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, September 15th, 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 (absent)
Ken Hoch, Clerk of the Zoning Board
John Klarl, Deputy Town attorney

ADOPTION OF MEETING MINUTES for Aug. 18, 2010

Mr. John Mattis stated I make a motion we approve the minutes for August 18th, seconded with all in favor saying "aye."

Mr. David Douglas stated minutes are adopted.

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RESERVED DECISIONS

A. **CASE No. 51-08** **John Nolan dba Cortlandt Organics** for an Interpretation if leaf composting and wood waste processing facility is a permitted use in the M-1 district on the property located at **33 Victoria Avenue, Montrose.**

Mr. John Klarl stated all of us have a copy of the draft Decision and Order that was reviewed and discussed at the Monday night work session. This application was by John Nolan doing business with Cortlandt Organics for an Interpretation whether a leaf composting and wood waste processing facility is permitted use in the M-1 zoning district for the property on Victoria Avenue in Montrose. We went through the history of the application in the Decision and Order indicating that we had a public hearing on December 17th, we re-opened it in January and we advertised it for February and then, after the February meeting, we closed and reserved decision, we carried it at our March 2009 meeting and finally at the April 15th, 2009 Zoning Board of

Appeals meeting we discussed a proposed Decision and Order but did not vote on it because earlier that week the Town Board had enacted a Moratorium which prohibited the further processing of the application. We indicate in our Decision and Order that the Zoning Board of Appeals noted the Town Board had the Moratorium expire on July 31 of this year, 2010, and at the same time the Town Board adopted Local Law **12**, 2010 on July 20th and that Local Law provides that contractor's yards will be permitted by Special Permit of the Planning Board in the **M-1** zone as follows: "has to be a **1,000** foot buffer from residential districts. Must be maintained for grinding or any other processing or storage of raw materials including: earth, compost and trees unless said activities are contained in a fully enclosed permanent structure." In light of the Town Board's enactment of Local Law **12** and the provisions in Local Law **12**, we indicate in our Decision and Order that the Board cannot further entertain the application as it does not comply with the Town Zoning Ordinance as amended by Local Law **12**. We also indicate that under SEQRA this is a type II as it consists of the Interpretation or existing Code of Rule. We dispose of the Decision and Order by honoring the Moratorium and noting the enactment of the relevant provision that prohibits the further entertainment of this application.

Mr. David Douglas stated this is Mr. Chin's case so maybe somebody else could make a motion with regard to the D&O. Mr. Seirmarco would you mind?

Mr. James Seirmarco stated I make a motion that we accept the draft D&O as read by our attorney, seconded with all in favor saying "aye."

B. CASE No. 06-09 **Department of Technical Services** for an Interpretation as to what constitutes demolition/distribution of concrete aggregate as it was used in Zoning Board of Appeals **Case No. 33-08** Decision and Order.

Mr. John Klarl stated once again, Mr. Chairman, this is somewhat similar to the previous Decision and Order in the Nolan case but here the application was by DOTS our Department of Technical Services. We went through the history of the application here that we had a Zoning Board of Appeals case no. **33-08** which was a first Interpretation application which was brought by James Meany, a proposed business tenant for a property located at 5716 Albany Post Road which is a vacant **3.95** acre lot adjoining the Cortlandt Colonial restaurant in the HC zoning district. We show in our Decision and Order that we gave a favorable Decision and Order to Mr. Meany on August 28th, 2008 where we indicate that the applicant's business of demolition/distribution of concrete aggregate is a specialty trade contractor use. It then became a question as to whether or not Mr. Meenie could bring in outside materials and crush at the site so we had a second Zoning Board of Appeals case no. **06-09** which was a second Interpretation application brought by DOTS, the Department of Technical Services, as to what constitutes the demolition/distribution of concrete aggregate as that term was used in Zoning Board of Appeals 2008 Decision and Order and the reason for the subsequent DOTS application is that the prior 2008 Interpretation application by Mr. Meany was based upon certain statements made by Mr. Meany's professional that Mr. Meany intended to crush demolished road sections from the nearby massive Route 9 project which is still going on tonight I note as I drove over here.

However we were advised, the Town, in January 2009 that Mr. Meany's professionals were intending to truck to the site large rocks and boulders and crush them into small stones that could be used for his aggregate for concrete. Therefore, DOTS brought the Interpretation application. At the March 18th 2008 meeting the Zoning Board of Appeals held this public hearing on the second Interpretation application. We had a presentation by a member of DOTS, we closed and reserved. At the April 15th, 2009 meeting, like the Nolan case, this Board discussed the proposed Decision and Order but did not and could not vote on it since earlier that week the Town Board imposed a Moratorium which among other things prohibited the further processing of this Interpretation application. This second Interpretation application, like Nolan, was adjourned until our August 18th, 2010 meeting last month and at the Zoning Board of Appeals meeting on August 18th, 2010, last month, the Zoning Board of Appeals noted the Town Board Moratorium had expired on July 31 and the Town Board had enacted Local Law **12** on July 20th, 2010. Once again Local Law **12** was what we discussed in the Nolan case and we've taken a look at Local Law **12** and it indicates that they've enacted a provision that says "to reflect specialty trade contractors be allowed by Special Permit only in the HC zone and Special Permits have to be issued by the Planning Board." In addition, it states that "specialty trade contractors shall be limited to the following: undertakes activities of a type that are specialized to the building industry and that do not require the processing of raw materials." Therefore, in light of Local Law **12**, the Department of Technical Services has concluded this Zoning Board of Appeals application by withdrawing this application. There's no reason to go forward with an Interpretation as the new legislation as fashioned in Local Law **12** indicates that an Interpretation is no longer needed.

