

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on *Wednesday, January 16th, 2013*. The meeting was called to order, and began with the Pledge of Allegiance.

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

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

Also Present

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

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ADOPTION OF MEETING MINUTES FOR DEC. 19, 2012

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

Mr. David Douglas stated those minutes are adopted.

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ADJOURNED PUBLIC HEARING TO FEB. 20, 2013:

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

Mr. David Douglas stated that's been adjourned until February.

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CLOSED AND RESERVED:

- A. CASE No. 2012-42 Robert Brumberg and Ellen Gelber** for an Interpretation that the installation of new permanent windows on an existing porch having removable

screens and plastic panels is not an expansion of a non-conforming use on property located at **27 Reynolds Lane, Unit 48, Cortlandt Manor, NY.**

Mr. John Klarl stated we have three closed and reserved Decisions on tonight so I'll try to be brief. The first one is Mr. Brumberg and Ms. Gelber. This is an application for an Interpretation that the installation of new permanent windows on an existing porch, which porch has removable screens and plastic panels is not an expansion of a non-conforming use on the applicant's property located at **27 Reynolds Lane.** What happens is the Reynolds Hill is one of four properties in our Code that we have a special legislation for. The special legislation is **Section 307-54** which is entitled 'Conversions of Existing Buildings and Camps to Year-Round Dwelling Use.' The Reynolds Hill Colony has been the subject of several Decisions by this Board since **1999.** The applicants gave us a written statement and in the written statement they indicated how they wanted to go from the present scenario of removal of screens and plastic panels to permanent windows. We indicated, as we've done in previous Decision and Orders that this is a non-conforming use and that we interpret that the installation of new permanent windows on an existing porch that have removable screens is an expansion of the non-conforming use. So, that was the Interpretation Mr. Chairman.

Mr. David Douglas stated we have a Decision and Order that embodies that Interpretation.

Mr. Charles Heady stated I make a motion on **case 2012-42** to accept the D&O that was read by Mr. Klarl tonight.

Mr. John Klarl stated and it's a type II under SEQRA.

Mr. Charles Heady stated right, type II under SEQRA.

Seconded with all in favor saying "aye."

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

Mr. John Klarl stated Mr. Chairman just for record keeping, Mr. Hoch printed out a draft Decision and Order in this format and I think the one I e-mailed you has a little bit more substance with three Decisions so I printed it out.

Mr. Ken Hoch stated I'll check that John but I thought I had printed the one you gave me.

Mr. John Klarl stated we'll match it up with your form.

B. CASE No. 2012-47 Rengasamy Kasinathan for an Interpretation that paving an existing gravel driveway and parking area for a pre-existing, non-conforming convenience store is not an expansion of a non-conforming use on property located at **2117 Maple Ave., Cortlandt Manor.**

Mr. John Klarl stated this is the second of our three reserved Decision and Orders tonight. This

is once again an Interpretation and the Interpretation is whether paving an existing gravel driveway and parking area for a pre-existing non-conforming convenience is not an expansion of a non-conforming use. This application involves a new owner of the Maple Avenue Deli who wants to pave his existing gravel driveway and parking area for the Deli. He gave us a written statement and in that written statement it went on for almost a page and he emphasized as background that he really wants to pave over as a safety concern. He's heard since his ownership that some patrons, especially women, have expressed that the walking on the gravel makes them unsteady and the footing's not solid. Apparently he's got a contour that's receptive to twisted ankles and so to make it a safer situation he would like to pave over. Once again we looked at **Section 307-80** of our Town Zoning Ordinance which is entitled 'Enlargement or Alteration of a Non-Conforming is Prohibited' and we usually cannot enlarge or extend a non-conforming use but here the Board believes that based upon safety concerns that it would be better to have the paved over gravel driveway and parking area. Therefore we interpret that the paving of the existing gravel driveway of the parking area for the pre-existing, non-conforming convenience store is not an expansion and non-conforming use of the applicant's property and is subject to three conditions: the first condition is that the applicant obtain a driveway Permit from the Town, the second condition is that DOTS (Department of Technical Services) is to review the proposed paving plant and the third is the applicant will place item-4 in the puddles that exist right there until the pavement plan opens in the spring. We were told that the pavement plant is closed from say; mid-November to mid-March or later, and so in that interim period he'll be able to fill in the puddles a little bit. That's the Decision and Order you have before you and once again we indicated at the foot of the Decision that this is a type II action under SEQRA as it consists of the Interpretation of existing Code and Rule like the last application.

Mr. Raymond Reber stated Mr. Chairman there's one other statement in here I believe Mr. Klarl did not highlight but it's one of the first statements he makes which I think is critical and that is there is no expansion of the parking or driving area. He's just paving existing area. In that respect there is no expansion.

Mr. John Klarl stated you're absolutely right and that was their first point in their written statement is that they're staying within the contours of the gravel area and not expanding beyond it.

Mr. Charles Heady stated on **case 2012-47** I make a motion that Mr. Klarl has just read to us to accept the motion he had made, it's a SEQRA type II, no further compliance is required.

Seconded with all in favor saying "aye."

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

C. CASE No. 2012-48 Earthcon Equipment and Realty Inc., Kevin Fraioli, President for an Interpretation that a proposed garden center is a retail use permitted in the HC zoning district and not a landscape contractor, which is not permitted use in the HC zone on property located at **2279 Crompond Rd., Cortlandt Manor.**

Mr. John Klarl stated this is the third and final reserved Decision for tonight. As the Chairman indicated, it's an application for an Interpretation that a proposed garden center is a retail use permitted in a highway commercial zoning district, what we call the HC district, and not a landscape contractor, which is not permitted in that HC zoning district. The applicant proposes to amend an existing Site Plan to change the use from an auto-storage lot for **58** vehicles, to a garden supply center. The applicant's engineer has given us a proposed Site Development Plan dated October of last year; it shows material storage bins, it shows two **40**-yards storage containers, two storage piles for mulch and top soil, a **75' x 75'** truck and equipment storage area and a sales trailer. So, then we take a look at the Code and the Code shows us that the applicant wishes to establish a garden center supply at this location and we looked at the Code under the permitted uses and there's a category in our Code entitled 'Retail Stores' and the first subcategories of Retail Stores is 'Building Materials and Garden Supplies (**SIC Section 52**)' so that leads you to 'Standard Industrial Classification Section **52**' and the table of permitted uses says that retail stores, garden supplies is a permitted use in the HC zoning district. We took a look a little further at **Section 52-00 SIC** and there's a subcategory entitled **52-61** 'Retail Nurseries, Lawn and Garden Supply Stores.' This is where the applicant's proposed use falls and it is permitted. Mr. Reber and others at the public hearing stressed that we want to make sure to have that Interpretation that it truly be a retail use and not something for contractors only. We indicate in our Decision and Order that there be business for the retail buying public and not just contractors. In some, the Board believes that the applicant's proposed use as a garden supply center is in a retail setting and it's not a landscape contractor's yard which is not permitted in the HC zone. Some of the Board interprets that the garden supply center is a retail use permitted in an HC zone and not a landscape contractor's yard. Once again, as we did with the first two Interpretations tonight, this is a type II action under SEQRA as it consists of the Interpretation of existing Code of Rule. That's our Decision on the Earthcon Equipment case.

