

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

TOWN OF FALLSBURG ZONING BOARD MEETING

July 16th, 2020

IN ATTENDANCE: Steven Burke, Chairman, Steve Altman, Thomas Little, Ellyane Hutchinson, , Mike Bensimon, Board Members, Larry Zierler, Board Alternate, Melissa Melko, George Sarvis, Marisol Torrens, Code Enforcement, Paula E Kay, Deputy Town Attorney

- Steven Burke called the meeting to order.
- Meeting minutes accepted from previous month

NEW BUSINESS:

1. KEITH LAHANKO – SBL# 9-1-16.2 – Requests a area variance to allow a single family home on a parcel that is less than 10 acres. Zone: AG. Acres: 1.7 acres. Location: 27 Rose Rd., Woodbourne.

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2. KEVIN & AIXA GRAHAM – SBL# 20-1-29.3 – Requests several area variances for a non-conforming lot from the required 3 acres to 2.55 acres, reduction in lot width from the required 200 feet to 149 feet and a reduction in the front yard set back from the required 75' to 26'. Zone: REC. Acres: 2.55 acres. Location: 795 Rt 52, Hurleyville.

- Kevin Graham and Aixa Graham represented.
- Aixa Graham: We originally wanted to apply for 4 variances and it is on the site plan as well as the letters sent out to our neighbors. 3 of them have to do with the nonconforming of the lot. The acreage is 2.55 instead of 3. The width is 149 instead of 200. The depth we are looking at 26 feet instead of the 75 feet and that's because of a right of way issue and there is a slope behind where we would like to place the lot. The last variance we wanted to discuss was in decreasing the square footage requirement. Originally we wanted 367. Currently it is 267.

- Paula E Kay: Is that part of your application?
- George Sarvis: No.
- Paula E Kay: Then the Board can't discuss it tonight because it wasn't noticed.
- Aixa Graham: I asked Denise she said she forwarded you an email around 4 o'clock forwarding the request.
- Paula E Kay: Here is the problem unfortunately. It is not just the Board that has to see this but the public. It has to be part of the public notice and it has to be in the Democrat. It has to go to all the adjoiners. We can subtract applications and variances from an application but we can't add unless it is noticed.
- Steven Burke: All we have before us is the 200 feet to 149 and the reduction of the front yard.
- Aixa Graham: Okay.
- Steven Burke: From 75 to 26. Anything else you or Kevin would like to state?
- Aixa Graham: No. He might be driving.
- Steven Burke: Proof of mailings?
- George Sarvis: Good.
- Steven Burke: Any members of the Board have any questions?
- Mike Bensimone: No.
- Steven Burke: Thomas?
- Thomas Little: No.
- Ellyane Hutchinson: This was the one that was hard to see.
- Aixa Graham: Do I need to apply for a variance again to get the square footage? Do I have to do another mailing? The neighbors have already been informed of the decrease in the square footage.
- Paula E Kay: Yes. Yes it is your immediate neighbors but it is a public notice that has to go out and it is a process required by our code. I don't think there will be an issue but the Board can't address it without notice.
- Aixa Graham: I understand that. I was asking if I have to inform my neighbors again?
- Paula E Kay: Yes.
- Steven Burke: Submit a whole new application. Do you want to go through what you have here now?
- Aixa Graham: Yes.
- Ellyane Hutchinson: You said you can't back it up anymore because of the slope?
- Aixa Graham: There is a slope.
- Ellyane Hutchinson: You said you can't go back any further from the main road?
- Aixa Graham: We could but it would be very inconvenient and at the bottom of that slope is just rocks.
- Kevin Graham: If you look on the site plan the engineers when they went to the property to locate where everything was going to be they had an issue when they went down that slope. They found water pretty soon. It became an issue of where

are we going to put the house and the septic and make all this work out here. They went and they put those test holes in the front where we got a good enough amount of dirt. There is one of 2 things. Either we are going to build in the front or we are going to be in the back which will require some serious driveway going almost 400 feet long. Who knows how long? The property is 600 feet long. Plus all the way to do the back. I'd have to put a house all the way up in the back where the conditions are favorable. The condition with the DOT is the property line extends to the center line of the road. We would start counting 25 feet from that center line. What we are asking for and what you see on the site plan is following that right of way line.

- Steven Burke: Anybody else have anything else to say? So we will open it to the public. Anybody from the public?
- Paula E Kay: If you want to speak there is a couple of ways you could do it. You can click on the reactions button. If you click on the reactions there is a little hand up. Melissa can see if you want to speak. If you are a telephone without video or if you are here and haven't turned your video on we are not going to be able to see you to call on you. I believe if you are on the phone you can hit pound and that may raise your hand. If you're not on video it is going to be hard for us to call on you.
- Steven Burke: We will give it a little time just in case. This is all new.
- Paula E Kay: Again click on the bottom. Turn your video camera on if you want to speak. Click on one of the hands.
- Ellyane Hutchinson: On mine it is under participants. Raise hand there is a button.
- Paula E Kay: Rabbi Zierler wants to speak.
- Steven Burke: Does he want to speak as part of the public?
- Paula E Kay: No he has to speak as part of the Board.
- Steven Burke: Okay we will close the public portion. Any violations George?
- George Sarvis: No.
- Steven Burke: Any Board comments?
- George Sarvis: I believe Ada Cole is motioning.
- Ada Cole: Not at the moment. I am waiting for the Parish Council president to come on and if I need to contribute I will.
- Steven Burke: You won't be able to contribute on this if I close the public portion.
- Ada Cole: On another application.
- Paula E Kay: Okay just raise your hand on that application.
- Ada Cole: Sorry for the trouble.
- Steven Burke: It is all new to all of us. So we will close the public portion. Board comments?
- Ellyane Hutchinson: I have no comments.
- Mike Bensimon: It does look like a good property. I can see the right of way to the right of the property there. I think it is reasonable.
- Thomas Little: I agree I think it is reasonable.