Mr. Raymond Reber stated I would make a motion that we accept the withdrawal on grounds that it's not applicable now.

Mr. John Klarl stated as a matter of fact, we're not even going to make a motion we're just going to acknowledge. It's really a receipt and file, motion to receive and file the withdrawal indication from DOTS.

Seconded with all in favor saying "aye."

C. CASE No. 08-09 Jorge B. Hernandez, RA for M & S Iron Works for an Interpretation of a structural steel & iron erector is a Special Trade Contractor on the property located at **439 Yorktown Road, Croton-on-Hudson.**

Mr. John Klarl stated I assure the Chairman that this is my third and final D&O tonight. This is the application by Mr. Hernandez who's a registered architect for his client M & S Iron Works and what happened here is that it's an Interpretation application as to whether a structural steel and iron erector is a Specialty Trade Contractor on this property which is at 439 Yorktown Road in the HC zoning district. Mr. Hernandez and his application to this Board indicates that he runs an architectural firm. They've been retained by M & S Iron, a local structural and iron works contractor, that M & S Iron Works is a contract vendee for property located on Yorktown Road

which we know as Route 129 and that they "propose to build a facility for their company on this property. Mr. Hernandez describes first in his application that M & S provides specific and/or specialized service as required by contract for the erection of structural steel and iron works. They are primarily engaged in erecting and assembling structural steel components and for the most part perform their work at the site of construction. Any work performed at their shop facility is incidental to construction and erection work performed at the construction job site. M & S was established since **1974** is a small family owned and operated company." This application came before us at a Zoning Board of Appeals meeting on April 15th 2010 and once again that week the Town Board had imposed a Moratorium which among other things prohibited the processing of this Interpretation application, therefore, this Board subsequently periodically adjourned this matter awaiting the expiration of the Town Board's Moratorium and once again, at our last meeting on August 18th, 2010 the Zoning Board of Appeals noted the Town Board's Moratorium expired July 31 and the Town Board adopted Local Law **12** on July 20th, 2010. In its enactment of Local Law **12** there is a definition of Specialty Trade Contractors and it says in the legislation: "Specialty Trade Contractors shall be limited to the following: undertakes activities of a type that are specialized to the building industry and limited to structural steel erection and manufacturing operations that do not require the processing of raw materials." Therefore, in light of the Town Board's enactment of Local Law **12**, the Board is determining that the applicant is a Specialty Trade Contractor under the Town's zoning Ordinance as amended by Local Law **12**, however we do indicate in our Decision and Order, Mr. Chairman that the gaping it must supply for the new Special Permit required for a Specialty Trade Contractor in an HC zoning district by making applications to the Planning Board, in other words, complying with the requirements of Local Law **12**. Once again, this is a type II application under SEQRA as it consists to the Interpretation of existing Code of Rule.

Mr. David Douglas stated when you were reading that Mr. Klarl I noted that the draft indicates that the first Zoning Board of Appeals meeting on this case was held on April 15th, 2010, I believe that was April 15th, 2008.

Mr. John Klarl responded exactly. The first meeting was a year ago and that week the Town Board imposed the Moratorium.

Mr. David Douglas stated two years ago.

Mr. John Klarl responded yes, that week in 2009.

Mr. David Douglas stated I believe this is my case when it first came in I'll be turning those over to Mr. Mattis.

Mr. John Mattis stated I move that we accept the draft Decision and Order for Zoning Board of Appeals case no. **08-09**, seconded with all in favor saying "aye."

D. CASE No. 11-10 **Curry Properties LLC** for an Area Variance 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. David Douglas stated I believe we got a letter from the applicant's architect requesting that this be adjourned to our October meeting.

Mr. Charles Heady stated I make a motion on case no. **11-10** to adjourn it to our October meeting, seconded with all in favor saying "aye."

Mr. David Douglas stated the case is adjourned to the October meeting.

Mr. John Klarl stated I might want to note for the record, this is a coordinated review application with the Planning Board and the Planning Board closed on Curry and directed a Resolution. The Planning Board is going to be entertaining a Resolution in the next couple of meetings.

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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 8th 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 of these cases are adjourned to our November meeting.

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CLOSED AND RESERVED DECISIONS: 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 this has also been adjourned to our November meeting.

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ADJOURNED PUBLIC HEARINGS TO OCT.

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 a public hearing, that's been adjourned to our next meeting in October.

