

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, October 20<sup>th</sup>, 2010*. The meeting was called to order, and began with the Pledge of Allegiance.

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

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

Also Present

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

**ADOPTION OF MEETING MINUTES for Sept. 15, 2010**

Mr. David Douglas asked anybody want to move to adopt the minutes?

Mr. John Mattis stated I move that we adopt the minutes of September 15<sup>th</sup>, 2010.

Seconded with all in favor saying "aye."

\*

\*

\*

**RESERVED DECISION**

- A. CASE No. 11-10**                      **Curry Properties LLC** for Area Variances for the requirement that 25% of the site be landscaped, for the requirement that there be a 50 foot landscape buffer between an HC Zone and a Residential Zone, for the requirement that there be a landscape strip of 25 feet between the interior curb and the street curb at **3026 E. Main St, Cortlandt Manor.**

Mr. Joel Greenberg stated I believe that this Board has a reserved decision until we got our Planning Board approval. We have, at the beginning of this month, got our Resolution of site plan approval from the Planning Board so I believe you're ready to have a Resolution also, a D&O.

Mr. John Klarl stated Mr. Greenberg's right on the mark. There was a Resolution adopted by the Planning Board. It was **PB# 1-10, Resolution 47-10**. It was adopted by the Planning Board on October 5<sup>th</sup>. There was a condition in the Resolution by the Planning Board concerning ZBA approval. It indicates in **condition #10** of the Planning Board Resolution, Mr. Chairman, it says "obtain the required Variances from the ZBA with respect to the required **50** foot landscape buffer strip along the property line abutting the residentially zoned parcels." So, the Planning Board carved out that specific condition at a required ZBA approval.

Mr. David Douglas stated we have a draft Decision and Order to that affect.

Mr. Charles Heady stated at the work session – on the buffer zone we have a picture where the cars are not supposed to be...

Mr. Joel Greenberg stated that was taken care of the day I was told about it.

Mr. Charles Heady stated this has happened in the past too and when Jim was here he went there and told them a couple of times. The only time they're really going to understand because he gets a citation on what they're doing is wrong. On Route 6 they have cars there within one foot of the roadway, coming down. They have an exit there and they don't use any more to get the cars right up to 6, they've got to be back. You've better explain it to them.

Mr. Joel Greenberg stated I certainly will. I appreciate your comment.

Mr. Wai Man Chin stated I believe the Planning Board has indicated that to them already.

Mr. Joel Greenberg stated there could be some modifications to those entrances on Route 6 and Westbrook Drive and that will be taken care of at that time.

Mr. Charles Heady stated I make a motion on the Order & Decision on **case 11-10** to adopt the D&O.

Seconded with all in favor saying "aye."

\*

\*

\*

## **PUBLIC HEARINGS ADJOURNED TO NOV., 2010 FOR TOWN BOARD ACTION**

- A. CASE No. 11-09**                      **King Marine** for an Interpretation that the previous non-conforming use obtained by Briar Electric can be changed to a non-conforming use for marine storage, sales and services on the property located at **285 8<sup>th</sup> Street, Verplanck.**

**B. CASE No. 30-09                  Dominick Santucci** for an Interpretation that allows dwelling units over the existing commercial use on the property located at **2064 E. Main Street, Cortlandt Manor.**

Mr. David Douglas stated both these matters have been adjourned to November. We're awaiting Town Board action regarding both of those cases. They're on for November

\*

\*

\*

**CLOSE AND RESERVED DECISION ADJOURNED TO NOV., 2010 FOR TOWN BOARD ACTION**

**A. CASE No. 01-10                  Zuhair Quvaides** for an Interpretation of the definition of outdoor storage and vending machines on the property located at **2072 E. Main Street, Cortlandt Manor.**

Mr. David Douglas stated which is also awaiting Town Board action on that matter as well.

\*

\*

\*

**ADJOURNED PUBLIC HEARINGS**

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

Mr. David Douglas stated I believe that the applicant has requested an adjournment regarding that matter until our November meeting.