- Paula E Kay: I am only sorry they have to come back that they weren't able to get everything in tonight.
- Steve Altman: I am okay.
- Larry Zierler: Even though I am an alternate can I ask a question?
- Steven Burke: Go ahead.
- Larry Zierler: I just want some clarification on the road. I don't quite understand. That could be a problem later on if it is a state road. An expansion if you are too close to it.
- Steven Burke: They have to go for 239 correct George?
- George Sarvis: Yes.
- Larry Zierler: That's for the DOT to sign off on it?
- Steven Burke: Yes.
- Paula E Kay: This for the 239?
- Steven Burke: No.
- Paula E Kay: Now you guys cannot take action on this tonight.
- George Sarvis: It needs 239.
- Paula E Kay: Which means they can get their other application in and then you can do all of it in one.
- Aixa Graham: I am not following.
- Steven Burke: Because it is on a state road the state has to sign off on it that it is okay as well. We can as a Board overrule them but we still have to get their input. It will be sent to the county and they will come back with a decision.
- Paula E Kay: The best thing to do is send it out with all 4 variances so the county can do it in one shot and the county can do it next month. They can do it in one shot.
- Kevin Graham: I couldn't hear you guys here. My reception was really bad. If I hear correctly there is going to be a delay for state approval. This entire site plan was submitted to the DOT in order for us to get a driveway permit. Does that influence at all what you guys have to do or do you still have to go through the county?
- Paula E Kay: The Board is required because of the distance to the county road to ask the county for what is known as a 239 referral for the county to make a determination whether the application can be reviewed locally for local determination or whether it has county wide impact. I think we're all pretty certain it will be local determination. Since you also need to apply for that fourth variance it doesn't set you back. You'll apply for the 239 and Denise can help you with that or she will do it for you. Give her a call tomorrow. Get in that fourth variance and all 4 can go to the county at the same time. The county can make a determination on all 4 and then the Board can bless all 4 next month.
- Steven Burke: So we are going to rehear this completely?
- Paula E Kay: You have to leave this open then the 4th variance will be on the agenda as well in August and then you can handle them all at once.

- Steven Burke: So we can put a thirty day adjournment on this one. We will see you guys back in 30 days.
- Aixa Graham: Okay thank you.

3. RACHVES – SBL# 14-1-31/21-1-2.1 – Requests an area variance to install a 16' high fence approximately 150 feet long to provide screening. Zone: R. Acres: 45. Location: Rt 42, Woodbourne.

- Jay Zeiger represented.
- Jay Zeiger: On the fence we had this submitted back in February for the March meeting. I am not sure if you did or didn't have the March meeting but at the time of the March meeting your Zoning laws on fences were up in the air or were unclear or being modified?
- Paula E Kay: Yes.
- Jay Zeiger: I got an email from I don't remember if it was Mollie, George, or Denise because of the fence law is not clear we are going to administratively grant you the variance you don't have to go to the Zoning Board. Then someone looked at it further and said that was a wrong decision because that decision is where the fences feed the benefit of your property. The motivation is for the neighbor's property. It is our fence but the benefit is for our neighbor and therefore you do have to go to the Zoning Board. I bring that up only to say that this was a fence that I don't think the municipality has a problem with. The reason for the fence is for the swimming pool on the neighbor's property is at a lower level than the houses that are being built at Rachves. The houses on Rachves without this higher fence when they would look out their window they would be able to see the people in the swimming pool for the neighboring property. The Orthodox Jewish culture provides that swimming is a private matter. It is not the swimming it is the bathing and the clothes. What we are trying to do is build a fence so that the fence would block the view of the neighbor's pool from the houses that are built at Rachves.
- Larry Zierler: It is a modesty issue.
- Jay Zeiger: Yes.
- Paula E Kay: In the work session one of the things that came up was that because of the height of the fence it needs to be engineered, right George?
- George Sarvis: Yes. It is a quasi-super structure.
- Larry Zierler: Does that mean we go to a different fence than chain link?
- George Sarvis: I'm not sure what's proposed at this point yet.
- Larry Zierler: Chain link is generally an 8 foot fence.
- Jay Zeiger: This fence is 16 with a green grass build chain link fence.
- George Sarvis: Chain link with the green.

- Jay Zeiger: Fake grass.
- Larry Zierler: I am thinking fence. I am thinking maintenance. I am thinking aesthetics of a 16 foot chain link fence with grass that won't stay. It could at some point deny the purpose for which it was created in terms of modesty. Maybe another type of fence would work better?
- Steven Burke: We can always work that out if we give them permission to put the fence up.
- Larry Zierler: Because you say it is a super structure I am wondering what kind of super structure.
- George Sarvis: A very high wall susceptible to winds.
- Paula E Kay: In the application it says a 16 foot high green grass filled chain link fence.
- Larry Zierler: I've never heard of a 16 foot chain link fence.
- Jay Zeiger: You see it when I was growing up in Brooklyn they had them around basketball courts or tennis courts.
- Larry Zierler: Junkyards.
- Steven Burke: Prisons.
- George Sarvis: Some use them for golf courses.
- Jay Zeiger: I don't know my fencology very well.
- Steven Burke: The fence they need that is 16 feet high is not for them? It is for River Haven correct?
- Jay Zeiger: It is to screen the bathers at River Haven.
- Steven Burke: The neighbor?
- Jay Zeiger: Yes the Rachves property.
- Steven Burke: They are saying they need the fence so that they cannot see the next door neighbor's pool. It says in the application it is to not see the neighbor. They need the fence to be 16 foot high so they can't see the neighbors in the pool.
- Jay Zeiger: Correct.
- Steven Burke: But the neighbors don't want to put up the 16 foot fence?
- Jay Zeiger: The neighbors aren't an Orthodox community. They don't have the privacy issues that Rachves has.
- Steven Burke: I'm just saying it could be do it another way. River Haven should be coming to us not Rachves.
- Larry Zierler: Rachves has the compelling problem. The neighbors probably don't care. This is a modesty issue.
- Steven Burke: Turn the other way. Don't look.
- Larry Zierler: At that kind of accommodation for modesty what is the best way to make it serve its purpose, make it sturdy, and be aesthetically pleasing?
- Steven Burke: That part will be worked out with Code Enforcement. First we have to find out if we are going to give permission to do it. We can stipulate what kind of fence. We can do that all day long. If they don't get the 16 foot fence what's the

sense?