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REMANDED CASE ADJOURNED TO SEPT.:

A. **CASE No. 27-09** **Brie Gallagher** for an interpretation/challenge of Steep Slope Permit No. 20090271 on the property owned by Kyler Cragnolin on the property located at **222 Mt. Airy Road West, Croton-on-Hudson.**

Mr. David Douglas stated we had done a Decision and Order on this case remanding this to DOTS and asking that DOTS takes certain steps and I believe that DOTS has done some. Mr. Klarl you want to run through it?

Mr. John Klarl responded we looked at this Decision and Order some time ago. We adopted the Decision and Order, I have in my notes, on April 21, 2010 and in that Decision and Order which everyone should have, we had certain segments of the Decision and Order. We had a background discussion, we had the applicant's principle comments, we had the factual findings, we had the steep slopes specific findings, finally Mr. Chairman, we had a conclusion section which is what we reviewed at the work session on Monday and the conclusion to the Decision and Order says "the Board hereby remands this matter and Cragnolin's Steep Slope Permit application back to the Department of Technical Services to review and consider each of the required items and the specific findings required under the Steep Slopes Ordinance, and to make the required referral to the CAC, and thereafter to determine and report back to the Board as to whether the Department of Technical Services still adheres to or does not adhere to its granting of the Steep Slopes Permit to Mr. Cragnolin." We asked that the Board receive compliance with this remand from DOTS by June 21. We adopted the Decision and Order on April 21 and those were the three elements of the remand and I think Mr. Chairman we had indicated at the work session that this Board was going to look at those three elements tonight and see if they were complied with.

Mr. David Douglas stated I believe that going to the first element was for DOTS to go to each of the required items and make the specific findings. I believe after looking at what DOTS did they have complied with what we asked them to do. As to the referral to the CAC, it's my understanding that DOTS did refer the matter to the CAC and that CAC did not take any action but the referral was made as directed. DOTS did comply with the remand by reporting back to the Board by June 21st. They also, I understand, prepared the check list that we discussed in the D&O. I believe that they've complied with everything that we had asked them to do.

Mr. John Klarl stated what I would do, Mr. Chairman is not adopt a Decision and Order since we've already done that, but someone could make a motion indicating that the Board believes that there's been compliance with remand as set forth in the previously adopted Decision and Order.

Mr. John Mattis stated so moved, seconded with all in favor saying "aye."

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ADJOURNED PUBLIC HEARINGS

A. **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 I understand that the Town received, at about 4:00 today, a letter from Mr. Mastromonaco regarding this case and the members of the Board received this letter as we walked in tonight. I don't think that anybody has had an opportunity on the Board to read it or if they've read it they've had a chance to just skim it but not to analyze it obviously since we just got it.

Mr. Ralph Mastromonaco stated I intended to discuss the issue.

Mr. Raymond Reber stated the applicant wants to provide some additional information the floor is yours.

Mr. Ralph Mastromonaco stated first of all, this application is a proposed subdivision of the A&P shopping center in Croton-On-Hudson. We did appear before this Board and we were asked to go back to the Planning Board. We did go back to the Planning Board, they held a public hearing last week or so ago.

Mr. John Klarl stated September 7th.

Mr. Ralph Mastromonaco stated at that public hearing one person spoke and spoke in favor of the application other than that there was no interest from the public. The Planning Board did not close the public hearing and then surprisingly, asked me to come back here. I am not sure exactly why but I will tell you that one or two of the Planning Board members did speak and in order to address the comments that they had in front of you and for their benefit, I prepared a little letter. In a sense the issue was whether or not – the sewage treatment plant is really the motive force behind this application. The sewage treatment plant is owned by one corporation but the land under it is owned by a totally different person. We would like to transfer the title of the land below the sewage treatment plant to the corporation that actually runs the plant. We can't do that without a subdivision. Going along with that, my client decided that he would also like to recreate the subdivision lines along the tax lot lines that exist on the property. That's why we're here. The sewage treatment plant, we believe and this is for Ken's Interpretation, is a public utility facility as defined in the Zoning Code. As such, it was granted a Special Permit to exist on that lot under **section 307-83**. It was an existing use at the time that loan went into affect and those uses were granted Special Permits. As a Special Permitted facility there are only four book standards that we must adhere to, which I've listed, minimum lot area would be **1** acre, the maximum building coverage would be **25%** and the side yards I've listed them as – one yard is **30** feet. The application that I made to your Board, I had passed through Ken, we actually didn't see that, as a result of this, we need one less Variance on the sewage treatment plant building and I simply provided on the second page of my letter to you the modification to the chart that we originally gave you so there would be one less Variance. One of the other issues is we set up the subdivision of the property such that each lot would stand on its own, particularly in terms of parking. The sewage treatment plant parking would be used through the access easements and parking easements that would cover the entire property. It doesn't specifically have a parking space of its own, however, it is kind of an automatic sewage treatment plant, somebody comes there once a day for an hour or two and there's plenty of parking for them so that wasn't really an issue. I'm here before you because I believe that I need to go back to the Planning Board for them to close their public hearing and I think that they want to hear something from this Board. I'm not sure what it is maybe Mr. Klarl would be able to help me on that but I was a little confused why I'm back but I'm doing my best.