Mr. Raymond Reber stated I make a motion that we adjourn **case 18-09** until November.

Seconded with all in favor saying "aye."

Mr. John Klarl asked Mr. Hoch, that was a written request for the applicant?

Mr. Ken Hoch responded yes.

Mr. David Douglas responded it's a letter dated October 12<sup>th</sup> from Edmond **Jamahl**. That case is adjourned until November.

**B. CASE No. 06-10**                      **Nida Associates** for Area Variances for subdivision of four existing tax lots into four real property lots at **5 and 14 Dove Court, 2003 and 2005 Albany Post Road, Croton-On-Hudson.**

Mr. David Douglas stated we've got a letter regarding that matter dated October 19<sup>th</sup>, requesting an adjournment to November as well.

Mr. Raymond Reber stated I make a motion on **case 06-10** to adjourn per request of the applicant to November.

Seconded with all in favor saying "aye."

Mr. David Douglas stated that case is adjourned to November as well.

**C. CASE No. 14-10**                      **Michael Parthemore** for an Area Variance for a 3<sup>rd</sup> freestanding sign for **CRISTINA's** restaurant at **15 Baltic Place, Croton-on-Hudson.**

Mr. James Seirmarco stated Mr. Chairman, we have had an ongoing discussion with Mr. Parthemore who is the owner of Cristina's Restaurant as well as the landlord of the whole site. We've had a site inspection. We've had some conversations regarding the total sign plan for the site. The owner has submitted this last month, a preliminary suggestion. There's still further work to be done. At the workshop we looked at that and we all had some questions regarding the proposal. I assume that was just preliminary. There's more work that needs to be done on this area. I make a motion that we adjourn this **case #14-10** until November to give the applicant and the landlord additional time to provide more details regarding the proposed stand signs.

Seconded with all in favor saying "aye."

Ms. Adrian Hunte stated one abstention.

Mr. David Douglas stated with one abstention, **case #14-10** will be adjourned until November.

**D. CASE No. 16-10**                      **Lewis Sign Co. for Key Bank** for an Area for an additional freestanding sign on the property owned by Yorkcon Properties located at **3000 E. Main St., Cortlandt Manor.**

Mr. David Douglas stated it's my understanding that the applicant – we have a letter dated October 4<sup>th</sup> from the applicant, withdrawing that application. That case is withdrawn.

\*

\*

\*

## NEW PUBLIC HEARINGS

### **A. CASE No. 22-10                      Westchester Burgers of Cortlandt, LLC for an Area Variance for the new Five Guys Burgers and Fries sign at the Cortlandt Town Center 3121 East Main St., Lake Mohegan, NY 10547**

Mr. Richard Hogan stated I live on Long Island 534 [Gurglich] Avenue, North Babylon.

Mr. David Douglas asked are you a representative of...

Mr. Richard Hogan responded I'm the representative of Good, Clean Food.

Mr. David Douglas asked you're a representative of Westchester Burgers of Cortlandt?

Mr. Richard Hogan responded yes. We own Five Guys Burgers and Fries, that's the dba. I'm the manager of that company.

Mr. John Klarl asked so, you're going to be the manager of the restaurant?

Mr. Richard Hogan responded no, I'm the manager in the company. I work for the owner of...

Mr. John Klarl asked you work for the Westchester Burgers of Cortlandt, LLC and you're a manager? That's your title? And, do you have authority to appear on behalf of Westchester Burgers or Cortlandt, LLC tonight pursuing this application?

Mr. Richard Hogan responded yes sir.

Mr. John Mattis stated you're here to get a sign that is greater than what's allowed by the Code. As you said, you're not familiar with this.

Mr. Richard Hogan responded I was just told to come up and to represent the company and answer any questions that you guys have.

Mr. John Mattis asked are you familiar with what the application is?

Mr. Richard Hogan responded no sir.

