
- Jason Pantel: Is this the drawing? Can we refresh?
- Steven Burke: I'm pretty comfortable with this applicant because they have a done a lot that we asked. I don't think you will build it and then won't tear it down.
- Jason Pantel: Was there a particular reason why the old one was being torn down? Before the meeting, we spoke with George and he mentioned you spent a significant amount of money there. Whose idea was it to tear it down?
- Jay Zeiger: It was yours' more than theirs.
- Paula E Kay: George is helping them with this, and I think 90 days would be fine because there is some work that needs to be done before the building comes down. Asbestos survey.
- George Sarvis: If it comes up hot, then you have to be abated.
- Paula E Kay: So the bond would be fine, the bond would be whatever George's officer determines it to be.
- Steven Burke: They will take care of that part.
- George Sarvis: Mollie will make that determination based on the local demolition company.
- Rabbi Rosemov: Will there be families there at the time limit?
- Jay Zeiger: I'm thinking 90 days might be a little bit tight, if it's 90 days from when they move out.
- Rabbi Rosemov: 90 days to go into the new building, 90 days the building should be down.
- Jay Zeiger: They are counting it from when the CO is issued. I am wondering how much time you need to move everyone
- Jason Pantel: What is your construction schedule? When you do plan to have it built.
- Rabbi Rosemov: We want to move. We have a plan.
- George Sarvis: You could get an asbestos survey in there tomorrow and it wouldn't interfere anybody living there and within a couple weeks those test results would come back, then you can gauge from there setting up an asbestos abatement crew.

- Allen Frishman: We spoke about it amongst ourselves. We decided to tear down the old building. We're not going to use both ever. We will continue to use the old one until the new is completed, then we will tear it down.
- Jason Pantel: What's your busiest, the summer?
- Allen Frishman: Yes.
- Jason Pantel: If it is built before the season, will that fall into the 90 days?
- Rabbi Rosemov: It's not going to be built before the season.
- Paula E Kay: 90 days from the date of the CO with the bond to be determined by Mollie. That gives them plenty of time and gives the Town some security.
- Allen Frishman: The new building is 96 by 48.
- Jason Pantel: 2 stories?
- Allen Frishman: Yes.
- Steven Burke: Full basement?
- Allen Frishman: Actually it's a walk-out basement. It's a slope and the basement area will be used as a rec room.
- George Sarvis: That's fine. They go to the Planning Board, when they submit the plans, the plans have to be reviewed by the DOH. My office is scrutinizing it, the DOH, and the engineer.
- Allen Frishman: There is a 10 foot drop to where that building is going to be set, it lends itself to walking straight out. That's in the plans, so we have access from the bottom and the grade level, and then 1 level above grade. We're trying to get to the Planning Board now.
- Jay Zeiger: Before you open it up to the public, this is technically only a use variance.
- Paula E Kay: Use and area variance.
- Allen Frishman: It almost balances out, once we take out the old building, we're back where we were.
- Jay Zeiger: And we took down the trailers. In terms of the use variance, it's a use variance by definition, but it's already being used and has been since the early 60's. We're not asking to use it, we're already doing that. We're asking to replace the existing building. When it first began as a Yeshiva, it was allowed under the zoning laws. Then the zoning laws zoned them to be a preexisting nonconforming use. I am saying it is a use variance, but not a classic use variance. Again in terms of are we unique, I think the answer is yes. Is there a financial hardship, I think that's obvious because we now have an ongoing outdoor business, if we can't expand we can't deny the use. It certainly does not have any adverse impact on the character of the neighborhood because we are improving the property.
- Steven Burke: Any questions? Alright, let's open to the public. Anyone from the public like to speak? No, we will close the public portion. Board comments?
- Neil Sapolsky: I'm okay.