Mr. John Klarl stated you had the application before both Boards and the Planning Board did say last Tuesday nitght, Mr. Mastromonaco and I were both there, that they wanted to defer to this Board and hear this Board on how they want to proceed with the underlying application. They're waiting to hear from us and obviously with two applications we're doing a coordinated review but Mr. Mastromonaco's right that they really wanted to hear from us first before they went beyond where they are right now.

Mr. Ralph Mastromonaco stated one thing that may help is that I'm here certainly to answer questions but if there's anything specific about the particular Variances that we're asking for I can go through that one by one or if you'd like to have a further correspondence on any one of those Variances I can explain. There's certainly a logic behind each one of them. If you have any of those questions I'm here to answer those.

Mr. James Seirmarco stated I have one questions, the thing that concerns me the most is the maximum building coverage. It's supposed to be **25%** and you're already **50%**. It is an older development. If there are any improvements and the improvements are required all the time to sewage treatment plants, to be made, it's already **50%** of the coverage. If we were to make that a standalone lot there would be no room for additional – I'm just looking into the future here, for additional upgrades or whatever because it'll just be a building pretty much on a lot, so that personally concerns me the most. To create a lot with just with a sewage treatment plant on it with more than the lot coverage that's required and then asking us to give a Variance for that, to me that doesn't even make sense. If you go through the rules for what we're supposed to do to give Variances it doesn't – and there's always one here, if you read the five rules, it doesn't meet any of those. This is a self-created hardship because you want to have the same ownership of the underlying land to the building so that's your decision. You want to subdivide the lots, again, that's your decision, there's no hardship here plus, to me, you're jeopardizing good planning and zoning in the future, it just concerns me and I would not be in favor of that subdivision.

Mr. Ralph Mastromonaco stated Mr. Seirmarco, the issue that you touched upon was whether we created this situation ourselves, and I will tell you that we did a lot of study on this, when that shopping center was built the intent was to put each one of those buildings on a separate lot, that's why there are separate tax lots. We could have subdivided this property without any Variances back in **1967**. What happened was the Town changed the zoning Ordinance. It's not a hardship that we imposed on ourselves it was a hardship that was created for us.

Mr. James Seirmarco stated the Town changed that because they foresaw problems with the existing Codes so they changed it and that put you in a precarious spot. It made you go from a conforming thing to a non-conforming thing.

Mr. Ralph Mastromonaco stated and that's why we're here.

Mr. James Seirmarco stated I'm worried about the same exact thing happening in the future that there will be more requirements for a sewage treatment plant and no room because it's already oversized based on today's standards, it's already oversized and there would be no room for expansion. That concerns me.

Mr. Ralph Mastromonaco stated you have to understand that there's absolutely no plan to expand at that sewage treatment plant. There's a fixed distance. That sewage treatment plant cannot be expanded without – what would it be expanded, for what reason would it be expanded? There would be no reason to have an expansion. It takes a certain little district and it treats that flow and that's it.

Mr. Raymond Reber stated let me re-inforce what Mr. Seirmarco's getting at. That's my concern also is the sewer plant. The subdivision of the other buildings does not really create a hardship or a problem but you go back to the **1960s** you say when this was first conceived and planned. That was before the clean water act, that was before a lot of the legislation that has occurred since. I've been involved with public utilities personally since **1970**. I have seen the standards

ratchet up and ratchet up as people become more and more concerned. I've seen the government, the EPA come out with new requirements. The net result is that as they do this maybe the capacity doesn't get expanded but there may be some deficiencies or something that they decide to continue to operate and meet whatever standards they have they want you to add something. The question is: how do you add it? I have a similar concern that this has functioned just the way it is since the late **60s** now all of a sudden we're being asked to ignore the fact that at least **50%** of the land mass is taken up by the building that you don't even have room for parking so you have to technically use co-existing areas. To me, it doesn't make any sense that we should burden this critical public utility with the inability to have any kind of expansion potential for whatever may be decided down the road has to be put in. You're hearing more and more now about the fact that there is all kinds of drugs being found in sewage now because people are dropping their medicines and a lot of things have come up that **20** or **30** years ago were not even being considered or concerned about, those require some type of action; some additional treatment, something to be done. I just don't think it's prudent on our part, in terms of protecting the public health, to put such a restriction on this that if something has to be done in the future they don't own any property outside of this and they have no negotiating leverage because who knows would buy up these other individual lots around it in the future. They might say "it's not my problem." I concur with Mr. Seirmarco. I just don't see any reason why we should consider allowing that lot to be created.

Mr. Ralph Mastromonaco stated if that's your main concern, I'd say two things: there is room to expand on the lot that we show. If you look at the lot…

Mr. Raymond Reber stated you've got a little land on the back that's on a steep slope.

Mr. Ralph Mastromonaco responded that would be – just that alone looks like about a **20%** expansion to the building but secondly…

Mr. Raymond Reber stated you could also take your right to the boundary lines of the property too.