Mr. John Mattis stated the application is for a request of **39** square feet where **20** is allowed. It's a **95%** Variance. What we looked at in our work session is adjacent – we looked at the letter height. The letter height of the sign is for the Five Guys would be **18.91** roughly **19** inches tall and **10.78** or just under **11** inches where it says 'Burgers and Fries' and you put a rectangle around that and that's how we came out with **39** square feet.

Mr. Richard Hogan responded yes.

Mr. John Mattis continued the **39** is slightly larger than some of the other adjacent stores but the formula is based on the frontage anyway and I'm not sure what the frontage is. But, in terms of letter height, Citibank has **26** inches, the Post Office has **21** and Beach Nails has **18** so it was a consensus of most of the members of the Board that the height of this sign, the height of the letters and stuff was more in keeping with what the others have and therefore I would think that we should approve this and I think that was the consensus but I'll wait for the comments of the others.

Mr. David Douglas asked anybody else have any comments?

Mr. Wai Man Chin responded yes, I believe the Variance is quite large but I also agree with Mr. Mattis. I think the letters should actually be this probably the same size as all of the adjoining signs that are there. I would hate to see something smaller and large and small and larger. I think it would be more uniform is better than staying to Code so that's why I would give this Variance.

Mr. Charles Heady stated I feel the same as John. I agree with him.

Mr. James Seirmarco stated I just have this – the whole concept of **100%** Variances bothers me. I believe that I know Five Guys Burgers is sort of a standard size sign. This is my personal feeling. I believe that the Five Guys letters are fine. I think that the Burgers and Fries part of it is small but I guess that's the proportion you use. I think it's probably difficult to see the Burgers and Fries underneath it. I just feel as though it's in general too big. We don't typically need to have **95%** Variance but that's just me.

Mr. David Douglas stated as anybody who's been to any of these meetings knows, I'm on the losing battle. I'm not going to waste your time giving you my speech which I can do in my sleep but I don't believe that a **95%** Variance is appropriate here but I'm going to be outvoted **5** to **2**, probably as I am almost every time this comes up. That's my view. I don't think this Variance is appropriate. What I would ask is that we consider making a request to the Town Board to give us further guidance or for them to either consider amending the zoning or give further guidance as to how they want to – does the Town Board, which is the legislative power in this municipality, want to consider the Town Center in a different light with the signs than the rest of the Town or not? If it doesn't then I think we should stop granting these large Variances in the Town Center and if it does and that's what they want then the Code should make clear that that's what the legislative determination is and then they'll be fine. I'm not going to waste your time.

Mr. John Mattis stated for the record, I disagree with that but it's not a debate so I won't get into the reasons.

Mr. James Seirmarco stated I agree with the Chairman for the record.

Mr. David Douglas stated right, **5** people disagree and **1** person agrees. We've done this before.

Mr. John Mattis asked is there anyone else on the Board who'd like to speak? Anyone in the audience? I move that we close public hearing on **case #22-10**.

Seconded.

Mr. John Mattis continued I move that we approve an area Variance for the size of the front business wall sign from the allowed **20** square feet to a maximum of **39** square feet, this is a type II SEQRA and no further compliance is required.

Seconded.

Mr. David Douglas asked all in favor; "aye" any opposed; "no". Mr. Hoch could you poll the Board?

Mr. Ken Hoch responded Mr. Reber; aye, Mr. Mattis; yes, Ms. Hunte; yes, Mr. Seirmarco; no, Chairman Douglas; no, Mr. Chin; yes, Mr. Heady; yes, **5 to 2** the motion carries.

Mr. John Mattis asked when will you be opening?

Mr. Richard Hogan responded not a **100%** sure on that.

Mr. John Mattis asked in the next few months I hope?

Mr. Richard Hogan responded probably within **6** months but I'm not **100%** sure.

Mr. John Mattis stated I'm familiar with Five Guys.

Mr. Richard Hogan responded it's a good concept.

Mr. John Mattis stated I've been to a number of them. A lot of them, and I don't normally go to fast food.