- Larry Zierler: As long as it is just (inaudible)
- Steven Burke: I am with you. Anything else Jay?
- Jay Zeigler: That's the project. I think we meet the criteria for a variance. All the criteria as described in the application.
- Steven Burke: Proof of mailings George?
- George Sarvis: All good.
- Steven Burke: Any violations?
- George Sarvis: Yes.
- Paula E Kay: What kind of violations?
- George Sarvis: Stop work order on the entire project at this time. Unprotected services to the wooden portion of the foundations to all the existing foundations put into the ground.
- Steven Burke: Have those been taken care of Jay?
- Jay Zeiger: That's the first time I am hearing of the violations. This is an ongoing production project. George you may be more knowledgeable.
- George Sarvis: I am going to bring a keyword in Jay. It is a project but it stopped dead in its tracks. For whatever reason the developer or owner decided not to move forward with continued construction and thereby left the OSB wrap foundations exposed to the elements. OSB is not water friendly.
- Jay Zeiger: What is OSB?
- George Sarvis: Oriented strand board. It is plywood pieces glued together. It has been exposed to the elements. The sun, the rain, the winter months for months now. We put a stop work order on it so they don't attempt to place any of the modular on the foundations that in some cases are falling apart.
- Larry Zierler: They are compromised.
- George Sarvis: Yes. The violation said you need to have each and every one of these foundations inspected by your engineer, Kirk Rother, and Kirk Rother was tasked with the job but that is as far as the knowledge goes if he did each and every one. If he came up with a remedy.
- Jay Zeiger: Obviously once they initiate the work I am sure they don't want to work over the summer. They will probably start in the fall and once they do that they will have to follow your guidance.
- George Sarvis: The question was are there violations. Yes there are violations.
- Steven Burke: Any Board comments?
- Mike Bensimon: When I first looked at this I thought this was a 16 foot high fence to surround a pool for privacy reasons for the bathers inside. Now I am finding out the opposite. It is the neighbors not wanting to look at the bathers.
- Jay Zeiger: It is the other way around.
- Steven Burke: Hold on Jay.
- Mike Bensimon: It appears that it is the development wants to put up a long 150

foot wall to prevent the bathers swimming next door. That pool is recessed at the back of the property it is not visible from the street. It is at a lower elevation than this development and it probably can very easily be seen. If this was an application for a 16 foot high fence around a pool for privacy reasons I would wholeheartedly support because I understand the need. This is a bit of stretch and a bit of an eye sore. 150 feet long fence at 16 feet just so the new owners at these houses can't see the people swimming. I understand their need not to see but it is not an overwhelming a case as the need for others not to intrude on their property. At this point I don't know if I support. If the neighbor came to us with the neighbor looking to pay for this fence to surround their pool I would support that. It is a large request.

- Thomas Little: I agree with everything Mike said. When I first reviewed this I assumed it was the opposite. I thought it was the owner's trying to create privacy for their own purposes. I think it is a little bit excessive. I think it is an eye sore. If River Haven doesn't have a problem it is a tough decision. 150 feet is excessive. Is there an alternative method to handle this? Maybe not. Tough for me to approve.
- Larry Zierler: Without drawings we can't even envision what this is going to look like.
- Jay Zeiger: So you want drawings?
- Steve Altman: I agree with that. Why can't they build a larger fence around the pool?
- Jay Zeiger: It's not our pool.
- Steven Burke: Hold on Jay.
- Steve Altman: You have a neighbor that doesn't want to look over a shorter fence into a pool. Why don't the people with the fence build a larger fence? Wouldn't they want to have privacy Jay?
- Paula E Kay: We may hear from the neighbors when Steve opens it for public comment.
- Steven Burke: My opinion is this application should have been for River Haven. For every one of these criteria River Haven is mentioned. I don't understand this at all. I don't have any idea Rachves would be coming for this so they could solve another property's problem. That's my opinion. We will open it to the public.
- Paula E Kay: We have Mr. Winkler.
- Melissa Melko: I unmuted Ada Cole.
- Ada Cole: I would just like to state that I took a ride down to River Haven. They have a lovely tree line of evergreens to a certain point then it stops. My suggestion would be plant evergreens in that area. Just be able to keep that as a barrier versus a fence. That is just my suggestion.
- Steven Burke: Thank you.
- Robert Tepes: I represent River Haven. I have been a chief participant through the Zoning Board site plan processes with this development. We are not an Orthodox community. We are multi faith. We are intergenerational. We have plenty of no objections to not having a fence. This is very intrusive. For the zoning application

to represent our values is a misrepresentation. Having said that we are an advocate of screening and the trees in kind. Fallsburg has or will adopt in short order a 8 foot high local law fence for side and rear yards. We would be interested, which has never happened with this development, having a conversation so it is constructive for both parties. I use parties as a community and another community. Having said that we have no idea what their plans are. If they put this thing down on the property line we are left with no buffer at all. And correctly a 16 foot high wall is not acceptable. There is also a drainage swale that is governed by the state of New York under the SWPP program. We have had a lot of flooding on this site. 2 of the buildings on our site moved off in 2005. We are very shy of the water. We would like to have a resolution to this. I think I have made my case. I will read you the record that the Building Department and the attorney Mr. Zeiger received from me certified mailing March 15th. Then the matter was suspended and the Zoning Board, Mollie Messenger, the clerk, and everybody received an email from me on July 7th resending that same certified letter. Today, the 16th, I sent another email with a continuing thread making reference to the 8 foot high fence local law element that I had found in my research. All of that is in the record. Ms. Melko is also in receipt of all of these documents.

- Steven Burke: Thank you. Anyone else? I will close the public portion. Any other hands up Melissa? No?
- James Legari: If I understood George correctly there are violations on this project. It sounds like there is more than 1 violation. The violations, the way he described them, seem to be very serious in terms of what it would take for this project to move forward. It might be to the town's benefit that the project take care all of these violations before they ask of this Board for any other considerations.
- Steven Burke: Just to make it clear there is 1 violation.
- Paula E Kay: It is a stop work order on the entire project.
- Steven Burke: Right. There is one violation not many.
- James Legari: I understand the term 1 violation and 1 stop order. The way he described the violation it seems like a much more complicated violation work stop order other than just somebody put a post in the wrong corner.
- Steven Burke: Anybody else? Okay we will close the public portion. Board comments?
- Ellyane Hutchinson: I don't think this is an appropriate fix for the proposed problem. I think definitely staying within the law of no more than 8 feet. I also think the chain link fence with the faux grass is never a great look. I think if there some kind of planting or something more aesthetically pleasing.
- Mike Bensimon: Same thing. I didn't even think about the trees until it was mentioned. That would be a fabulous idea. You will eventually get the height you want. The fence as is and the application as is I don't think I can support it.
- Thomas Little: I can't support this project.
- Steve Altman: It doesn't even have to be evergreens. If you're going to swim in the

winter it would have to be evergreens. You could use regular trees found in the summer. I am not for this.

- Steven Burke: I have no comment. Let's run down some criteria for this.
- Paula E Kay: Before you go forward with a vote maybe Jay wants to gather more information. Do you want them to go forward with the vote?
- Jay Zeiger: No I think it would be a good idea. I haven't seen the communications that the representative of the neighbor had mentioned. He said the March letter was sent by certified mail but I don't remember getting it. I would like to see that communication and talk to my client to see if they can get a different alternative.
- Steven Burke: So do we want to postpone it for 30 days?
- Paula E Kay: Leave the portion public open?
- Steven Burke: I did close the public portion.
- George Sarvis: This is a long state highway. It is going to need 239 review.
- Paula E Kay: So then the public hearing is closed but the Board has to wait to take action until we get the 239 back. During that time Jay you can contact the neighbor's attorney. We can make sure you get all of his documentation and maybe there is something you can work through with your client and his client.
- Jay Zeiger: Sounds good.
- Steven Burke: So we are going to postpone this one for 30 days and for 239 review.