Mr. Ralph Mastromonaco stated I could make that lot larger. We just drew those lines in because they were following the tax lot lines. I can make that lot as big as I want on that whole site. I can make it quite large.

Mr. Raymond Reber stated if you can make it large enough so you don't need a Variance then you avoid the complication that we have.

Mr. Ralph Mastromonaco stated the problem is the Variance that I need are side yards because there's an A&P on one side and an office building on the other side.

Mr. Raymond Reber stated you're kind of squeezed.

Mr. Ralph Mastromonaco stated the lot line could be made longer. It can be done.

Mr. Raymond Reber stated you've got a road in the back so you can't go much there.

Mr. Ralph Mastromonaco stated that road would have to be altered if that plant somehow needed to be expanded, if in that speculative, far reaching case.

Mr. Raymond Reber stated of if worse came to worse in the future, maybe the office building next to it would have to be redone and cut back to allow – I don't know how it would be handled in the future but I don't think that's for us to decide now because we don't know what the future's going to call for other then I think in the interest of the public and health we shouldn't over constrain this. Right now, the way it's laid out, there's a lot of flexibility, a lot of different approaches can be taken if something has to be done but once we start drawing lines and saying that's the boundary limits, wherever we draw them we've now constrained it. There is no constraint right now because this is all one big property and they can shuffle things around and expand and rearrange things as needed.

Mr. James Seirmarco stated one of the things that's analogous to me is that a while back when a person was putting in a sewage septic tank and fields they were required to have so much area, now that exact same lot you're required to double the fields than have one that is not working. These things happen all the time. I think Mr. Reber's correct.

Mr. Ralph Mastromonaco stated let me add one thought. If any expansion to that sewage treatment plant doesn't have to be done on that lot. If for any reason any additional treatment was required, that treatment could be done in a variety of other ways. For example; there is a lot existing in tax lot **10**. There are other ways of doing this sort of piggy system. You don't have to do it in that one lot so that reason, although it's compelling to you, it's not compelling to me because I know in my many years of sewage treatment plant experience that very often facilities are put outside of the plant, they're not all inside the plant.

Mr. James Seirmarco stated if we approve this there'll be off-site.

Mr. Ralph Mastromonaco responded no necessarily. There could be underground somewhere else on the site. I can leave an area, if you really are concerned about that, I can leave an area on the site for future expansion of the sewage treatment plant should that be necessary.

Mr. James Seirmarco stated if the lot was made bigger so that you were maybe **27**, **28**, **29%** lot coverage and you have enough area to expand I wouldn't be so concerned about side yards but it's already **50%** and you're going to have to do something for me to be positive about this to get closer to **25%**.

Mr. Raymond Reber stated my problem is I'm not smart enough to know what's going to be required down in the future. There may be nothing beyond this. It may be a locking on this so to me the **50%** is a meaningless number to begin with from my point of view. My point of view is there's an existing situation that's been this way since **1970**, that's **40** years plus, that the

flexibility exists to use any of this property however needed to satisfy the needs here and I understand what you're saying that yes, maybe they could if they had to do supplemental treating they could do it at another location somewhere in this vicinity, there may be lots someplace else, there's a lot of maybes here. The point is, we as a Zoning Board, when we give Variances we have to say that there is no negative impact potentially, existing or whatever that there is a reason to say that the zoning doesn't apply here well, to me, whether the zoning is **50%** or the setbacks are **10** feet or whatever, whatever it is to me that is not logical to me. When you can't even find any spaces to park any employees or service people, that it's that tight, that tells me this is a very tight parcel which basically doesn't allow for expansion. I understand what you're saying but that's my interpretation.

Mr. Ralph Mastromonaco stated there is room there to park.

Mr. Raymond Reber stated you're not providing it so let's not play games with it. My opinion is I'm not going to vote for it. I'm not going to give a Variance. If you can get around the Variances so that you don't have to come before me than it's not a problem but I will not vote for any Variances under this circumstance because I think for a public utility, as you've defined it, it's too critical to constrain it any more than it absolutely has to and you're asking us to change something that's existed for **40** years, to put a constraint here that hasn't existed. I don't see any reason why we should pursue that. That's my vote.

Mr. Ralph Mastromonaco asked the rest of the Board feels that way?

Mr. James Seirmarco stated I concur with that. I would have a really hard problem with this, this particular item.

Mr. David Douglas stated I share that view as well.

Ms. Adrian Hunte stated I agree.

Mr. James Seirmarco stated we're trying to be honest with you.

Mr. Ralph Mastromonaco responded it's okay.

Mr. James Seirmarco stated rather than you keep going back and forth from meeting to meeting, we're trying to be as forthright and honest with our opinions so that you don't keep going around back and forth.

Mr. Ralph Mastromonaco stated let me leave the sewage treatment plant aside for a second. There's an A&P building and a Chase building, let's say I modified this so the sewage treatment plant was not part of this and cut out the A&P and the Chase bank, do you have a problem with that?