**B. CASE No. 23-10**                      **Jennifer Cohen** for an Interpretation that the applicant's requested home occupation is a permitted use, but if not, applicant requests a Home Occupation Special Permit on property located at **212 Colabaugh Pond Rd., Croton-on-Hudson, NY 10520**

Ms. Jennifer Cohen stated I live at 212 Colabaugh Pond Road. I'm applying for either an Interpretation of the home occupation code or the Special Permit for a Home Occupation. I'm

not really sure which was appropriate. I run a children's yoga organization. We primarily teach kids yoga classes in schools, after school programs and youth organizations throughout Manhattan, the Bronx and Brooklyn mostly. I also train teachers, mostly educators, social workers, guidance counselors in ways to use yoga-based exercises: breathing techniques, meditation to help their kids in the classroom remove barriers to learning. That's our pitch on what we do. The Permit I was applying for is to be able to train adults in my house, up to **6** at a time in the house to use kid's yoga. It's not an ongoing thing. It's a **2**-day workshop that we intend to hold throughout the year maybe **5** or **6** times throughout the year for two days. It's just me teaching it nobody else.

Mr. John Klarl stated for a total of **10** to **12** days for the whole year.

Ms. Jennifer Cohen responded yes. It's new so maybe no one will want to come and won't work out that great. Maybe it'll do well and hopefully we'll be able to do it a little bit more frequently but it's not my primary job. I primarily go and teach kid's yoga classes. This is just an additional thing that I do. It wouldn't be a full time thing. It's just an occasional in the house thing.

Mr. Charles Heady asked have you been doing that right along at the house?

Ms. Jennifer Cohen responded we just moved in in June so we did it once. I didn't realize that it was a violation and it was brought to my attention so that's why I'm here but it's a training that I've been teaching for about **5** years in Manhattan.

Mr. John Klarl asked it was brought to your attention by the Town?

Ms. Jennifer Cohen responded it was actually brought to my attention by my neighbor who has subsequently – we've had conversations with and said that she has no problem with it.

Mr. Charles Heady asked the Code allows you **4** and you're asking for **6** pupils right?

Ms. Jennifer Cohen responded I am, yes. We have the space for it. That's about what we have the space for and that's about what feels like a comfortable group. We do some group activities that are hard to do with too few people and as I'm sure you guys can all appreciate if people are paying to come it's better for me to have **6** than **4**. It makes it more viable.

Mr. Charles Heady stated it's hard for us to please it because you could have **6** and end up with **12** which we wouldn't know anything about it at all which would be wrong.

Ms. Jennifer Cohen responded it would be, yes there's nothing for me to say other than I won't do that. We don't really have the space. I have one room that I can do this in. It's set up – it's kind of an empty room set up for yoga. You're welcome to come see it if you want. There's no way that it would be comfortable for **12** people there, **6** is the max that I'm asking for.

Mr. James Seirmarco asked would they drive to your house?



Mr. Charles Heady asked you're also asking for an overnight stay, it would almost be like a boarding house, staying overnight.

Ms. Jennifer Cohen stated I can definitely see why you would see that. The nature of the kid's yoga world is pretty small. For people to stay overnight allows people who don't live here, who don't live in Westchester to come to the training and it's really nice to have some community time in an industry where everyone's pretty much working alone and it's just a nice thing to be able to do, to be able to have dinner together and talk. It's a really small world and yoga instructors as a whole generally work pretty much independently and one of the things that people who've come to my workshops in the past are always saying they want more of is community and time to be together so I really thought that it was an important element to not just sent people off, to be able to say "let's sit down and have a conversation and talk." A lot of the times, these are people who I already know. I wouldn't say it's everybody but it's a pretty small world. I'm one of only a handful of people who train other people to teach children's yoga so a lot of these people are colleagues of mine, some of them work for my program directly, some work at schools that I work at that's how they come to me, they're school teachers in places where we teach a kid's program and they come for additional training. A lot of the times it's people that I know; it's friends, it's colleagues, it's six people staying over for dinner and sleeping in our guest rooms.