4. RACHVES – SBL# 14-1-31/21-1-2.1 – Requests an area variance to allow the placement of a compactor within 50 feet of a public street. Zone: R. Acres: 45. Location: Rt 42, Woodbourne.

- Jay Zeiger represented.
- Paula E Kay: There's no 239 on this one either right Jay?
- Jay Zeiger: I haven't seen anything no.
- Steven Burke: Do we want to go through with this?
- Jay Zeiger: I think we should.
- Steven Burke: Okay.
- Jay Zeiger: When the Planning Board approved the project if you look at the picture of the property there is an existing building that within the 100 foot setback that was allowed to remain as the caretaker house. The caretaker house preference is that it be close to the road and be the first line of attack especially when the community is closed for the season. One of the jobs of the caretaker is to maintain the compactor and the area surrounding the compactor. The proposal here is to install the compactor at the location shown in the picture at the back of the caretaker house. You'll see there is a driveway there that is shown on the picture as well which would be how the compactor could be accessed from the community and the houses. The proposal is to put the compactor at that location and fully screen it with vegetation. That way it is behind both the house and the screen. The

zoning code has a 150 foot setback requirement and undisturbed area of 75 feet. The 75 feet is already disturbed by the caretaker house on the road that is there. This will put more vegetation there than currently exists on the approved plan. Again the proposal to move the compactor shown.

- Ellyane Hutchinson: You're moving to the back of the building because you're using the road on the far left as the front of the building? The compactor is off to the side.
- Jay Zeiger: Yes it is along the driveway.
- Ellyane Hutchinson: Could it be put on the other side of the driveway that's actually behind the building?
- Jay Zeiger: I don't know the answer to that question. I can get that answer if that is the Board's preference. I don't know what the topography is on the other side.
- Steven Burke: The original site plan was approved. They would like to move it?
- Jay Zeiger: Correct. It can be put somewhere else in the development. Her question was can it be put on the other side of the driveway.
- Ellyane Hutchinson: That would put it behind the caretaker building and further from the street.
- Steven Burke: And your neighbor.
- Jay Zeiger: There's no neighbor there.
- Steven Burke: I mean the caretaker.
- Jay Zeiger: We will take a look at it and we will have an answer on the next meeting.
- Steven Burke: Anybody have a question for Jay on the Board?
- Thomas Little: Where is the compactor located at now?
- Jay Zeiger: It is not shown on the diagram. The houses that you see there. Where the houses start and they run in a loop, it is mixed into the community.
- Thomas Little: The reason for the move is to just move them away from the residential houses closer to the road?
- Jay Zeiger: The reason for the move is to move it closer to the caretaker's residence because the caretaker is the person responsible for maintaining it. If it is at this location he will be able to more easily see it and if there is accumulation.
- Thomas Little: He will definitely be able to see it and smell it.
- Steven Burke: Anybody else have any questions on the Board? Okay. We will open it up to the floor. Anybody from the public that would like to speak on this matter?
- Ada Cole: Thank you. I had a look at the property with Parish Council president today and I hope Mike Spagnali had called in on the phone. If he is on the phone and would like to speak before me I would renege to have him speak before me. Where this compactor sits is probably right in the backyard of Immaculate Conception Church. If you are saying it is by the caretaker's home it is quite a distance away from it. We have a question is to why would you want a compactor installed before a project is even started, completed, or possibly not completed. Will this be open to other amenities to bring their refuse? I would have to state that

we have sent everything to the Archdiocese of New York. We are pleading with you to give us a 30 day extension to review this further. That's basically what we are here tonight to ask for. I hope you will please reconsider this and give us 30 days.

- Steven Burke: You're going to get 30 days because it has to go back to the county for the 239.
- George Sarvis: I have to read something into the public session that Mollie sent me an email on. It states I received a call from Mike Spagnali from the Immaculate Conception Church. They are neighbors to the Rachves property. They are going to try to call in tonight. I asked them to send an email in addition but they were not sure they were going to be able to. I told them I would forward this information. They do not object to the fence. They do object to the compactor. They think they will be negatively affected by the compactor smell with it so close to them. That is from Mike Spagnali. If Ada can hear me is Mike going to call in or as Mollie suggested does he want me to call him and put him on speaker phone?
- Ada Cole: I thought Mike was calling in. I can check and see then give you his cell phone number.
- Paula E Kay: We can't do that. I think he is been pretty well represented by you, Ada, and you George. We have someone with a letter M.
- Ada Cole: I know he was going to call in. I know he took all the information with him.
- Robert Tepes: For the record I am an architect not an attorney. Secondly not having any detailed drawings about location for both the fence or compactor is very misleading. It leads to a circuitous conversation. If things are going to be postponed for 30 days it was said but I think it should be requested by the Zoning Board that detailed drawings be presented for review by the Board as well as any adjacent owners or parties of interest. We can't have a good conversation here folks. I am certainly very concerned about the compactor and the congregation. I think that is big smelly mess waiting to happen. It is a very active congregation and they are there throughout the week. I am on their side.
- Steven Burke: Okay. Anybody else? No? Okay. Jay why don't you give us some drawings with definite area where the compactor would like to be placed. Is there anybody else from the public that would like to speak? Okay public portion is closed. We know there is a violation. 1. We have to postpone this one for 30 days because of the 239. Hopefully you will have more information here tonight.
- Jay Zeiger: I picked up phone and disconnected.
- Paula E Kay: We are sending the 239.
- Steven Burke: The 239 and we need a diagram of where exactly you would like to put the compactor. Then we are postponing for 30 days.
- Jay Zeiger: Okay.

5. CARL & DIANE GARRITT – SBL# 43-1-1.2 – Requests an area variance to allow the placement of a carport closer to lot line from the required 10' to 5". Zone: R. Acres: ¼ acre. Location: 22 Morris Rd., Mountaindale.