Mr. Raymond Reber responded we would have a problem because you still can't meet the setbacks. You can't draw the lines to avoid – the question is do you still need a Variance? If you need a Variance than I have a problem with it. If you agreed to draw the lines….

Mr. Ralph Mastromonaco stated if I didn't need a Variance I wouldn't be here. We think that there are ways of dividing this property up so you need less Variances then what happens is then the parking doesn't work on each lot. I don't know what's more important to make the parking work or make the side yard setbacks work.

Mr. David Douglas asked do you want to give us different alternatives possible plans? Is that something that's feasible?

Mr. James Seirmarco stated no matter in which direction we go we create another problem and those are self-created. I have a hard time with this.

Mr. Ralph Mastromonaco stated Mr. Seirmarco, I just want to repeat it, those setbacks weren't in existence when it was built.

Mr. James Seirmarco stated it's 2010, we have to go by these rules now and I think they were changed and upgraded for very good reasons.

Mr. Raymond Reber stated what you're proposing – for example if we take lot **3** where the retail office building is which is to the side, opposite the A&P and you're saying if you keep that combined with the sewer plant as one parcel that does give it some flexibility. It means that you may have problems in the future if you do have to do something to the sewage treatment plant, you may have to cut back on the parking which means you may have to cut back on the use of the building what have you, but at least you have some flexibility. That's a possibility. Obviously, you're not going to do anything toward the A&P. I agree, the boundary on the A&P is meaningless. You're not going to do it anyway. If that was the only Variance you needed was because you can't have room on that side but you can work out the rest of it somehow that I could consider because by the A&P side you're not going to do anything with anyway.

Mr. David Douglas asked why don't you give us some alternative plans and then we'll mull those over and try and act promptly?

Mr. Ralph Mastromonaco responded I'll do that thank you.

Mr. David Douglas asked do you think you can have them next month or do you want us to push it back to the November meeting?

Mr. Ralph Mastromonaco responded next month would be October?

Mr. David Douglas responded October 20th.

Mr. Ralph Mastromonaco responded I'll be here.

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

Mr. Raymond Reber stated I make a motion then to adjourn **case 06-10** to the October meeting, seconded with all in favor saying "aye."

Mr. David Douglas stated **case 06-10** is adjourned to the October meeting.

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

Mr. David Douglas stated I think Mr. Hoch you said that you've been contacted that they want to adjourn this to October?

Mr. Ken Hoch responded I had a voicemail message from Mr. Bartsick that he was not prepared to be here tonight requesting an adjournment. I left him a voicemail asking him for that in writing but he hasn't responded to that yet.

Mr. John Mattis stated before we adjourn I'd like to make a comment. I went by there today and last week. There's another temporary sign out there. He's trying to correct the sign issues and we've told him the temporary signs have to go. There's one that's been there for three or four months that hasn't been taken out and now there's a new one. If he's trying to work with us why are these things keep going up? Maybe we can write him a letter and say "let's get these things out of here."

Mr. Ken Hoch stated we could write him a violation.

Mr. John Mattis stated I don't want to violate the fellow.

Mr. John Klarl stated especially that he's before this Board to try to resolve.

Mr. John Mattis stated because we've talked about that when he's been in front of us.

Mr. James Seirmarco stated on the blackboard it says "dinner 7 days a week."

Mr. John Mattis stated yes and there's another one for whatever it is that's been there for a spa type of thing. It's been there for months and that was mentioned at one of our meetings to him also.

Mr. John Klarl asked Mr. Mattis have you seen one or two new signs?

Mr. John Mattis responded there's one new one but there's the one for – I didn't pay attention, it's hard to read, I was driving by, something about spa treatments. That's been there continuously since this case opened. The other one is new that I just saw last week and apparently Mr. Seirmarco's seen it also.

Mr. John Klarl asked so you've think there's been one new one since…

Mr. John Mattis responded yes, there's one new one.

Mr. James Seirmarco stated it's actually a blackboard handwritten in chalk.

Mr. David Douglas stated Mr. Hoch, maybe when you contact him if you ask him to please take down the signs immediately.

Mr. Ken Hoch stated yes I will.

Mr. James Seirmarco stated Mr. Chairman on **case no. 14-10** I make a motion we adjourn this case until October and that we have some communications with the applicant to remove the newly constructed sign, seconded with all in favor saying "aye."

Mr. David Douglas stated Ms. Hunte abstained. So moved.

C. 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. John Klarl asked you want to direct staff to write a letter?

Mr. David Douglas asked Mr. Hoch if you could write a letter to the applicant. My understanding is that they were here last month and they were going to submit a revised plan to the Board but we did not receive anything.

Mr. Ken Hoch stated we didn't receive anything.

Mr. David Douglas stated my suggestion would be to have Mr. Hoch write a letter to the applicant saying if they don't come next month that the case will be deemed abandoned.

Mr. John Mattis stated since that's my case, I make a motion that we adjourn to October with a letter written by staff, seconded with all in favor saying "aye."

