

"Minutes are not official until approved by their respective board."

## TOWN OF FALLSBURG ZONING BOARD MEETING

July 20th, 2017

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

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

### OLD BUSINESS:

1. 41 CHURCH ROAD, LLC. – SBL# 44-1-52 – Requests a use variance to allow a two family residence in an R-1 zone. Zone: R-1. Acres: more than ½ acre. Location: Church Rd., Mountindale.
  - Gary Silver represented.
  - Gary Silver: As you are aware, we are seeking an area variance which is now providing you with additional information.
  - Paula E Kay: Use variance.
  - Gary Silver: Sorry, use variance. Some history of the property and some history of what he has done in the area. Apparently when he purchased this, it was a foreclosure and he wasn't able to go into the house beforehand. After he bought it, he found it was a disaster. Copper popper missing, water getting in, mold everywhere. His little project blossomed into a big one to make it economically feasible. He did an analysis, the lower end of the rental rates, for a 1 family rental he could get about \$1,200.00 a month. It would take him approximately 14 years to recuperate his money. He could split this into a 1 and 2 bedroom. He can rent the 1 bedroom for 900 a month and the 2 bedroom for 1,000 a month. With that 1,900 rental, he could recuperate his money in about 37 months. Those calculations don't include levies, taxes, or anything else. Based solely on purchase price, closing costs, and estimated repairs. Nobody is here on this, I looked at the tax map on this. His neighbors don't have an issue. Parcel 53 is vacant land, vacant land owners don't usually care. All the properties around him, 59.9 which is Jacob's, 59.8 which is Caruso Quick and Quick. 59.2 which is Odell. You have 51, that's another foreclosure. There are some issues in this area. You have Polombo is 59.5 One further down. Across the street is the bungalow colony. You have

vacant land, you have another impacted property. You have neighbors that don't object, a bungalow colony across the street. It clearly wouldn't impact on the quality of the neighborhood. It's a way for somebody who has been improving the area, increase property value, make the area more livable, nobody is going to purchase this property if they can't make a dollar on it. You may have a charitable organization, they're not rushing in here to buy properties with no taxes. He is asking to make this a viable investment so he can improve the property and make it livable and inhabitable. For workforce housing, that's the one thing in this area that looks like there will be an uptick on need, with the casino, other developments. There will be a need for workforce housing. This fits the rental area with the types of incomes that will be paid. I think it is looking very good.

- Jason Pantel: I'd rather have somebody who could afford to rent a single family home as a rental.
- Gary Silver: In a perfect world, you'd rather have somebody own the house and fix it up. We have to deal with what exists.
- Jason Pantel: I wouldn't consider a hardship having to wait 3 years for your money.
- Gary Silver: That may be your opinion, if you were the person putting this money in...
- Jason Pantel: If the copper pipes weren't stolen out of it and it was in great shape, it'd be a home run.
- Gary Silver: If he didn't have to put all this money to the house, he could have made a go with it renting it out.
- Jason Pantel: That's a risk you take with foreclosures.
- Gary Silver: Is that a risk? Yes. It's not expected. You don't drive by and expect in that condition.
- Jason Pantel: \$43,000.00 for a 2,000 square foot home is a good deal. If he didn't buy it and a person bought it to live in it and put the same money into it, you have a nice house.
- Gary Silver: Somebody didn't, he went to the foreclosure sale. When you buy a house at \$43,000.00, if you had to put another \$150,000.00 you probably wouldn't. You can argue with his investment protocol, here is someone did buy it. If he didn't, nobody wouldn't have bought it.
- Jason Pantel: The price would have dropped a bit, somebody would have.
- Gary Silver: I'm involved in this as my life, that doesn't happen anymore. It's nice to have wishes and nice to want something. It would be great if every house was a million dollar and the town would be flush with taxes. It's not that way.
- Jason Pantel: Another 2 family home is not going to boost taxes either.
- Gary Silver: This is not a 2 family home. This is a rental. Rental are a good thing for the area.
- Steve Burke: Especially in Mountaindale, I'd rather see something nice and new. He does invest in these towns. Especially Mountaindale.
- Jason Pantel: In another month there will be somebody else that wants a 2 family in an R1 district.
- Gary Silver: Each matter, like every use and area variance, you address on the facts of each matter.