Mr. Charles Heady stated on **case 2012-48** I make a motion to accept the Decision that John read and it's a type II SEQRA no further compliance is required.

Seconded with all in favor saying "aye."

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

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ADJOURNED PUBLIC HEARINGS:

- A. CASE No. 2012-28** **Department of Technical Services, Code Enforcement**
for an Interpretation of whether the pre-existing, non-conforming use of a building or land is reduced by a portion of the building or land being unoccupied for more than a year.

Mr. David Douglas stated as we discussed at our work session on Monday, we're waiting to get some answers to some questions we had posed to the Town attorney. We hope to get those before next month. I think the game plan was to adjourn this to another month until February.

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

Mr. David Douglas stated **case #2012-28** is adjourned to February.

B. CASE No. 2012-30 Marcia Royce for a Special Permit for a Home Occupation on property located at 2223 Maple Ave., Cortlandt Manor.

Mr. David Douglas asked is anybody here regarding that? You are? Okay. We're going to move that to the end of the agenda. I'm sorry that we're going out of turn but just wanted to let you know that.

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Before we have the public part of the hearing, we're going to have what we call an executive session and we will talk to our legal counsel about certain legal issues. Sorry to keep you waiting about that but we need to talk to Mr. Klarl. Can someone make a motion to go into executive session.

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

Mr. David Douglas stated we're going to go in executive session.

Mr. David Douglas stated we need a motion to come out of executive session.

Ms. Adrian Hunte stated I make a motion to come out of executive session.

Seconded with all in favor saying "aye."

Mr. David Douglas stated we're now out of executive session.

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We received a letter today from council for Ms. Royce withdrawing her request for an Interpretation and her application which means that the matter is no longer before us. There will not be any hearing on it today because there's nothing in front of us anymore. That's it for the ZBA on this matter. I know there's some people here tonight who came out on this matter and if you want you can probably speak with Code Enforcement as to what steps may or may not be next but there's nothing before the ZBA anymore.

Mr. asked can I speak?

Mr. David Douglas responded you can't in this form because there is nothing in front of us anymore. We don't really have but my understanding is that the matter is now closed as far as

the Zoning Board is concerned so there's really nothing that we can do and we can't have additional public hearings.

Mr. John Klarl stated as the Chairman said, if you want to follow what's going on with the property and if you believe there's violations, you can call Code Enforcement and they'll be happy to talk to you about it, but there's no application before the ZBA as of tonight, but please, if you have an interest in the property and you believe there's any violations please call Code Enforcement.

Mr. David Douglas stated Code Enforcement, Mr. Hoch, the Town.

C. CASE No. 2012-36 Brian & Stacey Retallick for an Area Variance to allow storage of a travel trailer in the side yard on property located at **130 Highland Dr., Cortlandt Manor.**

Mr. Brian Retallick stated 5 Radzvila Road in Montrose. As you recall, I was here last month to talk about the trailer Variance and we've re-assessed the property in terms of opportunity to park the trailer toy-hauler and you guys I believe have the diagram as well but this other end of the lot there's opportunity if we remove 4 evergreens and 4 rather large rocks or boulders. If you can see that on the diagram where it says lot 24, which would be at the opposite side of the property parallel to the easement but on the opposite side of the property.

Mr. Charles Heady stated facing your house it's on the left.

Mr. Brian Retallick responded that's correct, Mr. Heady.

Mr. Charles Heady stated I'm glad to see you made your decision to change it and place you can put the trailer.

Mr. Brian Retallick stated thank you, I appreciate the opportunity.

Mr. Charles Heady stated like we had talked at the last meeting. I think it will much more satisfaction for you even if you have to go rent some place, leave it right there. Actually, I don't think he needs the Variance for this, does he?

Mr. John Mattis responded it's on the side.

Mr. Charles Heady stated he needs a Permit from the Engineering for the driveway. Am I right John?

Mr. John Klarl asked to do?

Mr. Charles Heady stated he wants to put the trailer on the other side of the house, he wants to remove some boulders – he wants to make a road down in there.

Mr. David Douglas asked Mr. Hoch do you have this to put up on there?

Mr. Ken Hoch responded I don't have that one.

Mr. John Mattis stated I'm a little disappointed we didn't know anything for the work session.

Mr. Brian Retallick asked I'm sorry?

Mr. John Mattis responded I'm a little disappointed that we're cold on this case as to what you're telling us because you were instructed to give us something for the work session and now you come in and you weren't even at the work session, you know. I don't have a diagram where it's going to be. All of a sudden you're telling me that you're removing trees. I can't vote for anything that's removing trees and I'm not sure that the Town Code allows for the removal of 4 trees.

Mr. Brian Retallick stated they're small evergreens that were recently planted.

Mr. Charles Heady asked Ken wouldn't it be up to Engineering to take care of this?

Mr. Ken Hoch responded one of the issues will be this is a relatively new house that had an approved Site Plan showing a number of plantings. We now want to remove those plantings to park this vehicle. DOTS may want to take another look at it. Also, how would you get the vehicle onto the property in that particular place?

Mr. Brian Retallick responded you would have to back it in.

Mr. Ken Hoch stated across the lawn.

Mr. Brian Retallick responded that's correct.

Mr. Raymond Reber asked Ken if he puts it on that side and puts it back so it's on the side yard, does it still need Zoning Board approval, for side yard parking?

Mr. Ken Hoch responded I know that he can park it in the rear – give me one sec. while I take a look. My review sheet said he can only park it in the rear, but **R-15** sometimes allows parking in the side.

Mr. John Mattis stated your worksheet to us says side yard storage is not allowed otherwise we wouldn't have had this case he would have been able to park it on the other side.

Mr. David Douglas stated right, it was our understanding that side yard was not allowed.

Mr. Brian Retallick stated there is no backyard per se of the property.

Mr. Charles Heady asked right in the back of the house it drops down right?

Mr. Brian Retallick responded it's a sloped property where the septic...

Mr. Ken Hoch stated it's not permitted in the side yard, only in the rear.

Mr. David Douglas asked could you say again where it is that exactly you're proposing to put it now? Do you have the old drawing? No, you don't have it? That's fine.

Mr. Brian Retallick responded it's parallel to the property line.

Mr. David Douglas stated parallel to the property line on the other side.

Mr. Brian Retallick responded correct, that was what we discussed last month.

Mr. John Mattis asked how far will this be from the property line?

Mr. Brian Retallick stated in terms of...

Mr. John Mattis asked will this be next to your house or will it be over near the property line?

Mr. Brian Retallick responded it's on the opposite side of – our house is...

Mr. John Mattis stated I understand. It's on the other side of the house. Is it next to your house like it would have been or is it over next to the property line?

Mr. Brian Retallick responded next to the property – hugging the property line.

Mr. David Douglas stated I would like some time to think this over because I'm hearing it for the first time a minute and a half ago.

Mr. Brian Retallick asked what's the challenge gentlemen?

Mr. John Mattis responded I'll tell you the challenge. You want to remove 4 trees and you're going to put it next to your neighbor's property and far away from your house and you're probably going to need a curb cut to do that and you're only allowed one curb cut. I just think it's totally inappropriate. If I were your neighbor, I'd be very upset that you're going to park it right on their property line.