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NEW PUBLIC HEARINGS

A. **CASE No. 20-10 Steven and Ericka Schlenkermann** for renewal of a Special Permit for an accessory apartment on the property located at **33 North 4th St., Cortlandt Manor.**

Mr. Steven Schlenkermann stated we're looking for a Special Permit for an accessory apartment over the garage in our new home.

Mr. John Klarl asked and that would be the renewal of a former Special Permit?

Mr. Steven Schlenkermann responded that is correct. That apartment was existing prior to us moving in and I'm under the understanding that it doesn't transfer when the title transfers?

Mr. John Klarl asked when did you purchase?

Mr. Steven Schlenkermann responded I believe we purchased in February of this year.

Mr. John Klarl asked February of 2010?

Mr. Steven Schlenkermann responded of 2010.

Mr. James Seirmarco stated this is pretty straightforward. The Code does say that a Special Permit for an accessory apartment has to be renewed if the ownership is changed and the gentleman has appeared before us. There has been no reports of problems with the previous Special Permit so I think it's pretty straightforward and I would support this.

Mr. John Mattis stated I concur.

Ms. Adrian Hunte stated I agree.

Mr. David Douglas stated I think we all agree.

Mr. Charles Heady stated I agree too.

Mr. David Douglas asked is there anybody in the audience?

Mr. James Seirmarco stated I make a motion we close the public hearing on **case no. 20-10**, seconded with all in favor saying "aye." I make a motion we grant a Variance required a Special Permit for an accessory apartment, this is a type II SEQRA there's no further compliance required, seconded with all in favor saying "aye."

Mr. John Klarl asked sir just one question, the Board was curious. How did you become aware that you had to make the application to renew the Special Permit?

Mr. Steven Schlenkermann responded I believe our lawyer informed us of that. We were actually looking to purchase this house and in the process for about a year.

Mr. John Klarl stated some people buy houses with Special Permits and then come in to us and say they didn't know the requirements so we were wondering how you became apprised – we didn't know if it was a broker, an attorney or someone from the Town.

Mr. Steven Schlenkermann responded we were involved with an awful lot of individuals in the process of purchasing this house so it could have been any number of individuals.

Mr. James Seirmarco stated well, they gave you good advice.

Mr. John Klarl stated sometimes it falls through the cracks so thank you.

Mr. Ken Hoch stated Mr. Schlenkermann there is a required declaration of covenance to be filed with the County Clerk to get your Special Permit so I brought a copy for you tonight and that needs to be returned to me.

Mr. John Klarl stated that's the document that's supposed to advise the new property owner of the requirements to renew.

B. CASE No. 21-10 Marc and Maria Rosen for an Area Variance for the height of a side yard retaining wall and fence on the property located at **7 Sassinoro Boulevard, Cortlandt Manor.**

Mr. Patrick Bell stated I'm from Cronin Engineering. I'm here tonight in representation of the applicant's Marc and Maria Rosen. They were unable to attend. We made an application for a height Variance for a wall and fence combination along the eastern property line of the property that Mr. and Mrs. Rosen own at 7 Sassinoro Boulevard in Cortlandt. Just a little back issue with the project. We originally made an application to the Code Enforcement in early July for the retaining wall and accompanying privacy fence and the plan was under review for a few months. We were notified that we needed a height Variance for the wall and fence combination. We thought we were in compliance with the not exceeding a wall height of **6** feet or a fence height of **6** feet. We overlooked the fact that the combination of height of the wall and the fence exceeded **6** feet based on what the Town Code is. We were notified. We made the application and we only had a couple of days to make the application. I've revised the plan just based on what had been going on conversations with the property owners in the few months that the plan was under review with the Town and I submitted a revised plan on Monday. I apologize for the late submission but I thought that it was better to have something more accurate to depict what we were proposing than to leave any gray area in the project. What the applicants would like to do is gain more access to the back of their property. They have a substantial slope on the edge of the property that slopes down to the neighboring property. In the neighborhood of this property

– this is a very unique layout for the property. Most of the other properties have a flat yard without such a substantial slope into the neighboring property. They'd like to gain access to open more their backyard and also from a safety concern because they have a young child who plays in the backyard. They had a few instances where the child fell down the hill. They'd like to eliminate having those problems. We propose a modular retaining wall that has a Victorian red finish to match the brick facing of the houses in the neighborhood and we propose a **6** foot privacy fence on top of the wall. The Rosen's intent is to enclose their backyard with a privacy fence of **6** feet which on the other portions of the property is **6** foot tall privacy fence does not exceed any of the Code restrictions. On this portion where the property slopes down where they'd like to try to level out their backyard, the requirement of a retaining to retain back the proposed fill and the accompanying wall puts it over the **6** foot requirement. That's where we are at with the proposal.

Ms. Adrian Hunte stated Mr. Bell, I'm not clear on the inability of the Rosen's to have a fence that's in compliance with the Code with the **6** feet maximum height.