- Jason Pantel: I don't see your argument for a financial loss or hardship. If it was a sure thing, it would be called a sure thing. Instead it is called investment.
- Gary Silver: Under your analysis, there would definitely be a hardship. No matter what you buy or what you put into it, it's never a hardship. There is no statutory definition of the monetary loss
- Jason Pantel: There is no loss here. It is just a matter of how much time.
- Gary Silver: You should read the case law.
- Steve Burke: We didn't close the public portion. Anybody on the board have any questions? We will reopen the public portion. Anybody from the public like to speak? No, public is closed then. Violations George?
- George Sarvis: No.
- Steve Burke: Board comments?
- Paul Lucyk: I believe up on Halstead Road they put a couple homes, they did 2 family homes. They were rentals, and I don't know what zone they were but probably similar, but if everything fits together it should go. I have a good feeling about it. There's not much in that area. A lot of the homes are in bad shape. If he is going to fix them up and make them nice, I think positive.
- Neil Sapolsky: Everything he does around Town is really good.
- Steve Burke: I understand your argument, and your argument. You're both right. In this Town, we have so many dilapidated buildings that if someone is willing to invest money, I am usually for it. Even though it may be not what we should do. Your argument with the finance is not a good argument.
- Jason Pantel: It'd be cheaper for them to knock it down.
- Steve Burke: You're better off with your argument about it being dilapidated, that someone with money wants to buy to make it nice. Which he has done in many projects, which he does have going for him. That's what we will do. Let's go down the questions. Cannot realize a reasonable return substantial as shown by competent financial evidence? I will pass this around beforehand.
- 4 board members say it cannot, 1 says it can.
- Steve Burke: Alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood?
- All board members say it is unique.
- Steve Burke: Alleged hardship will not alter essential character of the neighborhood?
- 4 board members say it will not, 1 board member says it will.
- Steve Burke: Alleged hardship has not been self-created?
- 3 board members say it has been self-created, 2 say it has not.
  - MOTION:
  - Jason Pantel motions for lead agency. Paul Lucyk seconds. All in favor.
  - MOTION:
  - Jason Pantel motions for lead agency. Paul Lucyk seconds. All in favor.
- Steve Burke: Do I have a motion to deny or grant?
  - MOTION:
  - Neil Sapolsky motions for approval. Joe Puccio seconds. Jason Pantel denies. All other board members in favor.

2. CALOGERO GIANNONE (VISEU ESTATES) – SBL# 7-1-37.16 – Requests a use variance to add another dwelling unit to an existing non-conforming multi-family property used for rentals, where an increase in the number of dwelling units is prohibited. Zone: REC-2. Acres: 8.07. Location: 299 & 304 Wade Rd., Liberty
- Jay Zeiger Joe Ganz represented.
  - Jay Zeiger: This is a project that was approved by the Planning Board a year or so ago. In connection with the Planning Board process, there were some variances granted by this board. It is in the HR1 zoning district which allows for duplexes, there were some requirements of the duplex law they could not meet, including the 175 foot setback. We got a variance from this board, then got approval from the Planning Board. It is now under construction with all permits. The original approval is what you are looking at here. The 2 pools were approved over here. Over here was a basketball and handball court, an all-purpose court.
  - Paula E Kay: The variances this Board approved previously were for what?
  - Jay Zeiger: Setbacks.
  - Paula E Kay: In the 175?
  - Jay Zeiger: Yes.
  - Joe Ganz: What happened was we were approved for HR1 for the Town. The duplex law just came in. It was a very grey area if the duplex law applied to HR1 or not. We came to the Board here and they gave us a variance for the duplexes.
  - Paula E Kay: So we gave you a variance to allow duplexes in the HR1?
  - Joe Ganz: Without the 175 foot setback.
  - Paula E Kay: I need to see the language.
  - Jay Zeiger: I have it here.
  - Paul Lucyk: When was this?
  - Steve Burke: A couple years ago. I remember, a long time ago.
  - Jay Zeiger: There was also an issue that this was under the HR1 zoning district, in addition to allowing for duplex developments, they allow for 2 family developments. When the setbacks for the duplex law could not be met, we had proposed going as a 2 family. That's when Bob Geneslaw suggested that instead we come for a variance under the duplex law.
  - George Sarvis: You went from 175 foot setback to 99 in 2014.
  - Paula E Kay: I would like to see what the language of the prior variance proposes. You don't have that on your site plan.
  - Jay Zeiger: I have it right here.
  - Paula E Kay: This is from 2012. No parking, no buildings within the 175 foot setback.
  - Jay Zeiger: That was the variance.
  - Paula E Kay: No buildings within it? What was the variance for?
  - Jay Zeiger: Buildings within the 175 foot setback.