Mr. Brian Retallick responded well, they're going to voice their concerns John. I mean, we're going to give them an opportunity to do that.

Mr. John Mattis stated I don't know if they're here or not.

Mr. Brian Retallick stated I'll get permission from them if you'd like. It's not it their line of sight. There's a tremendous amount of property between the home and their home as well.

Mr. John Mattis stated it's just inappropriate to move it all the way over to their property line.

Mr. Brian Retallick stated that's your opinion.

Mr. John Mattis stated that is and that'll be my vote.

Mr. James Seirmarco stated I think we're being premature. I just got this a few minutes ago. Maybe we should go out and look at it...

Mr. John Mattis stated when you have a Site Plan that has trees in it and then all of a sudden you're going to take them down. That's totally, totally inappropriate.

Mr. Brian Retallick stated John, the trees can be moved. I mean, it's not a radical thing. We're going to move 4 trees.

Mr. John Mattis stated I would have them go back to DOTS and see what they think about the trees before I'd even consider it.

Mr. Brian Retallick stated that's fine.

Mr. Raymond Reber stated I'm familiar with the property and I know in other cases we've, many times when we view an addition of a deck or a garage or whatever, that gets close to a property line our criteria really is how close is it to the neighbor. Can the neighbor see it and what have you? I have to go with the applicant here in that respect, the neighbor's house is quite far from the property line. So, there is a fair amount of – and to be consistent with other decisions we've made, I don't think that per se would be sufficient for me to vote against it and even the trees; to me, some of these requests that are made on the Site Plans to say plant a couple of evergreens in the front yard is kind of arbitrary so, again, personally I'm not too upset over it. Obviously, if it was granted it would have to clear DOTS in terms of the grading and the curb cut whether DOTS considers that to be, for some reason a traffic problem which, since is at the end of a dead-end road I don't see that as a problem. Most of these to me seem to be minor issues that to me would not normally say that we should oppose it. So, from my personal point-of-view there's some issues to be addressed but generally speaking I don't think they're such that would just arbitrarily say 'no.'

Mr. David Douglas stated well, I don't think we ever arbitrarily say 'no.'

Mr. Raymond Reber stated okay, but again, I'm just saying and I can site some other examples in the Town where we have a situation similar to this that as long as it doesn't disturb neighbors and doesn't create a safety hazard, it's been accepted.

Mr. David Douglas stated I'm not sure how I feel. What I don't like is to be sprung with something for the first time and...

Mr. Raymond Reber stated I'm not saying we vote on it tonight. We have to see the details and review it. I don't deny that.

Mr. David Douglas stated I don't think we should vote on it tonight.

Mr. Brian Retallick stated David, I can certainly walk you through the section of the property where it would reside to make you feel more comfortable. That's not a problem.

Mr. Charles Heady asked do you want a site inspection?

Mr. David Douglas asked anybody want to do a site visit? Do we need...

Mr. John Mattis stated I've been there several times.

Mr. David Douglas stated I don't know that we need – what we sometimes do is we have a formal site visit where the Board comes out and looks at the property. I don't know that it's necessary here unless anybody else wants it. I don't know that we need to come out. We need to discuss it amongst ourselves and think it through. I just don't want to – personally I don't want to vote on it tonight because I want to think about it.

Mr. John Klarl stated certainly if Board members want to go out...

Mr. David Douglas stated what I'd suggest is that we keep it open and we'll consider it again at next month's work session and next month's meeting and we'll vote...

Mr. James Seirmarco stated I'd also like to see a better sketch of exactly – place the trailer, move your trees. Show us where you're going to put them. Show us if there's going to be a driveway cut. Show us where it's going to be and get some sort of indication of what DOTS says about that.

Mr. John Mattis asked is there a reason you can't put it next to your house?

Mr. Brian Retallick responded there's a water easement there.

Mr. John Mattis asked on the right side?

Mr. John Klarl asked you mean a drainage easement?

Mr. John Mattis stated on the left side. You're putting it all the way over to the property line.

Mr. Brian Retallick stated show me on the diagram what you're referring to.

Mr. John Mattis stated I'm looking at your house, the right side we're saying 'no'. That's what you came for last month. Right next to your house on the left side, why are you moving it all the way over to the property line?

Mr. Brian Retallick responded you've seen the house John. You can't put it there. It's a drop.

Mr. John Mattis stated well, you're going to move tree, maybe you can excavate. I just have a

real problem that it goes way over to the property line.

Mrs. Stacey Retallick stated I'm Brian's wife. The right side of the house, that's where we wanted to put it, the left side is a drop-off. Each side of the property is a hill. The bottom is level but it's a hill to get to it so it's impossible to put the trailer there. The only option we have, it's fairly level at this one spot on that one side of the property line but there are **4** evergreens – like Christmas trees, and **4** boulders that were put there just to define the property line. Those would have to come out because we wouldn't be able to get the trailer in with those trees there. There really is no other option.

Mr. John Klarl asked do you think those boulders are there to define a property line or they're there to define the conservation easement?

Mrs. Stacey Retallick responded no, the builder put them there to define the property line just as aesthetics.

Mr. John Klarl stated because we use boulders also for conservation easements. I don't want them to confuse the purpose.

Mr. James Seirmarco stated again, I'd just like to see the details on the...

Mr. Brian Retallick stated we can sketch it out. That's fair, but John, you're very familiar with the property so putting it where you're suggesting is not...

Mrs. Stacey Retallick continued it's impossible.

Mr. David Douglas stated if you could sketch it out and Ken, how many days in advance do you need it in order to get it circulated to us?

Mr. Ken Hoch responded **2** weeks.

Mrs. Stacey Retallick asked **2** weeks before the next meeting?

Mr. Raymond Reber asked would it be worthwhile, since this is not going to be a major task for them to prepare this, if they submitted it early enough that DOTS could review and express an opinion to this Board as to whether they felt there were issues here?

Mr. Ken Hoch responded that's why I'd like to get it **2** weeks in advance so I can get it over to engineering.

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

Mrs. Deborah Santucci stated my husband is Dominick Santucci. We built the house that Mr. and Mrs. Retallick live in. We own the property next door. There's a house that's up, that's for sale and we own the property just across the street that we plan to develop. We're in the midst of getting everything in a row to get a Building Permit. My concern is that, even though we are not

the residents, we own the property. We have a house for sale. A trailer is not allowed in a side yard. It is to some people, not to everyone, but to possible potential buyers, an eyesore. I understand people having hobbies and using these things, people having boats and things like that and whether I'm opposed with personally is not the issue. My concern is marketing the house that's next door and across the street. I would suggest and I'm also here to represent the future residents of those **2** houses, they're completely unrepresented here and I would feel that besides my situation, not being able to possibly sell the house. We've had feedback from real estate agents when the trailer was parked in the spot that I know you said you didn't want it there to begin with in the middle of the **2** houses, that people had a problem with it. People questioned it. People didn't like it. "Is this going to be parked here all the time?" I would just feel more comfortable, as a resident of the Town of Cortlandt for **31** years, as a person who's built here for **35** years, these people need to be represented and I feel that maybe a good time to do this would be when Mr. and Mrs. Retallick have their neighbors and they can discuss it over a cup of coffee: "would you mind? Wouldn't you mind?" And have some sort of a meeting of the minds and be happy with the decision. These future residents are completely unrepresented here and I really don't think that's fair. It's not something that can wait. I know we've been asked to put things off by the Town for various reasons. That is my position on it. I personally, it's not something that maybe I would mind if I was friendly with my neighbor next door and we all got along but the neighbors aren't there yet and this is going to put a tremendous hardship on us in a very bad market that we're in and we're in the middle of a terrible financial hardship. So, that's my comments. I would appreciate if you could considerate it and thank you very much for your time.