Mr. Charles Heady stated if the Board decides to give it to you I recommend to the Board that maybe it's a possibility that they'll give you a two-year Special Permit and see how things go and if it works out they'll give you further time. That's my feelings about this.

Ms. Jennifer Cohen responded to answer your question -- that makes sense, I wouldn't have any issue with that. To answer your question about: do people drive or not? Most of the time people come up from the city. The one that we had a few weeks ago, and I apologize I really didn't know that I was doing anything wrong. The one that we had a few weeks ago we only had one car. We picked everybody up from the train station. Everybody came on the same train. We picked them up on Saturday morning and brought them back on Sunday. One person drove from New Jersey. I think that'll probably be the typical pattern because it's a pretty new thing to have a children's yoga program in an education setting anyway and it's been mostly city charter schools that have responded really well to it.

Mr. John Mattis asked I have a number of questions. You said you've done this in the city? What kind of facility did you do this in the city?

Ms. Jennifer Cohen responded a couple of places: one we do workshops at a yoga studio and we also do workshop out of the 6<sup>th</sup> Street Community Center. I don't know if any of you guys are familiar with it. It's a big, well respected community advocacy center.

Mr. John Mattis asked but it's not done in houses down there or anything?

Ms. Jennifer Cohen responded no. I've done some things in my apartment when I lived there.

Mr. John Mattis asked how large is your house? How many bedrooms? How many square feet?

Ms. Jennifer Cohen responded it's four bedrooms. It's **2,500** square feet and one of the bedrooms we converted it into a yoga space.

Mr. John Mattis asked how many people live there?

Ms. Jennifer Cohen responded just the two of us.

Mr. John Mattis asked so you would have **8** people there if you had **6**.

Ms. Jennifer Cohen responded yes.

Ms. Adrian Hunte asked does your program issue some sort of certification for the teachers?

Ms. Jennifer Cohen responded yes we do. It's a certificate for children's yoga. It's monitored by the Yoga Alliance. Yes, you're familiar.

Mr. Wai Man Chin stated basically it's children that you teach yoga to.

Ms. Jennifer Cohen responded it is. It's not children who would be coming for the training, it's adults but our program it's call 'Little Flower Yoga' and we teach kid's yoga classes. The people who come to the training mostly are either school teachers, school guidance counselors, occupational therapists that work with kids, or social workers. That's usually what we get.

Mr. Raymond Reber stated I personally wouldn't have a problem with this because it's like you have relatives coming in to visit on the weekend and they stay over what have you. Unfortunately, my personal feelings sometimes can't dictate how I have to interpret the regulation. I would have no problem with the **6**. I don't know how we could do that through a Variance or whether that throws it into a Special Permit. The part that I do have a problem with is the overnight stay because of the way the code is written home occupations assumes it's an occupation so if so many hours a day the overnight stay puts into a gray area that borders on a boarding house or a bed-and-breakfast and those issues have become very touchy in the Town of Cortlandt and our problem is if we agree to this we open up Pandora's Box because now then other people say "well we want to rent out rooms overnight on the weekend for whatever." It gets muddy so my problem with this is the overnight stay. The rest of it I could live with. I just don't see how under the classification of 'Home Occupation' we could get ourselves into that situation where we're starting to allow visitors to stay overnight at your house on some basis.

Ms. Jennifer Cohen stated I'm not sure if it makes any difference to you or not but the price of the training, of the workshop is exactly – we're not charging people to stay overnight, it's exactly the same as it was when it was just the workshop with no overnight or anything in the city. It's

not a situation where we're saying you can come take this workshop and if you want to stay we'll rent you a room for more money, whether people stay or not. My mindset was that this is – we can extend this the person as a guest and we can be a community. It was **\$695** when I did the workshops at the Community Center in Manhattan it's **\$695** now. We've had people call and say we don't want to stay overnight because I live in New Rochelle or whatever. I don't know if that makes a difference.