- Paula E Kay: Any buildings? Certain buildings?
- Jay Zeiger: What happened was we had a site plan that was shown first to the Planning Board. We went to 5 or 6 work sessions, the issue was were we a 2 family house or a duplex development under the duplex law? That loophole was changed. Our position was we were 2 family and not subject to the duplex law. Bob Geneslaw's position was to follow the duplex law since we think that was intended. We went to about 3 or 4 staff meetings, we then got a site plan design that the Planning Board was happy with, Bob Geneslaw was happy with, and the developer was happy with. The Planning Board then recommended, and that language was on there, that the Zoning Board grant the variance so we can get to the compromised site plan.
- Steve Burke: There are a lot of stipulations on there.
- Paula E Kay: I'm still not quite sure what this variance is for. Any buildings?
- Jay Zeiger: The variance allowed for buildings within the 175 setback as presented.
- Paula E Kay: Right now, how many buildings are within the 175 setback?
- Jay Zeiger: This whole, I don't know how far back.
- Paula E Kay: So it was kind of vague, it allowed for buildings as they determined with the 175 feet.
- Jay Zeiger: It was based on a plan. It wasn't for us to go ahead and do what we want. The plan was an aggregate of our engineer, Bob Geneslaw, Will, and Art.
- Paula E Kay: That 175 setback has already been violated.
- Jay Zeiger: With the variance and that's all of this stuff.
- Steve Burke: It also did say no community building.
- Paula E Kay: It says no parking, then it says no community building.
- Joe Ganz: The community building was part of the variance. We could put in with no parking lots.
- Steve Burke: The way I wrote this it says no parking, community buildings within the 175 foot setback.
- Jay Zeiger: The approval has the community building within the 175 setback.
- Steve Burke: That's the paper you submitted in 2012?
- Jay Zeiger: Yes. Under the duplex law it requires parking adjacent to the community building. This is the approval.
- Paula E Kay: You don't put the variance on the map?
- Jay Zeiger: It's probably on the map that was signed by Arthur.
- Joe Ganz: 10-25-12 as per Zoning Board comments.
- Jay Zeiger: I think that was what was on there.
- Steve Burke: That's the way I see it.
- Jay Zeiger: I don't want to disagree with you.
- Paul Lucyk: Can we pull up the minutes?
- Paula E Kay: Yes we can, we can get the minutes.

- Jay Zeiger: What happened is, the Building Department is not arguing that what we are building is contrary to the variance.
- Steve Burke: Not yet.
- Jay Zeiger: I think the duplex law requires that there be parking adjacent to the community building. That variance is saying that they don't want the parking there.
- Joe Ganz: We had to go back and we made a wider road, we put spots around the whole place to make up for that. We made a 24 foot road to accommodate that.
- Paula E Kay: I think we're doing the applicant and the Board some disservice if we don't pull up the old minutes and really understand. I think they need to see what exactly was approved, specifically so they know what the thinking was. That may make what you're asking for even less material, if more things were allowed in the setback, what you're asking may appear to be nothing. If it was specific and limited..
- Steve Burke: It's 5 years ago, so maybe you are right Jay. Let's be sure.
- Jay Zeiger: What we are sure about, this plan we are looking at, this is the plan approved by the Planning Board. All of these buildings including the community building was within the 175 foot setback. That's not the issue today.
- Steve Burke: The issue today is we would like to see the minutes.
- Jay Zeiger: We should still go through it all.
- Steve Burke: We can go through it all but we won't make any determination.
- Jason Pantel: I wouldn't continue, there's too much misinformation going around.
- Steve Burke: Personally, I think you are better off presenting it when we have all the information.
- Jay Zeiger: We may go on to finish the presentation, you will have questions and there will be other stuff. Right now you are only asking to pull out the minutes. We should at least finish the presentation of what we are doing.
- Jason Pantel: If we put a stipulation on a piece of property, you can come back and ask for a variance from the stipulation?
- Paula E Kay: That's one of the things we are concerned about.
- Steve Burke: In other words, what I wrote and what I said will clarify everything.
- Jason Pantel: If you wouldn't allow a community building within the 175 feet, even if it was approved, how could you back and allow another building against your stipulation?
- Jay Zeiger: I'm not understanding what you're saying because the community building was approved by the Planning Board to be within the 175 foot setback.
- Steve Burke: We will know that.
- Joe Ganz: The community building is irrelevant. The only things that have a problem in the 175 setback are the duplexes itself. The setback doesn't apply for the community building.
- Steve Burke: It does, and the caretaker house.
- Joe Ganz: That's not in there. That's why we are here.