Mr. James Seirmarco asked question for you, would you suggest that maybe some screening between the **2** properties to put the trailer behind the screening?

Mrs. Deborah Santucci responded between the **2** properties isn't the issue. That I would lay down in traffic to stop that. The houses are **20** feet apart but where they're proposing now if – I mean, I still think it's across the street from where the house is going to be built, whoever is coming in will see it there. If by any chance you decide to allow that I believe that it needs to be completely screened and hidden and fenced. I've seen things like that and they're completely hidden from sight and that's really probably what has to be done. That would be my feeling but you know it's my opinion and I know that you guys have made us do things because of how they should look and I think that the people who don't live there yet need to be considered. They might object to it and the issue is they might not live there forever but you know, what if somebody moves in and has to sell their house in **2** or **3** years, they have a hardship or they have to leave and they can't because of that. They're not represented here and I think that is the issue. I don't think that my opinion is of any matter here, personally, I can't say but I think that for my business I have an opinion and I think the people that might move in in the future should have a say. Thank you very much.

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

Mr. Brian Retallick responded first and foremost – and as you guys can imagine I've lost my sense of humor throughout this. This has been a little frustrating. First and foremost, the seller knew of our trailer when we talked about – it is true, it is very true. Our agents spoke about this.

Dom, knew about this...

Mr. James Seirmarco stated Mr. Retallick, talk to us.

Mr. Brian Retallick continued so it's very disingenuous to represent it in such a manner and I'm very, very taken aback by it. To me, it's just unconscionable that somebody could sort of do that.

Mr. David Douglas stated let's not get into a personal attack. I'm not going to let you do that. I'll let you hear, talk about the merits of the case. I'm not going to let you get into personal attacks on neighbors.

Mr. Brian Retallick stated I got it. The second thing is; buyers are never represented. Decisions are made and by this happens all the time. Decisions are constantly made. New buyers come in. We're aware of this. I just don't think that's a factor here.

Mr. David Douglas stated well, I'll tell you what's a factor though: property owners are represented. I understand what you're saying about maybe hypothetical buyers aren't represented but I think what Mrs. Santucci is speaking in the capacity as an owner of that property and I don't think that you can say that we should not, at least listen and consider that as one of the things just like we're considering your stated needs and desires.

Mr. Brian Retallick responded two very different reasons, two very different interests; one is for profit, one is for a resident of Montrose and that's only my position.

Mr. David Douglas stated I'm not going to debate with you. I think you understand what I'm saying.

Mr. Brian Retallick stated I have a right to present our side as well and David, I understand that you're put off by this but I think...

Mr. David Douglas stated Mr. Retallick, I'm not put off by it. I'm not put off by it. I'm just trying to avoid attacks on neighbors and making distinctions between somebody's views being more valuable than other person's views.

Mr. Brian Retallick stated but if someone's not being honest it needs to be...

Mr. David Douglas stated Mr. Retallick, stop, please stop. I am incredibly – I bend over backwards as the other members of the Board I think know and probably think I do too much bending over backwards to listen and hear people out but one thing I will not put up with is personal attacks on other residents and other neighbors of properties in the Town. Stop it, please.

Mrs. Stacey Retallick stated where the trailer, where we're proposing to put the trailer is not across the street from the Santucci's property, it's across the street from a different neighbor who does not have a problem with the trailer. This is not in line with their property. The property

that they're going to be building on is directly across from our house, not directly across from where the trailer is. There is another property there, not theirs so yes, they have the house next to us which is why the house is not being put there but the trailers hasn't been there so it's not the trailer's fault that the house isn't being sold. The trailer hasn't been there for months and the house is still there so it's not fair to say that it's the trailer's fault that the house is not being sold and it's not directly across from the property as she stated.

Mr. David Douglas asked anything else? Anybody else want to be heard? What we're going to do is we're going to adjourn it for next month and then get the information in 2 weeks in advance and that will...

Mr. Charles Heady stated I make a motion on **case 2012-36** to adjourn it to February.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the case is...

Mr. James Seirmarco stated just to amend that a little bit is to put all the details, including some proposed screening if you think that's a good idea based on what you heard tonight, placement of the trees, replacement of the trees, moving of the trees maybe even indicate where the rocks are going to be if you're going to move them, details so that we can judge the exact details of what you're proposing.

Mr. John Klarl asked Ken, would they have to submit it to you by say February 6th, would that be a good time?

Mr. Ken Hoch responded yes.

Mr. John Klarl asked February 6th you'll have the proposed plan?

Mr. Brian Retallick responded yes.

Mr. David Douglas stated okay, we'll see you next month.

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NEW PUBLIC HEARINGS:

- A. CASE No. 2013-01 Claudia Liebler** for an Area Variance to allow an accessory structure, an in-ground pool, in the front yard on property located at **7 Lyncrest Rd., Cortlandt Manor, NY.**

Ms. Claudia Liebler stated I live on 7 Lyncrest Road and I was interested in installing an in-ground pool and when I applied for the Permit Ken was kind enough to give me the wonderful news that my property is considered to be unique and it has 2 front yards. As a result of my

property having 2 front yards I had to apply for the Variance and basically that's what I'm asking for, for your consideration to allow me to build an in-ground pool. My mailing address is 7 – it's on the Lyncrest side and I wanted to build a pool in the back of the property. There's about 300 feet from the back of the house to the end of the property.

Mr. Raymond Reber stated this is a situation that we come across occasionally where, as you can see from the diagram on the screen, this is a typical yard. The house is on Lyncrest, are one next to the other, as you would normally expect and you would think that anything behind the house would be a backyard, however, on the back end of the property there is a right-of-way called Matasac Road. It's not much more than a driveway to access a few houses that are up in the back. There is a tremendous distance from that right-of-way which has very limited traffic, up to where the pool will be. There's also a berm and what have you so in no way by putting the pool there is it going to be a problem in terms of people on the other side because there are no houses right there on the other side. To me, this is a technicality and I see no problem with the pool there. It's a logical place to put it. It's where most people would put the pool in their yard. I would be willing to grant an approval for them to install this pool as they've requested.

Ms. Adrian Hunte asked this is the same location where the above-ground pool is now. You'd just be removing that?

Ms. Claudia Liebler responded correct.

Mr. John Mattis stated I also went out to the property and I agree with Mr. Reber. I looked at it from the front. You'll never see the pool from the front and in the back. It's very far from the back. There's a berm – there's only one house back there. I'm sure they won't even see it.

Ms. Claudia Liebler stated thank you.

Mr. James Seirmarco stated I have no problem with this.

Mr. Charles Heady stated I have no problem.