Mr. Raymond Reber stated I believe you. I don't doubt that's the arrangement you would make but again it would be hard enough for us to please the **6** which we'll take your word on it, if it's **5**, or **6**, or **7** nobody will know the difference. We don't have the facilities to even monitor that let alone monitor your pricing and how you're billing and all that, obviously there's no way we could check that. It's still somewhat irrelevant because it's still an overnight stay. I don't know what your alternatives are as to whether they commute back to the city or whatever...

Ms. Jennifer Cohen responded it would probably make it impossible.

Mr. Raymond Reber stated or you can arrange maybe locally one of the Peekskill Inn you get a special arrangement where they'll give you special rates for the weekend. I don't know but I just can't, myself, cross that bridge and say "let people stay over when they're coming here specifically for training under the classification 'Home Occupation'".

Ms. Adrian Hunte stated I think that the program is a unique one and part of the problem here is that the Town Code is just not caught up to you. I don't see – if there's an issue with whether there'll be **4** people, **6** people, or **60** people. That's a matter of enforcement. That is not an issue concerning the Variance, that as with anything else in this Town is we have no way of knowing whether people are going to comply or not whether it's something that falls within the Code or does not. I think one of the issues here is we have to decide or get some more guidance as to how we define certain things such as occupation. If you're a firefighter you may be on call or a nurse or something else you may have to stay overnight. I don't think that this makes it a boarding house.

Ms. Jennifer Cohen stated sorry, I only smiled because Larry is a firefighter.

Mr. Wai Man Chin asked you said that this is only about maybe **10** or **12** times a year total?

Mr. John Klarl responded **10** or **12** days.

Ms. Jennifer Cohen responded less. Right now, we planned for **4** for this year to see how it goes. I don't anticipate ever really having the capacity myself because it takes a lot. I don't anticipate really being able to do more than about **6** a year if it was really well received and I was doing as much as I could.

Mr. John Klarl asked now, **6** of **2** days each for a total of **12** days?

Ms. Jennifer Cohen responded exactly, twelve days a year. It would be **6** nights, **6** Saturday nights essentially.

Mr. Wai Man Chin stated I'd like to close and reserve on this thing only because I want to think about that portion of it because to me six nights a year or something like that to me really is considered a boarding house, for a total of **365** days, six into **365** days is like very little. This is something I want to think about also on that portion of it is only because how the Code reads and what is considered a boarding house and so forth so I'd rather close and reserve on this.

Mr. Raymond Reber stated the other problem we have is this, again no way it completes whether it's done **4** times, **2** years from now she may be so popular that they're knocking her door down to do it ten times. I don't know what the right number is. That's where again it's that gray area of...

Mr. Wai Man Chin stated that's why I'd like to close and reserve on this thing.

Mr. James Seirmarco stated I believe that a boarding house is where you rent a room for money.

Mr. Wai Man Chin responded yes.

Mr. James Seirmarco stated this applicant has said there's no money involved in staying overnight. If you have **8** guests in your house and you don't charge it's not a boarding house. I agree with you, we should reserve and discuss this further.

Ms. Jennifer Cohen stated nobody gets a discount if they don't stay overnight.

Mr. John Klarl asked and no one staying over pays an additional fee?

Ms. Jennifer Cohen responded no, no one staying over pays an additional fee. You don't get a discount if you don't stay. It's just an open invitation to participate in a couple of hours of being together as a community.

Mr. James Seirmarco asked how long – what do you start at 7:00, 8:00 o'clock in the morning and...

Ms. Jennifer Cohen responded we start on Saturday. We pick everybody up from the train at 9:30 on Saturday morning and then we have dinner together and have an after dinner conversation. It's a youth development conversation and then we start at 8:00 on Sunday morning which is why I said it would be really tough if people didn't – if people choose to drive home and sleep in their own house and come back that's one thing but I think it would be tough for people coming up from the city. It's pretty much a two-hour commute. A lot of people, they don't live right near Grand Central Station.