- Carl Garritt represented.
- Carl Garritt: I don't know if you got all the paperwork. I assume you did. The main thing is I want to add a carport to the back of my house. Right now it is parked on the side of the house. With the winters and the snow and everything I just want to put a carport to keep the snow off my cars. I don't have that much room. I have a quarter acre of land and I am built on a hill. My house and driveway take up a third. The other 2/3 is downhill. It is really the only place I can put it. I'm not going to be able to make the 10 foot distance on the one side. According to the paper it is 5 or 6 feet away from my neighbor's property. Mr. Bartanaro did write a letter and he has no objections to it. Going the other way the lower side where it drops off I will be 100 feet from away from those neighbors. Everyone else is on the other side of the road.
- Ellyane Hutchinson: That larger property behind you is just trees?
- Carl Garritt: At one time it was all trees but the people that bought the property below me cleaned it all out. Now it is just a field. There is a little piece of woods then the town road goes up toward Liebowitz. That is all empty. I only have a neighbor below me which is Sandy and Joe. Then I have Mr. Bartanaro above who is the closest.
- Steven Burke: Anyone else have any other questions? No. Okay. Any violations George?
- George Sarvis: None.
- Steven Burke: Okay we will open it to the public.
- Paula E Kay: Again if you don't have your video on we can't call on you. Have your video on or hit the reaction button.
- Steven Burke: Anybody have their hand up? No. Okay. We will close the public portion. We will go to the Board with comments.
- Ellyane Hutchinson: I have no comments. It seems reasonable to me.
- Mike Bensimon: Originally when I saw this I thought it was a carport toward the front of the property. Considering the size of the property I still would have allowed it. It is in a good location and you can't see it from the street. The only issue would have been if the neighbors had issues but it seems they don't. It is in line with the entire hamlet of Mountaindale. Everything is small and pretty dense. I don't see this changing the character of the neighborhood. I have no issues with this.
- Thomas Little: I also don't have any problems with this. The compelling reason for me was the reason of the carport. The letter from the neighbor also stood out to me to help me make the decision. I can understand the Sullivan County winters and the shoveling. I am okay with the request.
- Steve Altman: I am okay with the request.

- Steven Burke: I am okay with this as well. Marisol any violations?
- Marisol Terrens: No violations.
- Steven Burke: Anybody here from the public? Okay so we will close the public portion. Let's run down some criteria. Whether the benefit can be achieved by other means feasible to the applicant?
- All Board members vote no.
- Steven Burke: Undesirable change in neighborhood character or nearby properties?
- All Board members vote no.
- Steven Burke: Whether the request is substantial?
- 2 Board members vote yes, 3 vote no.
- Steven Burke: Whether the request will have adverse physical or environmental affects?
- All Board members vote no.
- Steven Burke: Whether the alleged difficulty is self-created?
- All Board members vote yes.
- Steven Burke: Lead agency?
- Paula E Kay: No need.
- Steven Burke: Motion to approve or deny?
 - MOTION:
 - Steve Altman motions to approve. Mike Bensimon seconds. All in favor.

6. CINDY RUFF – SBL# 44-1-41.2 – Requests an area variance to allow a manufactured home that is less than 1200 SF in size. Zone: HR. Acres: ½ acre. Location: 68 Spring Glen Rd., Glen Wild.

- Cindy Ruff represented.
- Cindy Ruff: I had a larger mobile home there and through no fault of my own it was kind of destroyed. There was black mold inside. I had to get rid of it. At this point and time I don't have enough money to buy a full sized trailer so I would like to put this smaller one on. It is more aesthetically pleasing. It will make the old trailer look better. The old trailer was 1976. I found out that because you want doublewides or 1,200 square feet which is basically a doublewide that I needed a variance. The other thing in question you were talking before is that I am in this sewer and water district but the lines do not come anywhere near my property so I cannot hook into water and sewer so everything is private. It has septic and water. I have lived there for years. I guess that is all I have to say.
- Steven Burke: Was there an issue with that water and sewer?
- Paula E Kay: Just with the district regulations. The district regulations specifically say single family dwelling with public water and sewer. That is a minor point I will look at that while you are discussing.

- Ellyane Hutchinson: It is an existing water and sewer hookup.
- Steven Burke: Anyone have any questions for the applicant? No. Okay. Proof of mailings?
- George Sarvis: Good.
- Steven Burke: Any violations?
- George Sarvis: No violations.
- Steven Burke: Okay. We will open it to the public. Anyone from the public that would like to speak on this matter? Raise your hand. No? Okay. We will close the public portion. Board comments?
- Ellyane Hutchinson: It is a smaller building and it was there before so I don't have a problem.
- Mike Bensimon: The zoning rule state 1,200 square feet for standards of living however the applicant could have easily gotten a used doublewide to get that 1,200 square feet up to 12 years old and sometimes older. She knows more than anyone else what her requirements are and what she is comfortable with. I am sure she has thought this through thoroughly to go ahead and get something brand new that will last 20 plus years if not more. From that alone I would absolutely support this application.
- Thomas Little: No comments.
- Steve Burke: Okay. My only comment is waiting for Paula and her answer to the water district.
- Paula E Kay: In the hamlet residence district it only references 1 family dwellings with public sewer and water. I am going to defer to Marisol and George for this. My guess is it isn't going to be an issue. Do you guys have any guidance? In terms of the permitted uses it doesn't say single family dwelling with well and septic.
- George Sarvis: In several cases in Mountaindale properties are in the district but the infrastructure has not been run. I would suggest if you are going to move forward and they get the variance that the stipulation be if it is indeed in the district and just was overlooked as far as hooking into lines that may have been installed they would have to be brought into the district if it is indeed available.
- Paula E Kay: Alright thank you.
- Steven Burke: I am going to make that a condition.
- George Sarvis: If lines are run to this property of water and or sewer they will have to abide by the laws. You will need to hook into the water and or sewer facilities. It will take a little homework to find out from the sewer department and water department if the infrastructure is run there and it was just overlooked. My gut tells me it is like several other properties in Mountaindale that it is within district but he infrastructure is not there.
- Steven Burke: If that is the case then she goes ahead with what she has.
- George Sarvis: Yes until the infrastructure is installed by the town.
- Steven Burke: Do you understand that Mrs. Ruff?