- No other board comments.
- Steven Burke: There was a question of how many people plan to be in this?
- George Sarvis: Yes, will there be an increase in the amount of people with this new building?
- Jay Zeiger: It's potential yes.
- Paula E Kay: From what to what?
- Jay Zeiger: From 40 to 70.
- George Sarvis: This will be brought up to the Planning Board, there is a pump station over there designed for the capacity that is there.
- Jay Zeiger: We thought we would be in front of the Planning Board awhile ago, so we started in that direction.
- Steven Burke: Any violations?
- George Sarvis: No.
- Steven Burke: Okay. Cannot realize a reasonable return substantial as shown by competent financial evidence?
- All board members say no.
- Steven Burke: Alleged hardship is unique and does not apply to substantial portion of the district or neighborhood?
- All board members say no.
- Steven Burke: Requested variance will not alter essential character of the neighborhood?
- All board members say no.
- Steven Burke: Alleged hardship has not been self-created?
- Jason Pantel: I say it is not because they have a dilapidated, the camp is there, time, things aren't the way they were in the 60's. Sometimes it can be very advantageous to step it up.
- 2 board members say it is, 2 board members say it is not.
- Steven Burke: Lead agency?
 - MOTION:
 - Jason Pantel motions for lead agency. Paul Lucyk seconds. All in favor.
 - MOTION:
 - Jason Pantel motions for negative dec. Joe Puccio seconds. All in favor.
 - MOTION:
 - Jason Pantel motions to approve. Paul Lucyk seconds. All in favor.
- Steven Burke: What was that 90 days?
- Paula E Kay: They will give the Town a bond to be determined by Code Enforcement, the building has to come down within 90 days of the issuing of the CO.
- Steven Burke: 90 days for the removal of that building.
- Paula E Kay: Within the issuing of the CO.

3. CONGREGATION AHVH – SBL# 17-1-24 – Requests an area variance to replace old buildings with new buildings not in the same footprint. Zone: Acres: Location: 612 Loch Sheldrake Rd., Loch Sheldrake.

- Jay Zeiger and Ari Grunhut represented.
- Jay Zeiger: What we're talking about here, this is what was approved by the Planning Board as you are looking at it now, every thing is existing. The original proposal, some of these buildings are there existing but when the company was bought by the Congregation 2 years ago, the buildings needed work. The camp opened last summer under their work, they finished the building that was under construction. They renovated some of the buildings that were there, they operated. They now want to continue with the clean up and finishing the rest of the site. They could walk in and upgrade these buildings as they now sit. The proposal is to tear down all of what you just saw and replace it with this. If you look at the configuration, the land area that has building is very similar. We think it's a nicer design, it would be a better fit for the town and the neighborhood because you're tearing down older buildings and replacing it with a brand new building. We were here 3 months ago give or take, and I think the board was in favor of the proposal here particularly when....which was the building you renovated already?
- Ari Grunhut: We actually finished this one.
- Jay Zeiger: The board had looked at that building and saw they did good quality work. The reason the board could not act then was because we needed 239 review. We have the review, I believe you all have seen it, and I find it very disappointing. I don't agree with the County, I don't believe there is any intermunicipal impact, which is what the County is supposed to say when they look at this project, and they say how does this project have a County-wide impact? I don't see where they reached that conclusion. The County's main reason why they recommended disapproval is because the new building, the location versus the property line is only 5 feet and is too close to the line. I think what the County may not have understood that without the variance, we're still....there's 1 building here closer to the property line than there is under the new proposal. Everything under the new proposal is built away from the property line. The County may have not known there was existing buildings there. They may not have known the Planning Board approved the renovation of these buildings. I think the County's viewpoint is not alright on that.
- Steven Burke: When you submit a 239, they get the plans? So they knew the buildings were there.