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

Mr. Charles Heady stated she's doesn't have much choice because she's got 2 front yards. Either way it would be the same.

Mr. Raymond Reber stated I make a motion on **case #2013-01** to close the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the public hearing is closed.

Mr. Raymond Reber stated I make a motion on **case 2013-01** at 7 Lyncrest Road a request to place a pool in the back of the house where in the backyard technically qualifies as another front

yard that we grant a Variance to permit an in-ground pool at that location. This is a SEQRA type II no further compliance required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated your Variance is granted.

Ms. Claudia Liebler stated thank you very much. Have a good night.

Mr. David Douglas asked Ken, you want to tell her what she should do?

Mr. Ken Hoch responded it will take me about **5** days to get you the – to proceed with your Building Permit.

Ms. Claudia Liebler stated thank you Ken.

Mr. Raymond Reber stated we actually wanted to close and reserve.

Mr. John Klarl stated we thought about that but this is sufficient. If it had gone the other it would have been different.

B. CASE No. 2013-02 Ed McPartland, dba WackyInflatables Inc., for a Special Permit Home Occupation on property located at 17 Wharton Dr., Cortlandt Manor, NY.

Mr. Ed McPartland stated I live at **17** Wharton Drive in Cortlandt Manor. I'm here for a Special Permit for my trailer parked in my driveway.

Mr. James Seirmarco asked I have some questions for you. This is a Special Permit for a Home Occupation so I would like to ask you some questions about the Home Occupation. How big is one of these inflatables deflated?

Mr. Ed McPartland responded deflated, it's only **2** feet by **3** feet.

Mr. James Seirmarco asked so it would go in the back of a station wagon, a pickup truck?

Mr. Ed McPartland responded yes.

Mr. James Seirmarco asked that's how you usually deliver them?

Mr. Ed McPartland responded that's correct.

Mr. James Seirmarco asked approximately how many of these do you have?

Mr. Ed McPartland responded I have **4** of them in a trailer.

Mr. James Seirmarco asked so they're all **4** stored in the trailer?

Mr. Ed McPartland responded that's correct. Only **4**, yes.

Mr. James Seirmarco asked how long does it take to inflate them?

Mr. Ed McPartland responded a minute and a half, not even. A big one is a minute and a half, a small one is about **30** seconds.

Mr. James Seirmarco asked give us some dimensions when they're inflated.

Mr. Ed McPartland responded **15' x 15'** or I have a **13' x 13'**.

Mr. James Seirmarco asked and how tall would they be?

Mr. Ed McPartland responded usually **13** feet, the height, that's just the cones, **13** feet.

Ms. Adrian Hunte asked and what do you use to inflate them? Are they self-inflating?

Mr. Ed McPartland responded it's a blower.

Ms. Adrian Hunte asked and does the blower continue to blow while they are inflated?

Mr. Ed McPartland responded yes, but it's a very low powered motor. You can't hear it.

Ms. Adrian Hunte asked you can't hear it?

Mr. Ed McPartland responded nope, I do it in schools.

Ms. Adrian Hunte asked and how do you test to see whether they are inflating first and how long do you leave them up?

Mr. Ed McPartland responded I blow them up. It takes about, like I said, it takes about a minute to blow them up to a minute and a half and I just go inside, check them out, go around the outside. That's it, deflate it, and it goes back in the truck.

Mr. James Seirmarco asked they're meant to leak right?

Mr. Ed McPartland responded yes, the seam's for the air to come out.

Mr. James Seirmarco asked so you have four, they're all stored in the trailer...

Mr. Ed McPartland responded I have more but they're not on the property.

Ms. Adrian Hunte asked where are they?

Mr. Ed McPartland responded they're actually down in Yonkers. They're at my brother's place.

Mr. Raymond Reber stated I think the key here is the issue of trailers and trailers that have markings or advertising or something on them. By the way, I was out there. I talked to you. I saw the facilities. The dimensions on that trailer is roughly what? It's **12** feet long, **16** feet long?

Mr. Ed McPartland responded **12** feet long.

Mr. Raymond Reber asked and the height to the trailer I think is what, **6** feet?

Mr. Ed McPartland responded yes, not even, **6** feet. It's a small trailer.

Mr. Raymond Reber stated it's a small trailer that we're talking about. The question is now because it's got labels on it that's what makes it a problem here in terms of parking on the property. The other issue is Home Occupation. There's two separate issues here that we're addressing. Even if it wasn't a Home Occupation, if he was just parking a vehicle there with no insignia or whatever, my understanding is that it's not a violation, correct Mr. Hoch?

Mr. Ken Hoch responded right.

Mr. Raymond Reber stated so, if he wants to park something with logos on it he has to get approval for that and then we have to decide whether or not what he does on the property is appropriate under Home Occupation in terms of not being disturbing to the neighborhood and detrimental to the neighborhood.

Ms. Adrian Hunte stated if someone is interested in renting your inflatables, are they able to come to your house to see them?

Mr. Ed McPartland responded actually, it's all done on the website. Nope, nobody comes to the house.

Mr. James Seirmarco asked do you check these every time you put them out?

Mr. Ed McPartland responded usually when I pick them up is when we do the inspection because we do it to make sure that the people that had it didn't destroy it. So, it gets inspected as we pick it up.

Mr. James Seirmarco asked so typically, you wouldn't be inflating these at your home?

Mr. Ed McPartland responded no, unless we had a party. Maybe a 4th of July party.

Ms. Adrian Hunte asked you mean, you personally?

Mr. Ed McPartland responded right, correct.

Mr. James Seirmarco asked but that's just personal, it's not renting it for...

Mr. Ed McPartland responded and usually, my business is only from April to October and it's only on Saturday and Sundays, nothing done from Monday to Friday.

Mr. Raymond Reber stated one of the criteria for a Home Occupation is that if it involves these trailers is they cannot be any closer than **10** feet to the property line. The driveway does run along the property line but I did speak to the owner and he does have an area where he can park it off to the right, closer to the house and easily meet the **10** foot offset so that can be addressed if that becomes a concern.

Mr. James Seirmarco asked do you keep the trailer **12** months a year?

Mr. Ed McPartland responded yes. During the winter, it doesn't move. It just sits there.

Mr. James Seirmarco asked so you wouldn't do any repairs?

Mr. Ed McPartland responded nope, it just sits there all winter and then usually in April it goes out, on the weekends and when I leave I usually leave **7** in the morning, I'm not back until **10** o'clock at night, park it and that's it.

Mr. James Seirmarco asked so the typical rental would be by the day, by **8** hours, **6** hours?

Mr. Ed McPartland responded **4**-hour rental or the day rental.

Mr. James Seirmarco stated **4** hours or the day rental.

Mr. Ed McPartland responded that's correct.

Mr. James Seirmarco asked the day would be?

Mr. Ed McPartland responded considered **8** hours.

Ms. Adrian Hunte asked and you attach the trailer to your car?

Mr. Ed McPartland responded to my truck. I only have **2** vehicles. My wife's and then my truck.

Ms. Adrian Hunte stated this Home Occupation does not involve **B3** "the delivery of goods or products to or from the premises and other than a passenger automobile, mail carrier or package delivery service."