- Steve Burke: We are squeezing a lot in there to begin with, according to what you say. You already have a variance on the 175 foot setback. We have already stretched it.
- Joe Ganz: The 175 foot setback was a grey area, that was a compromise with the Planning Board. They just wanted it to fall for all future projects.
- Steve Burke: According to what you are saying, we have given you that leeway and now you want more.
- Jay Zeiger: We're not asking for buildings.
- Steve Burke: Aren't you asking for a caretaker's house?
- Jay Zeiger: Yes. Anyway, this is what you approved. This is what you approved.
- Steve Burke: They sent that plan to us but with some recommendations.
- Jay Zeiger: Over here was the all-purpose courts, over the pools. The work has been ongoing with the community, they started doing the work yesterday to put the pools over here as shown. Currently, you can explain better than me.
- Joe Ganz: It is a fill. The pool are with 10 foot of fill. Originally it wasn't supposed to be on 10 foot of fill, the engineer messed it up somehow. What we are thinking is to move the courts.
- Jay Zeiger: The pool is over here.
- Steve Burke: There are other options right? You could not have a pool?
- Paula E Kay: You really liked that pool.
- Paul Lucyk: At the time when you designed the pool for the back, what did the engineer say? What was his report?
- Joe Ganz: That it was fine that it wasn't on fill. It has to be fill, it's low. The engineer also put in that we have 5,000 yards of extra fill and we had to bring in 75,000 yards of fill.
- Jay Zeiger: It was reviewed by our engineer and the Town engineer.
- Paul Lucyk: You got the topo, the topo is what is on the plan, something is not right.
- Jason Pantel: If it slopes off that much, and you knew you had to fill, you knew the pool was going there.
- Joe Ganz: It was woods when I went in there. It was missed by the Town and by my engineer.
- Paula E Kay: That's not the Town's responsibility.
- Steve Burke: It's the Town's responsibility to determine that, it is yours. Are you saying that the pool can't go there or are you saying that it can't financially?
- Joe Ganz: The question is 5 years down the line, what that pool will look like.
- Jason Pantel: There are other options construction wise that you could shore up that ground.
- Joe Ganz: We had 3 pool guys come and look at it.
- Jay Zeiger: At this point, our engineer, the Town engineer, and the pool contractors are all strongly advising that the pools not be in that location.