- Jay Zeiger: I don't know what was submitted, and that the person who reviewed knew those buildings were there.
- Paula E Kay: The 239 is submitted from the Town and it is reviewed by the County Planning Department and the commissioner, who is well aware of what is there now, what should be there, what future plans are, what were to be demolished.
- Jay Zeiger: I'm not denying...
- Steven Burke: They reviewed everything given to them.
- Ari Grunhut: If we were putting it down in the same footprint we could get it without the Zoning Board.
- Jay Zeiger: My point is I disagree with whether the County understood or not, I disagree with their decision. The basis of their decision is that the new building is too close to the property line. Without the variance, we reconstruct the old buildings, the old buildings are really in the same place as where the new buildings would be. That's why we disagree. We went over last time why all the criteria for an area variance are met. I think this will have a positive impact on the environment and neighborhood. It will make the property a much nicer property. You've seen the quality of work that this organization is capable of.
- Steven Burke: When you opened your presentation, you mentioned this was a camp. Is that this is?
- Ari Grunhut: It is.
- Steven Burke: So you've occupied this first building all through the winter. Is a camp open all winter?
- Ari Grunhut: It has been using improvisational.
- Steven Burke: Should it be used? It's a camp.
- Ari Grunhut: It can be used all winter.
- Paula E Kay: No. That was an issue brought to my attention by Code Enforcement. I believe some of the board members also have visually seen it. It is a camp, that's how it was approved. Our camps are seasonal. That is a discussion that has to be had and we have to come to some kind of conclusion on use. If you want to use it for something other than a camp, you have to go to the Planning Board. If your people are in and out during the weekends other than the summer months...
- Jay Zeiger: We're not denying that is done. I've have to look at the definition and fall within it.
- Paula E Kay: It does say seasonal. That is something that needs to be addressed and I don't know if it can be tonight. The board looked at the 239 from the Planning Commissioner, there is also a second where she mentions the Sullivan County DPW review. The site distance issues, signs, entrance location. There are significant DPW issues that will have to be addressed.
- Jay Zeiger: I think we will have to do that at the Planning Board.
- Paula E Kay: I think they need to be addressed before you go forward here.

- Jason Pantel: When this first came up, I found it strange that both sides of the road being used by the camp.
- Jay Zeiger: No what happens here, this property was used as a camp before they bought it. It was then closed for 2 years. When they bought it, they had to start the approval process as if it was not existing. They submitted an application to the Planning Board, the board said your camps have to be 10 acres or more. They were 8 acres. So they bought these 2 parcels who were owned by the same owner, we're showing these 2 parcels as....
- Jason Pantel: I'm not saying you're building there, but if you're going to have a summer camp and there is going to be people crossing the road. If you have enough property without it, I don't know why it's on the application. If you were to show me that and say that is what we own, I would anticipate that you would use the property across the street.
- Ari Grunhut: This is for lot coverage grant.
- Jason Pantel: Once you approve it, it's not just lot coverage granted.
- Jay Zeiger: They can't put anything on it.
- Jason Pantel: Baseball field? Soccer field? You have a troupe of kids. That's why I'm bringing up the site line issue. If you're going to have people going back and forth. Even if you say let's walk in the woods, that's what the DPW is talking about.
- Paula E Kay: We have a day camp and sleep away camp.
- Jay Zeiger: We are the second.
- Paula E Kay: It's a site with a group of structures that may include a cafeteria, recreational facilities in order to provide for the supervision of children along with overnight accommodations with bunkhouses or cabins during the summer season.
- Jay Zeiger: That's the definition? I'm prepared to sit and discuss it. I've had the same issue in Mamakating. In that instance they went for site plan approval and the Town said that they saw it being used other than during the summer use, they were okay with it. They wanted some guidelines and regulations, Jerry Capone is working on some guidelines on that. I think the definition as it is written is what it is intended to be but not that it can't used on weekends and other....Mamakating was okay with that. We haven't discussed it with Fallsburg yet.
- Steven Burke: You can use it as a yeshiva all year round but it has to be one or the other.
- Paula E Kay: Is it just children on the weekend?
- Steven Burke: No not just children. That building is used a yeshiva all year round. It's not a camp then.
- Paula E Kay: Then you will have to change your use with the Planning Board.
- Jay Zeiger: We can sit down in a workshop, but Mollie takes the position that you're not a school if you're not sanctioned by the Education Department. Which

is why they fit within a definition of a camp as well.