Mr. James Seirmarco asked how much time is training on Sunday then?

Ms. Jennifer Cohen responded on Sunday it's from about 8:00 o'clock in the morning and then we brought everybody back to catch a 6:00 o'clock train.

Mr. James Seirmarco asked so it's all day.

Ms. Jennifer Cohen responded it's all day, yes.

Mr. David Douglas stated anybody else? I agree that we should think this over more. Well, first of all welcome to – I'm your neighbor, I live further up Colabaugh Pond Road so I drive past your house, and I'm on Wood Dale so I'm just up the road from you, so welcome it's a nice neighborhood. I need to mull this over a little more. I have some concerns as to what box to put what you're trying to do in because it seems to me that there are – we're only allowed to do certain things if they fall into certain categories. For a permitted home occupation there are a couple of things I want to mull over a little more. One is the way the Code is written it defines it as "conducted inside the principal dwelling with no non-resident in place on site" so far that's all fine, "are the following types: academic teaching or tutoring of not more than **4** pupils simultaneously." That to me makes it sound like you can't have – to fall into that box you can't have more than **4**.

Ms. Jennifer Cohen responded that's why I was applying for this.

Mr. David Douglas stated I understand but you applied for two different, either to say that it's permitted or for the Special Permit. I also have some questions as to whether or not it falls into the academic box or not and that's something I'd want to mull over more. Part of where I'm coming from is when I think about how yoga's taught in schools it's usually taught as part of the Phys. Ed. – in many schools, it falls into the Phys. Ed. side and as opposed to the academic subject side.

Ms. Jennifer Cohen responded that's not what we're doing but I can explain when you're done if you want.

Mr. David Douglas stated if we view the yoga as "academic" as defined by the Code then my concern would be that somebody wants to do weight training or some sort of sports activity and run a business into that and then we're sort of moving into that and that's why I want to think about that.

Ms. Adrian Hunte stated that's why I asked whether there was some certification. There is certification given that is through the Yoga Alliance which is a certificate you have to do **200** hours or something.

Ms. Jennifer Cohen responded yes, for the children specialization is a **\$95** certification, for an adult it's **\$200**. I actually brought some of my training materials. I don't know if that's interesting to you guys. I also brought an article that I recently was published in the International

Journal of Yoga Therapy that I wrote that explains more about what our program is. It's really not a Phys. Ed. program. We work with kids with special needs, we work with kids with ADD and ADHD, with sensory integration challenges. What we really do is work with kids who are struggling to learn, who are struggling to focus and concentrating, kids who don't really learn well in a traditional way. We incorporate literacy into our classes and mathematics into our classes. It's very academic. The schools that we work with are not – we're not part of their Phys. Ed. programs.

Mr. John Klarl asked the way you're describing it, it sounds like you teach those who teach?

Ms. Jennifer Cohen responded well we do, yes. We do both. We do these types of training where we teach teachers. I go into schools and do staff development programs. I was part of a Mind to Listen Education conference.

Mr. David Douglas asked what you're proposing to do at your residence, is it teaching the teachers or is it having direct students?

Ms. Jennifer Cohen responded teaching the teachers.

Mr. David Douglas asked so you're training the teachers.

Ms. Jennifer Cohen responded because our direct students are all kids.

Mr. David Douglas asked you're not proposing to have kids come to have...

Ms. Jennifer Cohen responded I'm not proposing to have kids come to the house. I'm only proposing to have adults who work in schools or youth development organizations.

Mr. David Douglas asked and you're teaching them?

Ms. Jennifer Cohen responded yes.

Mr. David Douglas stated I just wanted to know.