Mr. Raymond Reber stated no, he doesn't do that. He's providing a service that provides a service and then comes back so he's not technically selling anything other than a service.

Ms. Adrian Hunte stated which is a delivery.

Mr. Raymond Reber stated he doesn't employ other employees on the site. It's strictly himself. He doesn't have customers come to the site.

Mr. James Seirmarco stated he doesn't have an extra registered vehicle, it says more than **4**. He doesn't have that. It doesn't produce any noise or vibration or smoke or dust or particulate matter; heat, humidity...

Mr. John Klarl stated although we didn't discuss that.

Mr. James Seirmarco stated most of the time it's just a trailer.

Mr. Ed McPartland responded that's correct.

Mr. James Seirmarco stated you very seldom take them out and inflate them in the backyard unless it's for personal use.

Mr. Ed McPartland responded that's correct.

Mr. Charles Heady asked you have **2** trailers there; they're **2** different sizes is that right?

Mr. Ed McPartland responded they're both the same size.

Mr. Charles Heady asked they're both the same size? Oh, I thought maybe you had a bigger job you took the bigger trailer or something.

Mr. Ed McPartland responded no.

Mr. David Douglas asked anybody else have any more questions?

Mr. Raymond Reber stated also, even as he's got them situated now, when I drove out there you have to actually look carefully to actually see this. They're parked back there in the side, you can hardly notice it. You can almost drive by and not realize it was there unless you're really looking for it.

Mr. Ed McPartland stated it's tucked all the way in the back, at the end of the driveway. To the left of me is just woods.

Mr. James Seirmarco asked do you require that the trailer has a name on the side? That's part of your advertisement? You're not looking for drive-bys to get rentals it's your website that's your advertisement.

Mr. Ed McPartland responded right, but as I'm driving the trailer through Scarsdale and stuff like that, I'm picking up customers with the – on the side of the trailer.

Mr. Charles Heady stated as far as the sign is on the trailer, he can put a tarp over it when it's in

the driveway. That would take care of it.

Mr. James Seirmarco stated put a tarp over it and take it off when you leave.

Mr. David Douglas asked anybody else have any other questions about this?

Mr. James Seirmarco asked anybody in the audience?

Mrs. Carole Shlachter stated I'm a neighbor up the street and – I live right at the junction of Wharton Lane and Wharton Drive. First of all, I have a lot of questions. I saw the Variance sign and I was concerned because my problem has been that there's been a tremendous amount of street parking of the trucks and the trailer which is a very dangerous situation on a narrow street. At my mailboxes are directly ahead of where all the street parking is and so my first question is: is the Variance for parking of the trailer? What is this Variance for?

Mr. Raymond Reber responded it would be in the driveway, not on the street.

Mrs. Carole Shlachter asked what is the application for, the Variance?

Mr. James Seirmarco responded for Home Occupation.

Mrs. Carole Shlachter responded okay and so if it's for parking in the driveway I'm all for that because I'm very fond of my neighbors. We've been neighbors a long time but I honk every single time in the evenings and during the day too because if you're familiar with the situation, to get around the trucks and the cars are parked and including that long driveway the car that belonged to the people who lived at the end of the long driveway, the renters was always parked on the street and so it required having to go around them in order to get to my mailboxes which are at the end of the street...

Mr. James Seirmarco asked are you referring to the truck that the applicant has or other trucks?

Mrs. Carole Shlachter responded all the cars and the trucks that belong to the applicant at that residence.

Mr. James Seirmarco stated he just stated for the record that he has **2**...

Mrs. Carole Shlachter stated a car and a truck and then there was a renter who was using that long driveway so they couldn't use the long driveway and I thought the Variance was to pull all these vehicles and this equipment onto a small little driveway that they created to the right of the property – they created by digging a little bit of a nitch and it's on a little bit of a slope and I'm all for that Variance because it means getting rid of the trucks and the cars off the road which is approaching, as I said, my mailboxes and also a T-junction where, especially at night, cars coming from the opposite direction are coming around a blind curve and anybody who's had to go around the trucks and so forth to get to the mailboxes, there are **3** mailboxes for the **3** residents on Wharton Lane; I'm the first one and there are **2** up the street from me – and so there have been near accidents a few times and that's why I've taken to honking. I mentioned that I

honk all the time if I'm going around the cars and trucks that are constantly parked along the entire front lawn of the house. I thought this Variance tonight, that's why I'm here, was to get permission to park the trailer on the right side because the renter was using the left driveway of the house and I was told that he couldn't pull the trucks and cars onto that long driveway, by the applicant themselves – over the years I've spoken to them many times and I've said "It's just a dangerous situation to have all these trucks and cars in front of the house all the time, parked on the street" because it causes someone to have to go around at a point where cars are coming from the opposite direction on a blind curve, so they're not going to be aware that anybody is coming out into the on-coming traffic, especially at night.

Mr. Raymond Reber stated I'm a little confused because it sounds like you're more concerned about the intersection of Wharton Lane and Wharton Drive. This house is not there but regardless, one of the criteria for approving a Home Occupation is that it doesn't disturb the neighborhood so one of our criteria would be to approve this that all these trailers and all have to be parked on their property in their driveway. It can't be on the road.

Mrs. Carole Shlachter stated correct, and I'm all for that. That's all I've been asking for, for a long time because it's creating a dangerous traffic situation. But, I thought the Variance was for this small area and nitch that they created on the right.

Mr. Raymond Reber responded no.

Mrs. Carole Shlachter stated because there's no room in the back.

Mr. James Seirmarco stated Mr. McPartland, I have a picture here I've got to ask you a question. It shows 2 trailers; one with the 'Wacky Inflatables' insignia and one in the front of it has got no insignia. Could you explain this picture to me?

Mr. Ed McPartland responded I gave it to you guys. It's just an empty trailer.

Mr. James Seirmarco asked you're not proposing that you have 2 trailers parked there?

Mr. Ed McPartland responded just the one because the one that doesn't have it I guess you're allowed to have it and the other one is just because it's written commercial on it that's why I'm trying to get the Special Permit because it has 'Wacky Inflatables' written on it.

Mr. Charles Heady asked you only use one trailer though, is that it?

Mr. Ed McPartland responded that's correct.

Mr. Charles Heady asked you don't need the two?

Mr. Ed McPartland responded I use the one that has 'Wacky Inflatables.'

Mr. James Seirmarco asked what's the other trailer...

Mr. Ed McPartland responded I just bought it because the other one's starting to break, that's why. I just bought it.

Mr. Raymond Reber stated I don't think it's a big issue if he uses it as an alternative or backup if he has – maybe you have a couple of activities on any given day so you take one trailer to one location, the other to another.

Mr. Ed McPartland stated I guess that's what I bought it for, just in case if I do get stuck, I can leave that trailer at events.

Mr. James Seirmarco asked and do you have a renter also?

Mr. Ed McPartland responded that's my brother-in-law that lives there.

Mr. James Seirmarco asked does he have trucks too?

Mr. Ed McPartland responded he only has one car. So he has no trucks. He has one car, he parks on the right hand side. There's no cars that park on the street because you can't park on the street from November 15th to April 15th anyway and I only have 2 vehicles. My wife has one and I have one, both go to work and there's no cars in the driveway when we're not at work.