- Paula E Kay: Not the Town's definition, so that is an issue. I don't know what the answer is, they're asking for approval for something when we know the use is not what has been approved by the Town.
- Jason Pantel: I don't understand why you would build that building 5 feet from the golf course. You might do nice work on what's there, I don't see that as being...
- Discussion.
- Ari Grunhut: This is existing, we don't want to tear this down. We want a new building and put this as a new extension.
- Paul Lucyk: I thought everything was coming down.
- Ari Grunhut: Everything is coming down besides that mikvah.
- George Sarvis: That's preexisting.
- Steven Burke: A mikvah is something you would use in a camp?
- George Sarvis: They have mikvahs in private houses.
- Discussion.
- Jason Pantel: 2 story building?
- Ari Grunhut: 2 story, no basement.
- Jason Pantel: I don't find it aesthetically.
- Steven Burke: How far off would be if you didn't connect to that building?
- Ari Grunhut: If I were to demolish the mikvah, it's a huge expense to build. One of the best things on that property is the mikvah.
- George Sarvis: How much of a deal would it be to eliminate the existing mikvah and incorporate it into the new building?
- Ari Grunhut: It's an expense.
- Paula E Kay: You can't move it back?
- Ari Grunhut: Where?
- Paul Lucyk: You have a topo of the property?
- Ari Grunhut: I have it here. The mountain starts right here.
- Paul Lucyk: So it's pretty flat between that and the mountain?
- Ari Grunhut; The front to the mountain is too....it goes too far this way.
- Paul Lucyk: Is there a chance of turning that building?
- Ari Grunhut: Possibly. It is pretty square.
- Paul Lucyk: How far off are you from the side line?
- Ari Grunhut: This is 142.
- Paul Lucyk: If you're 142 out from the back, you're 150 or more.
- Jason Pantel: If you rotate it.
- Paul Lucyk: If you take the stints in the front off and then in the back...
- Jason Pantel: It would be 175.
- George Sarvis: I don't know it offhand.
- Ari Grunhut: Side setbacks are 150. Previously 190. It is nonconforming.
- Jason Pantel: Since it is being demolished anyway, the new one should be in

conformance.

- Ari Grunhut: The only way I can replace it is if I put it back in the same footprint.
- Jason Pantel: You can't really because you're tearing down multiple buildings.
- Ari Grunhut: If I tear it down and put in the same footprint...
- Jason Pantel: You'd have 5 separate buildings.
- Steven Burke: I think the issue is that you shouldn't be in front of this board because you can remedy it in another way. You only come here when you can't remedy it another way.
- Jay Zeiger: That's not entirely accurate.
- Paula E Kay: A house of worship would have different setbacks.
- Steven Burke: You said you could build that and not come here at all.
- Jason Pantel: With the golf course and the college over there, I could see a 2 story building blasting out of it.
- Jay Zeiger: It will be beautiful.
- Jason Pantel: I don't doubt. What are the setbacks?
- Paula E Kay: What are they right? For a sleep away camp, the side yards are 150, 300. For an elementary or secondary school, the setbacks are 100 and 200. For a college and university, the setbacks are 100 and 200.
- Steven Burke: So we have to know what you are. You are approved as a camp.
- Paula E Kay: A house of worship is 50 and 100.
- Jason Pantel: What is the 300?
- Jay Zeiger: That's both sides. They meet the 300.
- Paula E Kay: To approve this tonight because the County recommended disapproval, you need a super majority of all 5.
- Jason Pantel: I don't see summer camp. How many people are going to be there when it is full?
- Ari Grunhut: I don't have those figures entirely yet. If we were to be denied, this will be the way it is. As long as the engineer tells us it to be okay. We're not asking for that much.
- Jason Pantel: Without the place across the street...it's less than 10 acres.
- Jay Zeiger: No they're more than 10 acres.
- Steven Burke: I need to know from him definitely what this is.
- Jason Pantel: 26-130 is 8.22, and 17-24 is 2.75. So you are almost 11 acres.
- Steven Burke: My opinion is that I need something that define what your hours or seasons of operations are. Obviously, we know you are not using it as a camp. I know you're using it as a yeshiva, which is fine if that's the main use. You're not doing what you said you were going to do. I do have to tell you that I almost stopped by last week, because there was garbage all over the place. It was on your side of the fence. On Saturday or Sunday. The kids were sitting there and the cups were flying back and forth. It was filthy. I've also been on the side of telling you how beautiful it looks. However, you know what it reminded me of, a

typical place that I have seen in this town on many weekends.