- Cindy Ruff: Yes I understand that from years ago when I worked for the town of Fallsburg that there is no lines going near my property. It is way too far away and they said it would be way too costly to run the lines down to my property. I was not available to hook into it. It always had its own water and sewer when I bought it.
- George Sarvis: I would say that is a fair and accurate description of the property.
- Steven Burke: One of the conditions will be after further review if the property is in the sewer and water district and can be hooked up it would have to be brought into the district.
- Cindy Ruff: I understand that. If it is not then I don't have to worry about it right?
- Paula E Kay: Correct.
- Steven Burke: Okay Board comments?
- Larry Zierler: Anything that is new is fine by me. I hope the water and sewer will be there one day for you.
- George Sarvis: I would like to point out that this is a mobile home on its own property. We have a code section for criteria as far as slab, blocking, those kinds of things that she would have to meet those requirements.
- Steven Burke: Is there a slab there now?
- Cindy Ruff: No we are going to put everything there brand new.
- Steven Burke: Are you going to put a (inaudible)?
- Cindy Ruff: Yes. I am just waiting on the building permit to move forward.
- Steven Burke: Block skirting?
- George Sarvis: No it just has to be skirted by the block skirting used. There is a list of materials that can be used and there is the option of Code Enforcement approved other materials.
- Steven Burke: If you do get the variance you will have to go in and see them. Either Marisol or George.
- Cindy Ruff: The people that are selling me the mobile home are going to be doing the skirting. I imagine that since they have done a lot of stuff throughout the area they would know the code. I would hope they do. I will definitely check in with George or Marisol.
- Steven Burke: Alright I'll open it to the public. Anyone hear from the public?
- Paula E Kay: I'll remind you if your camera is off we can't see you so we can't see if you are raising your hand and want to speak.
- Steven Burke: I will give it a moment.
- George Sarvis: I wrote a note that we had open and close on the public portion already.
- Steven Burke: Alright no hands. Let's run down the criteria. Whether the benefit can be achieved by other means feasible to the applicant?
- 4 Board members vote yes, 1 votes no.
- Steven Burke: Undesirable change in the neighborhood character or nearby properties?

- All Board members vote no.
- Steven Burke: Whether the request is substantial?
- All Board members vote no.
- Steven Burke: Whether the request will have adverse physical or environmental affects?
- All Board members vote no.
- Steven Burke: Whether the alleged difficulty is self-created?
- 4 Board members vote yes, 1 votes no.
- Steven Burke: Lead agency?
- Paula E Kay: Nope.
- Steven Burke: Alright motion to approve?
 - MOTION:
 - Ellyane Hutchinson motions to approve. Mike Bensimon seconds. All in favor.

7. SKOPPS COTTAGES – SBL# 27-1-17.2 – Requests several area variances to demolish a 750SF unit and replace it with a 3000 SF unit. Variances to exceed 25% expansion, exceed 15% lot coverage, height increase. Zone: R. Acres: 16.99 acres. Location: 305 Murphy Rd., Fallsburg.

- Joel Kohn represented.
- Joel Kohn: Skopps has been existing bungalow colony at the intersection of Murphy and Brickman. The property is about 17 acres. The owner is about 17 acres. The owner Mr. Brown would like to demolish unit 33 with a slightly larger unit. The proposed replacement will be similar to other units on this property already. What we are looking for tonight is 3 variances. Number 1 would be a variance for the expansion. The code allows a 25% expansion for bungalows. The proposed unit is 3,000 square feet which is going to be a 400% expansion. Number 2 the zoning code allows the expansion of bungalow colonies up to 15% lot coverage. The existing lot coverage is already at 23.66% with the proposed replacement it will be 24%. The third variance the zoning code allows no increase in height other than having a sloped roof. The existing height is about 18 feet where the proposed height will be 25 feet to the peak. Those are the variances we are looking for tonight.
- Steven Burke: I couldn't keep a straight face when you went from 750 to 3,000.
- Joel Kohn: He has a large family he needs a large home.
- Paula E Kay: Are there other units of similar sizes in the development?
- Joel Kohn: Yes.
- Paula E Kay: Approximately how many?
- Joel Kohn: I'm not sure of the exact sizes. Most of the units are already rebuilt in Skopps. The height will be the same. The size of the buildings will be approximately

the same.

- Larry Zierler: Paula look at the diagram. It is bigger than anything.
- Steven Burke: Do you know of any 3,000 square foot houses in Skopps?
- Larry Zierler: Not according to the diagram.
- Joel Kohn: There probably isn't a 3,000 square foot for one building but per building there is.
- Larry Zierler: Yeah if you put together a bunch of buildings. This is going to be the largest house for one family. I don't know how the other people feel about it.
- Joel Kohn: The building will be the same size as the other new buildings in there that has 2 families. This will have 1 family.
- Larry Zierler: That's apple and apples.
- Steven Burke: There might be buildings in the property that might be that size but they're not single family.
- Joel Kohn: They are 2 family.
- Larry Zierler: This is a singular structure. This is unique to the development.
- Steven Burke: Any questions for Joel?
- Ellyane Hutchinson: The maximum lot coverage is we already had variances on the overall property already?
- Paula E Kay: Yes.
- Steven Burke: Do you have any other questions?
- Mike Bensimon: Do you happen to know how big of a family this is? Is it just immediate? Grandchildren?
- Joel Kohn: He has 4 married kids and a couple more kids at home. He wants to have room to have full weekends with the married kids and the grandchildren.
- Paula E Kay: Or he could sell it tomorrow to another family. I don't mean that in a derogatory way. What I mean is we are looking at a variance on the building. I care less about who is inhabiting the building rather than the impact of the building.
- Mike Bensimon: From the exterior it isn't going to be any different than the buildings built on the ends. It seems you are tearing down a wall on the inside and combining both units. I am concerned that it is a little too close to the road and it seems to be taking up some of the field over there.
- Ellyane Hutchinson: And the height as well. I don't understand why it needs to be taller than all the other buildings.
- Joel Kohn: It won't be taller than the other buildings. It will be approximately the same as the other buildings. I have pictures of the other buildings if you would like to see that.
- Paula E Kay: That may be helpful. Do you have them where you could share the screen.
- Joel Kohn: Sure if Melissa will let me. It will be the same as other buildings.
- Steve Altman: If they built a duplex that would solve the problem
- Joel Kohn: This will be similar to this building kind of. This is another one. This is

another one. The height and size will look similar to these 3 buildings. There's another building. This is the building we are looking to replace. It won't be higher than this unit. Approximately the same size as this unit. The peak of the roof.

- Steve Altman: 25 feet. Those aren't 25 feet.
- Joel Kohn: From the ground to the peak is 25 feet. This one is probably as well. With a sloped roof. It is bigger.
- George Sarvis: Are these inhabitable spaces with the increase in height?
- Joel Kohn: There won't be any attic space for storage or anything like that.
- George Sarvis: No storage space. No home office. No HVAC equipment.
- Joel Kohn: HVAC equipment in the trusses but no area for offices or storage.
- Steven Burke: Slab or full basement?
- Joel Kohn: It will be a full foundation I didn't check if he wants a basement or not.
- Steven Burke: We have to know that.
- George Sarvis: There are a couple of units there with finished basements.
- Joel Kohn: I believe the Board would be willing to grant the variance and this is a condition the owner would be okay with that.
- Steven Burke: With what?
- Joel Kohn: Not having a basement.
- George Sarvis: A crawl space.
- Steven Burke: A crawl space is a lot different than a full basement with outside access. Anybody else have any comments?
- Ellyane Hutchinson: It is already a huge percentage over what our current zoning is. I am a little concerned that it is a huge amount increase. I don't know how the other variances work. It was before or after our zoning updates.
- Joel Kohn: This particular building will put us at .3% lot coverage than it is now. I understand it is already over.
- Steven Burke: George we never granted a variance for a 3,000 square foot building in Skopps.
- George Sarvis: Not to my knowledge.
- Steven Burke: Is that what you were asking Ellyane?
- Ellyane Hutchinson: Yes also if those variances were from the other buildings that are bigger, was that before or after the updated zoning?
- Joel Kohn: These bigger buildings were built in 2010, 2011, and 2012.
- Ellyane Hutchinson: So it was before we updated. That's part of it. There were new zoning sizes established to prevent huge increases in building sizes.
- Joel Kohn: I believe the zoning was the same when these buildings were added.
- Ellyane Hutchinson: Right you are able to expand 25% and you're asking for 400%.
- Steven Burke: Those were for 2 family houses and this is for 1. Anybody else have any questions?
- Larry Zlerler: It is interesting before there was a discussion about a fence where there was a religious sensitivity. That was part of the argument for the variance.