Mr. James Seirmarco stated this one picture shows 2 trucks across the street.

Mr. Ed McPartland responded yes, that's our neighbor's.

Mr. James Seirmarco asked they're not your trucks? So, a lot of people along this street have trucks?

Mr. Ed McPartland responded correct.

Mr. James Seirmarco asked but you have one truck?

Mr. Ed McPartland responded one truck.

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

Mr. Kevin Conklin stated I represent Terry and Cheryl Gilmore. They live diagonally across the street from where Mr. McPartland lives. They also feel very, very strongly and agree with the young lady who was up here that this creates a very dangerous situation on this street. These trucks which are 2 trailers, trailers and trucks are constantly in the street, every weekend that this particular business starts at 7 o'clock in the morning and that these vehicles are constantly placed in the street. This is a street that has a blind curve. This is a street that has a blind individual on it and there is a dangerous traffic flow when these vehicles are used. They object to it. They have voiced their objections. He has a pickup truck. He has these 2 trailers for the business. They show advertising right on the trailers. The second thing we'd like to inform the Board of is that there are giant toys that are blown up in his yard. I heard the gentleman say that he had a

number of different inflatables on his truck and I thought he told us he had **4**, well his website indicates he has **9** and his website also indicates that it's not **15** feet, it's **21** feet in dimension; **15** feet in length and **11.4** feet – that's for the Magic Castle bounce and slide combo, that's the biggest one; **21.6** width, **15** length, **11.4**. The next one is the bounce floor dimensions: **15** feet width, **14** foot length, then you have the castle bounce slide combo and basketball hoop: **15** feet by **18** feet by **14** feet then you mini castle for **8** feet, **8 ½** x **7** feet then you have the inflatable dimensions bounce floor dimensions: **15** feet x **15** feet then you have the Batman bounce house: **15** feet x **14** feet x **12** feet then you have the Disney Princess bounce house: **15** feet x **14** feet x **14** feet. You have the Jack-o-Lantern bounce house: **13** feet x **13** x **13**. Justice League bounce house: **13** feet x **12** feet x **12.8** feet. That's **9** different types of inflatables. These inflatables are inflated often times their left inflated on his lawn as folks come by, of course they're an eyesore, they're an eyesore for the neighborhood and his neighborhood indicates that he cleans and sanitizes these things when they come back and of course we all know that if you're dealing with kids and you're going out every weekend and you're going out at **7** o'clock in the morning and not returning until **10** o'clock at night you've got to clean these things and he says he does. He says he cleans and he sanitizes them well he lives next to a wetlands. What's he using to clean these things? Where's this stuff going? This is a residential area. What happens to the residue of these cleaning products? Where does that go? Who's concern is that? That's our concern. That's everybody in this neighborhood's concern. This is a commercial enterprise being run out of a private home. It's inappropriate. It is a burden on a neighborhood. It is unsafe and we very much object to it.

Mr. John Klarl asked Mr. Conklin, do you know if there's been any written complaints from your clients to the Town? Have they submitted any written complaints yet?

Mr. Kevin Conklin responded I don't believe they have submitted any written complaints, no they have not John. That is our position. We feel this is noise pollution. He inflates these things in the morning. He cleans and sanitizes them. It's advertising each and every day that these trailers are there. He had started initially with a truck, then it's a truck plus a trailer then it's a truck plus a trailer, plus a trailer and it's grown. It's gotten bigger. It's inappropriate. This is not the time. This is not the place. This is a commercial enterprise. It should be treated accordingly. Thank you all for your time.

Mr. James Seirmarco stated some follow up questions for Mr. McPartland. Again, just to review; how many of these things do you have on your property at one time?

Mr. Ed McPartland responded at one time, I have **4** in a trailer and if I do blow one up, I blow it up which is inside the driveway where no one can see it – once you go by you can't see it. I'm stuck in the driveway all the way in the back and all I do is blow it up, check it out, inspect it and that's it.

Mr. John Mattis asked how long does that take?

Mr. Ed McPartland responded inspect it; **5** minutes and **5** minutes to roll it right up.

Mr. John Mattis asked so **15**, **20** minutes you're done?

Mr. Ed McPartland responded yes, **15, 20** minutes I'm done. Usually, if I do it on the job if I pick it up, if it's daylight but if it's not daylight then I can't do it.

Mr. John Mattis asked do you wash them there?

Mr. Charles Heady asked do you sterilize them at your house?

Mr. Ed McPartland responded usually I do it when I'm on the job where I pick it up because after that I pick it up after the party is done. Yes, we usually sanitize them. We've got rags and we sanitize them. They're wipies.

Ms. Adrian Hunte asked do you have to let them air out and air dry?

Mr. Ed McPartland responded only if they got caught in the rain which we don't even bring them out in the rain because you could get hurt. It's vinyl. It's very slippery. Usually they're in schools. We do school events.

Mr. John Mattis asked how do you reconcile the number **9** versus the **4** that you have?

Mr. Ed McPartland responded because the other ones are at my brother's house.

Mr. Raymond Reber stated the application is relative to trailers. Whether he has **2, 10** or **400** in the trailer, does it really matter to us what's in the trailer?

Mr. James Seirmarco stated I just asked just to have a reference.

Mr. Raymond Reber stated I understand. The real issue is what does he do outside the trailer because that impacts the Home Occupation so I think there the question is: does he inflate them on the property? How long do they stay inflated? How many does he inflate at one time? Does he sanitize them? Does sanitation of these things require hosing them down? Is there any run off? Is there any residue? Those are the questions that I think we need to have answered and so those are the questions. You say you inflate them very seldom. You would only have one up at a time. If it's up it's not up for more than **20** minutes at most.

Mr. Ed McPartland responded that's correct.

Mr. James Seirmarco asked and you don't use the hose to wash them down?

Mr. Ed McPartland responded you can't wash it like that. It's got to be with a towel.

Mr. Raymond Reber repeated so no run off in sanitizing.

Mr. Ed McPartland responded they're the wipies.

Mr. Raymond Reber responded okay.

Mr. Ed McPartland stated because if you hose it down with water, they start turning black and they get mildew. It's vinyl; it's **18** oz. vinyl, you can't. They're not washable.

Mr. John Klarl asked do you use some kind of wash cloths?

Mr. Ed McPartland responded yes, we actually use wipies, the bleach whites.

Mr. James Seirmarco asked do you park your trailers on the street at all?

Mr. Ed McPartland responded no. Like I said, the whole winter they're parked there. During the summer if I have a gig on a Saturday I usually leave between **7** or **8** in the morning and I'm not back until **10** o'clock at night. Nobody sees me. I back it in and I'm done for the day. I'm not bothering no one.

Mr. David Douglas asked any other questions? Anybody else want to be heard?

Ms. Adrian Hunte asked are you looking to expand the business so that you are purchasing more inflatables?

Mr. Ed McPartland responded not right now. It's only a one-man show. It's hard.

Mr. James Seirmarco stated okay, thank you.