- Paula E Kay: Maybe it makes sense for you to setup a workshop so we can go over with staff the use, potential use, what you really are, so this board can make a decision based on setbacks of the actual use as opposed to something that it really isn't.
- Jay Zeiger: The students that are there are all from the same yeshiva in Brooklyn during the 10 months of the year, in the summer they come up here.
- Steven Burke: They come up in the winter too.
- Jay Zeiger: They do because the building is usable, the schools and the yeshivas, the family of the supporters come up here. I believe that it is consistent with...
- Jason Pantel: You know what I don't see on that drawing. Besides the pool, any property set aside for recreational activity. We've seen other ones come in where you have to incorporate baseball fields or something.
- Ari Grunhut: We have a court here, a nice volleyball court here.
- Paula E Kay: For you to ask this board to override the County, they have to have a certain comfort level. My guess is tonight they don't have that level.
- Steven Burke: Let us know where you're at, what your hours of operation are. If you say you're going to be a camp, this board may not have a problem overriding the County. I'm not saying it will happen, I'm just saying you are using it for other things than what you were given permission. You haven't opened as a camp yet.
- Jay Zeiger: We did.
- Steven Burke: Last year you were open? Good.
- Jay Zeiger: My view of a camp property is that for the 2 months of the summer, they are open 7 days a week with students and counselors but that doesn't preclude....I remember when my kids were growing up there was a charity we supported, and every year, they had a donors weekend where I went up with my 2 kids and we stayed in the bunk, we ate in the cafeteria, the same as if we were in camp.
- Jason Pantel: It doesn't look like a traditional camp. To say it's a camp to me, to me camps don't have dormitories.
- Steven Burke: The only difference Jay, I understand your interpretation, but you don't interpret the law. You represent your client. The law says it is one thing or another. Except you have to come back. I would say you have to come back to this board with some definitions.
- Paula E Kay: Also respond to the County, in writing. Especially with regard to the DPW, site distance and all that. I think that would be important. If they are to override it they need something to that.
- Jay Zeiger: We won't be back in 30 days. The next staff meeting is full.
- Paula E Kay: Let's talk, I don't know if we need Bob and Ken for this. Maybe just you, me, and Mollie.
- Joe Puccio: What about turning the building to get your setbacks?

- Paula E Kay: They should look at that.
- Jason Pantel: I don't like seeing the property across the street included in that.
- Jay Zeiger: They want to tear down most of it.
- Steven Burke: Can we make a stipulation that they agree not to use it?
- Paula E Kay: Yeah.
- Discussion.
- Jason Pantel: If the property is already combined here, it's already a moot point. We give you approval, we're approving a camp on 8 acres.
- Discussion.
- Steven Burke: If there wasn't a fence, the garbage would be in Loch Sheldrake. George said it would be a good idea if the compactor was put in.
- George Sarvis: There's a dumpster there, but it is overfull. A compactor is put on a plan, so that would be a discussion we don't need to have in the future.
- Jay Zeiger: We will schedule a work session and come back afterward.

NEW BUSINESS:

1. IBRAHIM MAKOVIC – SBL# 32-1-5.3 – Requests an area variance for a reduction in the side yard set back from 30' to 6" to allow a replacement garage smaller than what was already existing. Zone: REC-1. Acres: Location: Mitteer Rd., Hurleyville.

- John Makovic represented.
- John Makovic: Roughly, 14 or 15 months ago, my father's garage roof collapsed. The garage that is 30 years old on the property. We finally decided that it couldn't be repaired after discussing with the insurance company. Now we got a demo permit, tore it down, and we are asking for a variance to replace it because it is 6 inches off the property line instead of the required 30 feet.
- Steven Burke: It doesn't matter that it is preexisting because you're tearing it down. It was only good for what was there. The minute you remove it....
- John Makovic: The building that is going up in place of it is slightly smaller, not enough to make a difference. With how the property is situated, there is nowhere else to go with this go to. The backside of the building, from the floor, there is a straight drop about 10 or 12 feet. As far as the neighbors go, the property drops in the back end. This happens to be vapor locked. I send them notices once a year, no proofs of purchase.
- Peter Frunzi: My recollection of the property is that there is nothing but woods off to the side.
- John Makovic: Woods and a heavy slope down that side.
- Paul Lucyk: What about the other side coming into the property? Is it flat?
- John Makovic: This is blacktop driveway.