- Jason Pantel: But it could be done.
- Jay Zeiger: I don't know.
- Paul Lucyk: What's the problem with the pool going like this?
- Joe Ganz: It's taken over too much. The courts were there.
- Steve Burke: Next month when you come back, you're adding now. We would like to see the report from the Town engineer that says it shouldn't be there, your engineer and your pool guy. Any pool guy you would like to have write a letter.
- Paul Lucyk: Are you removing the handball courts?
- Joe Ganz: No we are moving them behind the shul.
- Steve Burke: Are you okay with a report from the engineers? I think it is necessary.
- Paula E Kay: What about the caretaker?
- Jay Zeiger: The proposal is to move the pools over here. What was here was the all-purpose courts. The rest of the proposal is to move the basketball, handball court over here.
- Jason Pantel: Why can't you put that where the pool was?
- Joe Ganz: There's not enough room. Back of the pool is the same problem. Technically it will fit there. This is a much better spot for the people of the community. They have a day camp in the basement of the shul, the kids can come out and play on the court instead of running on the road.
- Jay Zeiger: The motivation for this move, to move next to the community building, was coming from the home owner's and the request for the caretaker was from the home owners.
- Paula E Kay: Are you okay on density in this development?
- Joe Ganz: Yes. It is 4 per acre.
- Steve Burke: You want a letter from the home owner's association as well?
- Paula E Kay: The caretakers would be one of the houses as well.
- Jay Zeiger: The caretaker is here, the idea of the caretaker...
- Jason Pantel: How could you let this go for 8 years without a caretaker?
- Joe Ganz: Originally this place was supposed to be an addition to the place across the road. When we built the place across the road at 50 units, it was supposed to be a combined addition. The group that took it does not want to be combined with the place across the road. They want their own everything.
- Jason Pantel: You guys were in front of the Planning Board last month?
- Jay Zeiger: We were in front of the Planning Board a week ago. The reason we went to the Planning Board is because ultimately they are going to have to approve the amendment to the map. That map was updated just a couple of weeks ago so we could make a submission to the Planning Board.
- Joe Ganz: The Planning Board on record said they are in favor.
- Jay Zeiger: The Planning Board had 2 issues that they wanted addressed, otherwise they were okay with the amendment. Number 1 they wanted adequate trees and screening for the recreation areas from the road. Number 2, they wanted



to specifically approve the design of the fence that would be surrounding the pool. Those were the 2 issues for the Planning Board. If the Planning Board had a variance from this Board, they are ready to approve. They couldn't approve it without. Paula you were at the meeting, the Planning Board was otherwise fine with the revisions. Arthur thought it was more appropriate.

- Steve Burke: The development across the street is separate now?
- Jay Zeiger: Yes.
- Steve Burke: It originally wasn't?
- Joe Ganz: The property was separate. Originally it was to be sold to the same...
- Steve Burke: It was all one development?
- Jay Zeiger: It was always 2.
- Steve Burke: Didn't you have to buy the property across the street?
- Joe Ganz: I had to buy the neighbor's properties before we got this approved. We bought those properties.
- Steve Burke: For what reason?
- Joe Ganz: It would help with the design at the time.
- Steve Burke: So that property is no longer part of this?
- Jay Zeiger: Those purchases have nothing to do with the property across the street.
- Jason Pantel: All this came to a head after 8-1-2016?
- Jay Zeiger: Yes.
- Jason Pantel: When you split everything?
- Jay Zeiger: It was split up before then.
- Jason Pantel: You have your final revisions as 8-1-2016. You knew by then you needed a caretaker.
- Jay Zeiger: No.
- Paula E Kay: They didn't come back because of the moratorium.
- Jason Pantel: Okay.
- Steve Burke: Okay, I just want to straighten somethings out.
- Paula E Kay: We'll get there. We will get you the minutes from the Planning Board too so you have the minutes from the prior ZBA and you can see what direction the Planning Board was going in. Then you will have as much information.
- Steve Burke: Good idea.
- Jay Zeiger: To get back to what we are asking, we want to move the pools from here to here, we want to move the courts from here to here, and we want to add a caretaker unit.
- Steve Burke: That's what I have here. Any questions?
- Paul Lucyk: Is there any options for the pools to be in a different area?
- Joe Ganz: Not really.
- Jay Zeiger: This is really the only open space.
- Joe Ganz: It is going to a spot where there were facilities.