There are religious sensitivity issues here and I am not trying to create a synagogue and state problem but there is something that has to be considered. It is in line with the general secular thinking but it is also a religious or cultural issue. That is when you build a very house in a close knit community there could be ramifications. Material ones with expectations that others will develop of upping the standard of living. I did see a lot of different types of homes but I feel morally obligated that this could be in other people's faces. Joel doesn't agree with a lot of the things I say at these meetings but I am putting this out there. This is a McMansion or McCottage compared to the other ones. The other ones are very subdued. Without a picture of what this will look like this could be something that doesn't belong. It is like putting a massive home on a postage stamp. Also it competes with other homes.

- Steve Altman: It's also not a single family home. It is like an extended family home.
- Larry Zierler: It is a compound.
- Joel Kohn: As I showed on the pictures before the building size will be similar to other buildings. The Board of Skopps did sign an owner's proxy and everyone at Skopps is okay with expansion.
- Larry Zierler: That solves at least part of the issue. Those of us who worked on the Comprehensive Plan did put in different metrics for properties and plot size.
- Joel Kohn: I would also point out that this is the HR zoning. If this was a duplex development you can have up to 25% lot coverage and with the HR zoning you can be 35 feet from the road. From a development standpoint it is not the end of the world.
- Steven Burke: Any other Board comments?
- Mike Bensimon: Just looking at the lot there is a dichotomy of the newer larger cottages and the old smaller ones. This is one of the smaller ones becoming one of the larger ones. One of the bigger differences between the 2 is that the larger ones are recessed toward the back of the property and not normally seen from the road where the smaller ones are right up against the road. You are proposing to create something of that size right next to the road. It is a little bit excessive just how close it is to the road and the size of it. I am open to replacing that old cottage with something nicer and bigger but reasonable dimensions. Because this is not a 1 family situation you can easily turn it into a 2 family duplex with 2 different housing and just give one to use of the in-laws or the grandchildren. It seems a bit excessive for a 1 family use when you can easily get the same results from a 2 family duplex. However you still have the issues with the very large structure right next to the road compared to the other large structures recessed up on the hill. I am not against this per say as it is right now it is excessive and more than what one needs. I think you may need to speak to your client about alternative ways to get this done and make this look nice and contribute to the aesthetics and still get the same size and requirements for a family.
- Steven Burke: Any other Board comments?

- Steve Altman: As I mentioned earlier if it was a duplex it would solve the problem. It is an extended family house.
- Steven Burke: Anybody else? No? Okay. We will open it to the public. Anybody from the public like to speak?
- James Legari: Happy that somebody has the time, energy, and money to want to build a new home after looking at the pictures. I have to say that the members of the Board specifically those that spent the year on the Comprehensive Plan coming up with the new rules and regulations that they are asking a variance to every one of those. I think it is really a stretch. When you're talking about going from 750 to 3,000 square feet that is a big ask of this Board. It is a real big ask of the new zoning laws. I would have to agree with member Mike who said maybe we should go back and have Joel's people take another look at this. The other thing that we all talk about year after year, I live on Murphy Road. I try to take another way around the congested area. Last Friday I witnessed that the parking at Skopps has reached a maximum level. There were people trying to fit in another car thus they had stopped all the traffic on Murphy for a couple minutes. There was no place to park. If Skopps has already reached some of these maximums and how many people are there you need to look at how many more of these extended buildings accommodating more people can the property accommodate. The other thing in my mind while I was waiting for the traffic to pass is what would happen if there was an emergency vehicle or a fire at the complex. God bless nothing like that had happened. We always talk about making sure emergency vehicles can get into these places and of course this being an older complex I guess none of that applies. The thought did cross my mind. I would hope the Board would take some consideration and that Joel and his client would come back with something more reasonable.
- Steven Burke: Anybody else from the public? Alright we will close the public portion. Violations George?
- George Sarvis: No violations but I would like to point out this is on a county road.
- Paula E Kay: So we will need the 239. While the 239 is in process that will give Joel some time to review.
- Joel Kohn: Okay.
- Steven Burke: Okay. Mailings?
- George Sarvis: All good.
- Steven Burke: We are going to postpone it for 30 days until the 239 comes back. I think you have some input Joel that you would want to look at.
- Joel Kohn: I will discuss it with the owner.

8. SUN RAY COTTAGES – SBL# 60-1-4.2 - Requests an area variance to demolish two duplex units and replace with two new duplexes for units 6 & 7. Variances to exceed 25% expansion, 15% lot coverage, height increase. Zone: R. Acres: 6.66. Location: 57 LaVista Dr., South Fallsburg.