- Paul Lucyk: Closer to the fence, is that flat in there?
- John Makovic: That is also sloping down there, there is a lot of ledge there. There is a lot of rock. If you come over 8 or 12 feet, it is sticking out from the lawn.
- Steven Burke: That little shed is not on your property?
- John Makovic: It is not, it's an oversized dog house.
- Paul Lucyk: Neighbors don't complain?
- Paula E Kay: They're not here.
- John Makovic: I was hoping they would come.
- Paul Lucyk: They don't have an issue with you being 6 inches off the line.
- John Makovic: They're probably not aware of any of this besides the notice they received. I do plan on putting in a new floor. The floor was beat up. It's not only because of the existing slab foundation. There really isn't any other place to go with it on the property.
- Paul Lucyk: If you decide to move it 10 feet off the property line, is that a possibility?
- John Makovic: It drops down this way also, not as bad, but it does drop down.
- Paul Lucyk: So in 10 feet how much of a drop is that?
- John Makovic: 6 to 8 feet.
- Paul Lucyk: It's on a 45 is what you're saying?
- John Makovic: Yeah, very heavy. The property is a horrible piece of property. There is so much filling here. The fence is not there for anything but safety, so no one would topple over the back. There was 1,000 loads of fill brought in.
- Paul Lucyk: Where is your well and septic?
- John Makovic: Well is here, septic is here.
- Paul Lucyk: You said you're making this garage smaller than the original?
- John Makovic: Not enough to do anything. The square footage it will be a little bit smaller.
- George Sarvis: What is the square footage? Over 144?
- John Makovic: Yes.
- Steven Burke: So the square footage of this is what?
- John Makovic: I think I have a plan here.
- George Sarvis: The reason they are here is because it is over 144 square feet. The code says, new or replacement accessory structures over 144 square feet shall be a minimum of 30 feet from the site or the property line. I just want us on the same page.
- Steven Burke: He's here just for the setback.
- John Makovic: Roughly 1,800 square feet.
- Paula E Kay: And the gold building we figured on that?
- John Makovic: Yeah it was 1,900 square feet. What's actually happening is instead of getting squared off in the back. This is like 2 buildings, initially this was

- like 2 buildings, there was a smaller 1 built and then the other one was added on.
- George Sarvis: The new one will be under 1,000 square feet?
 - John Makovic: Under 1,000? No. The one that was there was almost 2,000. This one will be 150 to 200 square feet.
 - George Sarvis: I need to see the application.
 - Steven Burke: That's it John?
 - John Makovic: That's all I have for info.
 - Steven Burke: Any questions?
 - Paul Lucyk: All of our questions are the setback.
 - Steven Burke: Anyone from the public? No, we'll close that. Any violations?
 - George Sarvis: No.
 - Steven Burke: Any board comments?
 - Peter Frunzi: This is an area that is heavily wooded, there is no objections from the neighbors. I don't see an issue with the existing footprint, there would just be a service to have him move the slab over would be unjustified.
 - Steven Burke: Whether the benefit can be achieved by other means feasible to the applicant?
 - All board members say yes.
 - Steven Burke: Undesirable change in neighborhood character or nearby properties?
 - All board members say no.
 - Steven Burke: Whether request is substantial?
 - 4 board members say no, 1 says yes.
 - Steven Burke: Whether request will have adverse physical or environmental affects?
 - All board members say no.
 - Steven Burke: Whether alleged difficulty is self-created?
 - 4 board members say yes, 1 says no.
 - Steven Burke: Motion?
 - MOTION:
 - Jason Pantel motions to approve. Paul Lucyk seconds. All in favor.
 - Steven Burke: I did put an 1,800 square foot because that is what you told me.
 - John Makovic: As an approximate.
 - Steven Burke: You work that out with George if you go over.
 - Paula E Kay: Approximately is safe for you guys.
 - Steven Burke: I will put approximately. Just to prevent you from coming back with a 2 story house.

Jason Pantel motions to adjourn. Paul Lucyk seconds. All in favor.