- Paul Lucyk: It is hard for me to see the topo.
- Discussion.
- Jay Zeiger: The problem is putting them there, they are in the middle of the houses. If any of you have been to visit the site, these pictures are taken from over here. You are really talking about tree lines.
- Steve Burke: All of those buildings are sold already?
- Joe Ganz: Except for a few.
- Jay Zeiger: Title hasn't transferred. We can't transfer title until...
- Joe Ganz: Most foundations are in, a lot of the houses are up.
- Jay Zeiger: There is a representative of the group that has been in touch through their attorney and with Joe through their representative asking for the caretaker.
- Steve Burke: Okay, anybody have any questions? No? Okay. We will open to the public. Anybody from the public like to speak?
- James Kunn: I live next door to your development. Where am I on that map you keep showing? Where is my house?
- Joe Ganz: That's a garage on my property.
- James Kunn: I don't have a garage.
- Joe Ganz: This side. This is a shed and that's a driveway. That is going further away from you house than closer.
- Jay Zeiger: The pools are moving, the pools are here.
- James Kunn: What are the other buildings around me?
- Jay Zeiger: These are houses. The shul is over here.
- James Kunn: You said something about my shed. It's on your property?
- Joe Ganz: I don't care but it is there.
- Becky Garritt: We thought we had clearance. It's been there for 37 years.
- Jay Zeiger: If I am understanding, this is good thing for you.
- Becky Garritt: Where is all the parking going to be?
- Joe Ganz: Only 2 spaces per house, no parking lots.
- Jay Zeiger: The parking is along here, they are delineated.
- Becky Garritt: Show us the main entrance.
- Jay Zeiger: Here. On Zimmerman Road.
- Paula E Kay: Would you mind bringing the map over a little bit.
- Jay Zeiger: It has been there since day one. As part of this development, we know that Zimmerman Road will be redone.
- Becky Garritt: Widened you said?
- Joe Ganz: It will be as wide as the tree line is.
- Becky Garritt: What is the end time for the homes to be done?
- Joe Ganz: The next couple months.
- Becky Garritt: We are here only for the summer.
- Jay Zeiger: The goal was occupancy for this summer. Obviously that hasn't happened. They are looking for completion before the winter and occupancy in the

spring.

- Steve Burke: Why couldn't you make one of the unsold homes the caretakers home?
- Joe Ganz: The caretaker is not part of the community. It is usually offset from where the community is. Originally, the engineer told was to stick the caretaker to the shul. You don't have to zone, just modify the shul.
- Steve Burke: It could be done. It could also be another building that is not sold yet.
- Joe Ganz: I don't know if the community will want the caretaker attached to the community.
- Jay Zeiger: I don't think the home owners will allow that.
- Steve Burke: It's not the home owners will allow that.
- Paul Lucyk: I don't think they want the caretaker that close to their shul.
- Joe Ganz: You want them when you come into the place as well.
- Steve Burke: Where is the closest building that is not sold?
- Paula E Kay: Originally, the caretaker was part of the other development and wouldn't have been on the other part. It would have been pretty far away. Maybe what you can do in the month, look at some other options.
- Jay Zeiger: We will look at it.
- Steve Burke: They may have to give a little bit to get something.
- Jason Pantel: Originally it wasn't on the property.
- Joe Ganz: Caretaker is always for the benefit, not for just the project.
- Jason Pantel: The caretaker wasn't even on the spot.
- Joe Ganz: It's always the benefit for the overall area. When the caretaker is near, there is less stuff going on. I'm not here to make money on the caretaker house.
- Steve Burke: It's not that we don't want the caretaker there, we agree you should.
- Jay Zeiger: We will look to see if there are other options for the caretaker house.
- Steve Burke: Look at other options with the handball court in the back.
- Jay Zeiger: The idea of putting the handball courts over here is two fold. The community building serves 2 purposes, number 1 is the synagogue and number 2 it is the day camp building. The idea was if the kids are in the day camp building, they will have their study sessions and classes, when that is over, the recreation would be in decent proximity.
- Steve Burke: There are homes directly across the street correct?
- Joe Ganz: That's another development.
- Steve Burke: That doesn't want anything to do with your development, correct?
- Joe Ganz: They don't want to do with our development.
- Steve Burke: They may not want the lights that go on first at 10 o'clock on Saturday evening from the handball courts.
- Jay Zeiger: They were invited to the public hearing, they're not here.
- Jason Pantel: If it is that critical, why wasn't it in the original plan?
- Joe Ganz: I think it was an oversight.