- Joel Kohn represented.
- Joel Kohn: This is an existing bungalow colony at the intersection of Lovers Lane and LaVista Drive. The property is about 6 and a half acres with 28 bungalows, a pool, and a shul. The proposal before the Board tonight is to demolish 2 duplexes, units 4,5 and 6,7 and to replace them with larger duplexes with a sloped roof. The proposed duplexes will have more separation between the buildings than what there is now. It will still be less than 25 feet apart but it will be more than what it is now. The proposed duplexes will be similar to other buildings and other units on this property as far as height and size. We are looking for 3 variances for this one as well. The zoning code allows for 25% expansion to bungalows. The proposed units 4,5 are to be 2,475 square feet which is about 1,235 square feet per unit. The expansion will be 69%. The proposed units 6,7 are to be 2,200 square feet which will be about 1,100 square feet per unit. The expansion will be 51%. The second variance would be for lot coverage. Zoning code allows expansion of up to 15% lot coverage. The existing lot coverage is already at 20.4%. The full lot coverage is 21%. The third variance would be for the height. The zoning code does not allow for any height increase other than having a sloped roof. The existing height for units 4,5 is about 18 feet or so. The existing height for 6,7 is about 21 feet. The proposed height for both duplexes is to be 28 feet at peak. Again it is similar to other buildings on this site.
- Steven Burke: The height of 6 is how much? What did you need to go to?
- Joel Kohn: 28 feet for both buildings.
- Steven Burke: They are now 18?
- Joel Kohn: 4,5 is 18 feet. 6,7 is 21 feet.
- George Sarvis: I am going to ask the same question about inhabitable space.
- Joel Kohn: No inhabitable space in the attic.
- Steven Burke: Any questions for Joel? This is only for units 6 and 7?
- Joel Kohn: 4 and 5, then 6 and 7. Want me to bring up the map?
- Paula E Kay: That's always helpful.
- Joel Kohn: This is Sunray Cottages. This is Lovers Lane. This is the entrance. This is 4,5,6, and 7. You can see the older units shaded. This is the newer footprint. These are units 4,5,6, and 7.
- Paula E Kay: Okay.
- Steve Altman: That includes the shaded area?
- Joel Kohn: This is a deck. It doesn't show the older units. Sheet 1 shows the older units underneath.
- Ellyance Hutchinson: These have variances on them as well? The distances

between these?

- Joel Kohn: We don't need variances for the distance. We are increasing the distance between the units. You can see it is similar to the units in the back.
- George Sarvis: Are these new distances going to be 25 feet or more?
- Joel Kohn: No this will still be less than 25 feet but more than what it is now.
- George Sarvis: You will be providing a 2 hour fire rating?
- Joel Kohn: Yes.
- Steven Burke: Anybody have any questions for Joel? No. Okay. Mailings?
- George Sarvis: Mailings are good.
- Steven Burke: Violations?
- George Sarvis: No violations.
- Joel Kohn: I have proposed elevation views if you want to see it. This is how the unit will look like approximately.
- Thomas Little: Are the other units similar to this new structure?
- Joel Kohn: Yes. If you want I can bring up pictures of the other units if that is helpful.
- Ellyane Hutchinson: Similar thing they were built before we updated zoning.
- Joel Kohn: This is unit 25 and 26. This is an older unit. This is 4 and 5 the existing unit. This is 6 and 7 the existing unit. This is 8. This is 9 and 10. Unit 14. Unit 16. Unit 18. That's 19 and 20. 21, 22, 23, 24. This is 34, 35. These are 4 more units. It will be similar to the other units.
- Steven Burke: With units 4 and 5 you are replacing those 2 units.
- Joel Kohn: Yes.
- Paula E Kay: And 6 and 7.
- Joel Kohn: It is 2 duplex buildings being replaced with 2 duplex buildings.
- Steven Burke: The variances are on both buildings correct?
- Joel Kohn: Correct.
- Steven Burke: 25% on 4 and 5 and 15% on lot coverage for 4,5,6, and 7.
- Ellyane Hutchinson: It is 69% for 4 and 5.
- Joel Kohn: Unit 4 and 5 is a smaller unit which will be bigger. That is 69%. Unit 6 and 7 will be 51%.
- Steven Burke: If you look at it on the application it is on the first sheet. If you look at request number 3 and 4.
- Paula E Kay: How close are you to 42?
- Joel Kohn: Not close enough.
- Paula E Kay: So we don't need the 239.
- Larry Zierler: The other new buildings shown in pictures are similar in size to this?
- Joel Kohn: Correct.
- Larry Zierler: What would they be?
- Joel Kohn: I can check. If you look on site it is similar to that.
- Steven Burke: Anybody from the public like to speak?
- Joel Kohn: The other buildings are 2,500 square feet per building. 1,250 square

per unit. We are asking for less than that.

- Steven Burke: Anybody from the public? No? Okay. We will close the public portion. No violations. Mailings are good. Board comments?
- Ellyane Hutchinson: I think the 69% and 72% is excessive just based on our current zoning. I'd suggest something smaller. That's my only comment.
- Mike Bensimon: There are some mitigating aspects to this application. One is that any changes to these buildings however the size cannot be seen from the street. Whatever they do people from the outside will not see it. They are looking to build something that is in line with what is already there. Essentially it is an upgrade all around to something new and modern. This looks excessive on paper however looking at the footprint it doesn't seem excessive. However which way we go I am generally in support.
- Thomas Little: I think I am okay with this one. I think it is line with the character of the rest of the houses. Thank you for the photos. I think the photos helped me out. I would be interested in seeing some of the other square footages of similar houses in look. Just to make sure it is not much bigger. I get the expansion of 69% and 51%. Mike said it looks bigger on paper but when you give it the look is going to give more character to the development I think I will be okay with this one.
- Joel Kohn: The other units are 50 by 50 which is 2,500 square feet which is 1,250 square feet per unit which is a little bigger than what we are asking for.
- Steve Altman: I agree with the statements of the prior 2 Board members.
- Steven Burke: Let's just make this clear. Let's just stick with 4 and 5. 4 and 5 will increase 69% and will have no increase?
- Joel Kohn: There will be an increase on height as well. They will both be at 28 feet to the peak of the roof.
- Steven Burke: I really don't understand it on the application. The height will be 28 feet. Okay. Let's go forward. Did I open it to public?
- Paula E Kay: Yes.
- Steven Burke: Okay. Board comments we did. Let's run down some of the criteria. Can we lump these together?
- Paula E Kay: Yes.
- Steven Burke: Does everybody understand what we're looking for? Okay. Let's go. Whether the benefit can be achieved by other means feasible to the applicant?
- All Board members vote yes.
- Steven Burke: Undesirable change in the neighborhood character or nearby properties?
- All Board members vote no.
- Steven Burke: Whether request is substantial?
- All Board members vote yes.
- Steven Burke: Whether request will have adverse physical or environmental affects?

- 3 Board members vote yes, 2 vote no.
- Steven Burke: Whether the alleged difficulty is self-created?
- All Board members vote yes.
- Steven Burke: Lead agency?
 - MOTION:
 - Mike Bensimon motions for lead agency. Steve Altman seconds. Ellyane Hutchinson denies. All others in favor.
 - MOTION:
 - Mike Bensimon motions for negative dec. Steve Altman motions for negative dec. Motion passes.
- Steven Burke: Do I have a motion to grant these variances as written and we looped them all together. 4 and 5, the height requirements. The lot coverage. The expansion.
 - MOTION:
 - Steve Altman motions to approve. Mike Bensimon seconds. Ellyane Hutchinson denies. All others in favor.

Mike Bensimon motions to adjourn. Steve Altman seconds. All in favor.