Ms. Jennifer Cohen stated no, ask as many questions as you want. It's my business, I want people to know about it. I hope that I'm not overstepping but when I read the entire Code book from trying to prepare for this thing because I'm nerdy like that but everything that I was seeing was that the Town supports home occupations and recognizes that they're important and that they provide income for residents and reduce transportation expenses, and reduce commuting and everything at the end is the whole Board of Appeals process is to basically protect your neighbors. From everything I've read it was saying all of these home occupations are permitted and the reason that we require permits for some is to protect your neighbors from being disturbed. What I would just want to put out there is that I've talked to some of the neighbors, some called when we put up the sign and when they got the letter, nobody's here objecting. The

people that called, I talked to my neighbor across the street about two hours ago. She called and she's like "I just want to make sure I know what you're doing like it's not a yoga studio where there's going to be a bunch of teachers right?" And, I told her exactly what I told you and I said "people will stay overnight and this is what we're doing." And, she had no problem with it and our neighbors on the other side of the house have no problem and if you could see – you guys all saw our survey I think, I made nine copies, I hope you saw it. Nobody can barely see our house. The only people that we can see, we can only see one neighbor and our house is on two lots and there's an entire lot separating our house from our closest neighbor. Across the street there's nobody. There's Mount Airy and the pond and then there's one house diagonally this way, that's the woman who called me this evening and then our neighbors on the other side we can't see their house at all. It's separated by a huge elevation change and a field of boulders.

Mr. John Klarl stated in looking at your survey, your survey is certified at 3 people. Does that third person live at the house?

Ms. Jennifer Cohen responded no.

Mr. John Klarl stated it's certified at Thomas Morrow...

Ms. Jennifer Cohen responded that's who we bought the house from.

Mr. John Klarl stated it's certified Thomas Morrow, Lawrence Harper and Jennifer Cohen.

Ms. Jennifer Cohen responded this is Lawrence and I'm Jennifer and Thomas Morrow is the person that we bought the house from.

Mr. John Klarl asked that was the seller?

Ms. Jennifer Cohen responded that was the seller.

Mr. John Klarl stated it's unusual to certify it that way.

Ms. Jennifer Cohen stated I don't know anything about it.

Mr. John Klarl stated I didn't know if there was an additional family member.

Ms. Jennifer Cohen responded no, it's just the two of us. That is – I've been really honest with everyone that has asked me about it about what I plan to do. It doesn't seem to bother anybody.

Mr. David Douglas stated the other aspect of it that I have concerns about has to do with – and I'm not going to waste people's time repeating what's been said here, but it has to do with the overnight part. That to me is opening up a can of worms and I really want to think through carefully about the overnight aspect of it. I think we do need to consider it further and I...

Mr. John Klarl stated it's kind of something new for the Board really.

Mr. David Douglas stated I don't think we've seen something like this before.

Ms. Jennifer Cohen responded most people haven't.

Mr. Wai Man Chin stated again, that's why I think that we should close and reserve or just adjourn?

Mr. David Douglas responded why don't we just adjourn so we don't put ourselves on a clock?

Mr. John Klarl stated and you can ask questions the next time.

Ms. Jennifer Cohen asked what does that mean?

Mr. David Douglas responded adjourning means we keep the matter open and it'll be on again next month and we may well issue a decision after the hearing next month.

Ms. Jennifer Cohen asked does that mean I come back next month?

Mr. David Douglas responded yes, you should come back next month.

Mr. John Klarl stated November 17<sup>th</sup>.

Ms. Jennifer Cohen responded November 17<sup>th</sup>. We're getting married in Jamaica December 4<sup>th</sup> so I'm calculating in my head because I won't cancel my wedding for this meeting but other things I will and I think November 17<sup>th</sup> is fine.

Mr. John Klarl stated you can always send us a letter the day before...

Mr. Charles Heady stated on **case 23-10** adjourn it to November's meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated **case 23-10** is adjourned until the November meeting.

Mr. John Klarl stated congratulations.

\*

\*

\*

## **ADJOURNMENT**

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



So moved.

Mr. David Douglas stated the meeting is adjourned.

\*

\*

\*

**NEXT MEETING DATE:  
Nov. 17<sup>th</sup>, 2010**