- Jason Pantel: The handball court are farther than the pool.
- Joe Ganz: They were originally behind the shul.
- Jason Pantel: It's not.
- Joe Ganz: We moved them ourselves originally.
- Jason Pantel: We don't know that.
- Joe Ganz: They approved the handball courts still on the property line. It's not like we're taking handball courts away from the property line, we're just moving it down the property line.
- Jay Zeiger: Why is that so bad?
- Jason Pantel: Honestly, I drove up there, I looked at it. If I lived across the street, I'd be angry.
- Joe Ganz: Across the street is the same kind of people.
- Jason Pantel: No.
- Joe Ganz: The handball courts are compatible.
- Jason Pantel: Here's why, that's what the law is.
- Jay Zeiger: No Jason, that's not what the law is. We have this conversation every time. You think you are the police for the zoning.
- Steve Burke: Everyone calm down. We're not going forward on this tonight. You know what we would like to see. It would benefit you if you compromised and moved a couple things. Maybe you would get some leeway from this board and looked into other options that we presented you tonight.
- Jay Zeiger: The complication, I will say and move on, I don't know how much is built and already there.
- Steve Burke: You'll let us know next month.
- Paula E Kay: Maybe you come back in, okay? Maybe you come back in with these foundations are built, you can color code them. We will understand maybe there aren't too many options or opportunities at this point.
- Steve Burke: Turning your head and being disrespectful doesn't help your case at all. Anybody else from the public like to speak?
- Gary Kelcher: I walk by this place all the time, this is near my home. It is a beautiful picture of all those trees. I'm not sure where you go that, I'm sure that picture exists. There is a lot of not trees, it doesn't look good. I just want to say that this is the sort of housing I would like to see not in this Town. When you build like this, it is really hard for the people in this Town. I live here all year. It doesn't look very appetizing. I don't mind the handball court in the back. Another caretaker house, I really think, maybe someone can switch their house. I think you need more trees. I would like to see more blocking, so when I walk here.
- Jay Zeiger: On the trees, I had said earlier that we have to go back to the Planning Board after we get the variance and the Planning Board has stated that they want more trees.
- Gary Kelcher: When you move the trees up to the street, and you have the pools

blocked off, you see people playing and having a good time, you have a nice feeling. I enjoy watching people enjoying themselves. Those are just blocked off things.

- Paula E Kay: There would be the fence for the pool, and there would be screening for the fence so it was more appealing from the road. There would be a fence we require, and then outside the fence would be vegetative fence.
- Gary Kelcher: How dense would the trees be?
- Paula E Kay: That's something this Board can recommend with the Planning Board, the Planning Board has already talked about.
- Gary Kelcher: It's not appealing with just 1 tree. We need a bit more room of trees. It can't be 4 foot trees.
- Steve Burke: 4 foot trees turn into 6 foot trees.
- Gary Kelcher: I don't want to wait until I am 90.
- Paul Lucyk: You live across the street?
- Gary Kelcher: No, I walk through.
- Paul Lucyk: You see this picture as you are walking through?
- Gary Kelcher: I never thought I would see it. When I went through the other day, it didn't seem like it was there.
- Paul Lucyk: The other neighbors are here, did you see this picture?
- Becky Garritt: We moved down so we can't really tell.
- Paul Lucyk: So more shrubbery and trees would help.
- Becky Garritt: Yes.
- Discussion.
- Steve Burke: Make a note to give us the exact maps. Jay can you give us the exact amount of footage from the edge or the center of the road?
- Joe Ganz: It's the edge, it is marked.
- Steve Burke: We are going to close the public portion. Unless someone has something to say. Okay, then we will close it. We are going to postpone this meeting for 30 days. You will get us some information we asked you to get. We will get the information we can get.
- Jay Zeiger: Who will put up the minutes?
- Paula E Kay: Denise will.
- Steve Burke: I did close the public portion. Do you want me to leave it open?
- Paula E Kay: Leave it open.
- Steve Burke: I retract my statement of closing the public portion, and reopen the public portion.
- Paula E Kay: We are leaving the public portion open so if there are any changes, anyone can comment.
- Steve Burke: Jay you have everything you need?
- Jay Zeiger: I think so.
- Steve Burke: Motion to close?

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

NEW BUSINESS:

- 1 EDEN WOODS – SBL# 20-1-3.3/40/41 - Requests an area variance to install a caretaker home, swimming pools, basketball courts and handball courts within the 175 foot required set back under the duplex law. Zone: HR-1. Acres: 11. Location: Zimmerman Rd., Loch Sheldrake.
  - Applicant not heard.