Mr. Terrence Gilmore stated **20** Cortlandt Drive, Cortlandt Manor. I've lived there for **4** years now. You just had a great Cinderella story from this guy. He started with a van in **2010** with this inflatable business then he went to a trailer, a big marked trailer 'Wacky Inflatables' multi-colored lettering, bright pastels. It's an eyesore. Now, he takes the trailer and the van every rental and puts them out on a blind turn. When you come up Wharton Drive you're making a left hand turn, there's a blind person that walks out there every day, all the time in the warm weather with her little girl and her seeing-eye dog and we've got another person in an electric wheelchair. The sign is right there 'blind person area.' His trailer's right across the street from it, on the blind corner. I've come up and had to stop because you do not know what's coming the other direction until you get up to this trailer, now you've had a two-way road turned into a one-way road. God forbid a fire truck or ambulance try to get through there. He puts those trailers out there every rental, then he sanitizes them, like I said I don't know what he's using for cleaning equipment or whatever – put a timeline on this now; **2010** he starts with the van, then he gets the trailer in the **2010**, letters it all up – and I spoke to Ken about this, then he goes to a truck with signs on the truck and the trailer, full size GMC and then his trailer that's **16** feet. Now you've got **16** feet with the truck, **16** feet with the trailer; **32** feet on a blind turn. Then he gets another trailer, now we're up to this present date, he's inflating these things **4** or **5** times a week, leaving them up, making sure they don't have holes in them. If kids have something sharp, might deflate. They're up for hours. The man's grass is stained in two different areas. He has no backyard. They're very visible from the street, believe me, you can see them. Everybody can see them. Another thing is, I've seen all the Board members talk about signing you know signs, legally posted in commercial areas. I call Ken on the signs. First I called about "I think my

neighbor's running a business out of his home." "Oh yeah, how so Terr?" Well I see these inflatables "go no further Terr, I know who you're talking about, Wacky Inflatables." "Yes Ken, that's him and I've seen him he's got signs all over the Town." I know, he puts them up and I take them down. I say "this has gone on for years Ken." They're in Montrose. They're in Verplanck. They're on Route 9. They're on Route 6 outside Stop'n'Shop. Now, I see how the Board critiques signage where it's posted; northwest direction and the size of the lettering, is it close to the street, is it going to obstruct traffic? This guy's been putting up signs for 2 years. Ken's aware of it. Ken says "I've been taking them down." These inflatables is an eyesore and what's to say if you say "okay, we okay your Variance." The next guy comes up "oh well, they gave it to the guy on Wharton Drive. I'm going to have a 'Ton of Fun inflatables.' I'm going to put out a huge waterslide." These inflatables; I wouldn't even be able to see Board members if one was inflated here. He tells you a big story. These inflatables are higher than the ceiling, slides. He's got all different ones; SpongeBob. I would ask any Board member to wake up on a Saturday, Sunday morning walk out to see somebody maybe cutting their lawn, shrubs trimming, washing the car instead you see SpongeBob huge slide, trailer, lettering, truck on a blind turn. That's how I live. It's like the circus in Town. What's next? Like I said 'Ton and Fun Inflatables.' The next guy's going to be able to do the same thing? He told you a big story. None of it was really true about not only the trailers are only in the driveway and I keep them there. As late as October, Halloween he had big inflatable there. Somebody must have contacted him from Code because now he pushed them into the rear of his driveway but he's no backyard. His backyard the landscape goes straight up. They're always visible from the road and what Carole was trying to say is that she's scared when she comes up the roadway and you get this blind turn and that trailer's there and that truck, you can't see oncoming traffic. She just lays on the horn right through the turn (making horn sound), and she's talked to him. He's totally disregarded the safety, public safety and the people, the neighbors and the neighborhood by doing this thing and it's 3 years going. Ken's aware of it. Is one of the inflatables from a distance. This is probably the one 15 square, like 12 high. He told you a nice Cinderella story. If you bought it go and see him, go to his website. He's been in business for 3 years from him home in a residential neighborhood. The solution is the end of Sprout Brook Road you have commercially zoned properties. You have a ton of storage. A guy who owns an oil company has a big construction yard where trailers, little landscape equipment; backhoes – get the stuff out of my face. Get it out of everybody's face up there. A lot of people wanted to come tonight, the weather being a little crappy but they're totally opposed to this. Once you open the door, and you let this guy go – I called for references use, there's 'Fun Inflatables' that's his competitor. I called this guy up "hi, I'd like to rent an inflatable. Where's your business located?" "Well, I actually run it out of a garage." I said "well, where's your..." "My garage is in a commercially zoned area and I roll them up, inflate them and I bring them in and out." So, I said "let me be clear on this; you're not running that out of your house?" "Absolutely not." They both have P.O. boxes in Lake Mohegan as their address for their business. He's told you a lot of garbage tonight about his business and what's going on inside. Check with Ken he'll verify that I called. And, about the signing, how does he get away with putting up these signs all over the place when I see you guys critique the signs on legal, commercially zoned businesses? How is this guy going around and it's not only in Cortlandt. He's all over Westchester. People I know in Yonkers and say "oh, I've seen the signs too." It takes some gall and with this blind woman walking with her little child and dog everyday and he puts this trailer and truck right on that blind turn with the sign posted by DOT, 'blind person area.' He shows no respect for the people

in the neighborhood, none.

Mr. Kevin Conklin stated and that's our position. Thank you very much.

Mr. David Douglas asked anybody else?

Mr. James Seirmarco stated Mr. Chairman, we've got a lot of input this evening. I would like to make a suggestion that we adjourn this to our February meeting and discuss it at our work session.

Mr. Raymond Reber stated I'll second that.

Mr. James Seirmarco stated I make a motion to that effect.

With all in favor saying "aye."

Mr. John Klarl asked was the motion with or without site inspection?

Mr. Raymond Reber responded motion to adjourn it to February.

Mr. David Douglas stated with no site inspection, just to adjourn it.

Mr. Charles Heady stated we have a lot to go over at our work session.

Mr. David Douglas stated the motion to adjourn is passed.

Mr. John Klarl asked that's February 20th Mr. Chairman?

Mr. David Douglas responded yes, February 20th. It'll be discussed at our February 18th work session and then we'll discuss it further at our February 20th meeting.

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PETITION TO RE-OPEN CASE NO. 2012-38:

Applicant requests the case be re-opened to remove the condition that the applicant merge lots 22.8-2-31, 22.8-3-3, and 22.8-3-4 contained in the Decision and Order granting the applicant's request for an Area Variance to allow Accessory Structures in the front yard and an Area Variance for the height of a front yard fence.

Mr. David Douglas stated we discussed this at the work session. This is the applicant's – I forget if the applicant it's the name of Harcourt of Kaplan but it's the property on Susan Lane. The applicant is requesting that it be reopened to remove the condition that we placed in the D&O that the lots be merged. Do we want to re-open this?

Mr. John Mattis responded I think this takes a unanimous vote but I think we should make the motion and vote so that it's on the record so I'll make the motion that we re-open the case.

Seconded.

Mr. David Douglas asked all in favor of re-opening the case?

Mr. James Seirmarco responded no.

Mr. David Douglas asked all opposed.

Opposed.

Mr. David Douglas stated the petition to re-open has been denied so the case will not be re-opened.

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ADJOURNMENT

Mr. John Mattis stated I move that we adjourn the meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated meeting is adjourned.

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**NEXT MEETING DATE:
WEDNESDAY FEB. 20, 2013**