Mr. Patrick Bell responded to put a **6** foot fence in their concern is that, that fence would have to go at the bottom of the slope and the safety issues that they've had with their child falling down the hill, even them maintaining that slope, they would rather not have the fence at the bottom of the slope and to put the fence at the top of the slope would restrict the use of their backyard to where they are now. They'd like to at least be able to gain full access of their backyard and that's why the retaining wall with the fence on top of it would be required.

Ms. Adrian Hunte stated I'm concerned about exceeding the Code because I don't really see that they don't have an alternative here. They could put it on the top of the hill and the hill itself it does not – I've visited the property – it does not appear to be that steep of a slope. We're talking on the side of the property maybe **3** feet down?

Mr. Patrick Bell responded yes it's **3** to **4** feet but I mean it's not the height or the difference but it's quite a dramatic drop off. It's about a **40%** slope.

Ms. Adrian Hunte stated there are others in that development as well that have that similar drop, I did notice. There are other properties down the other end of the development that have fences. None appear to have fences that are that high as to what's being proposed. If you put the fence where you're proposing to put it and the height, it will change the character of the neighborhood as it exists now because the other homes in the area do not have, at least adjacent to and on the other side of the Sassinoro Drive in front of or the 7, they don't have fences there.

Mr. Patrick Bell responded the side – are you saying?

Ms. Adrian Hunte stated as just what you're proposing, they don't have – so it's going to create a change for the property, at least adjacent to 7 Sassinoro Drive.

Mr. Patrick Bell responded correct. The applicant notified the neighbor of what they were proposing to do. The neighbor didn't have any objection. He was notified of the meeting tonight. He didn't have any objection. They have also submitted to their HOA, the HOA endorsed what they are proposing to do.

Mr. John Klarl asked we have a letter from any of the neighbors of the HOA?

Mr. Patrick Bell responded we have a letter from the HOA which I can forward to you.

Ms. Adrian Hunte stated it would be good to have those in the file.

Mr. James Seirmarco asked what is the overall combined height?

Mr. Patrick Bell responded the maximum combined height would be **10** feet. I realize it's imposing and it's close to the property line. I'm not blind to that fact. The backyard of the neighbors – the Rosen's house sticks out **35** feet out of the ground and they have a fully exposed back – the basement's fully exposed in the back. It's concrete. Putting the fence up – and I realize it would be closer to the property line but it would also mask the appearance of the concrete foundation of the Rosen's property from the neighboring property. They're trying to do their best with what they'd like to do to beautify – they'd like to put up a nice fence along with the type of block that they've picked out. They're trying to appease any impacts it may have on the neighboring property.

Mr. John Mattis stated I have some comments on this. I also went out and looked at that and there's a uniqueness in this property that argues against giving any Variance and that uniqueness is they filled up the whole backyard. I don't know what the square footage is of the deck that they put in but they effectively took away half of their backyard with the most enormous deck I've ever seen. There's playground equipment next to it and because they've filled up that backyard now they want to put in a retaining wall which is totally inappropriate in that neighborhood to give themselves a little bit on the side there. I think that's totally inappropriate. I think it's out of character of the neighborhood. The one argument you make of the cement foundation being visible and it would mask that, that's one of the things that I've noticed in that neighborhood for those type of houses, I was surprised that they were visible on just about every house and if you want to block that, the most appropriate thing to do is to put some shrubs in front of it. That's more appropriate than a fence that's **20** feet away. I'm inclined to grant no Variance for this. If you want to put a fence without changing the slope and putting in retaining walls, retaining walls in something like this just doesn't make sense. This is what I would call the classic self-created hardship because of what they've done with their backyard.

Mr. Patrick Bell responded I'll just address those points. I believe you noted on the deck, the playground equipment and that the walls are out of characteristic with the surrounding properties. I believe the deck they received a Building Permit from the Town.

Mr. John Mattis stated I'm not arguing that, they have every right. They can build a bigger deck if it fits within the Code but when you fill up your backyard and then you want to build a retaining wall to expand what's usable it just doesn't make sense and that is totally inappropriate.

Mr. Patrick Bell stated okay, that's noted. They have, I believe, an opportunity to use their property as they see fit.

Mr. John Mattis stated within the Code and I'm saying they can build within the Code. They can put up a fence where the slope begins and if they want so their child won't roll down that hill or something, which didn't appear to be as drastic as you described it but maybe it is…

Mr. Patrick Bell responded I've been out to the site a few times and I've stood along the property line and it's chest high on me. I think it's a substantial drop from the flat part of their back property down to the property line.

Mr. David Douglas stated so they can put up a fence but they don't have to put one…

Mr. John Mattis stated so they don't have one down the slope.

Mr. Patrick Bell stated but they'd like to increase the usability of their backyard.

Mr. John Mattis stated I think it's very poor planning here. They could have had the backyard with – in the back of the house where it belongs with a much smaller deck. Instead, they filled up the whole backyard and now they're coming to us for relief for something that, I would certainly be very upset if I were the neighbor and I'm surprised they're not but that's up to them. I just think that's something that's totally inappropriate to go around building retaining walls where they're creating retaining walls where they're not necessary because you filled up your backyard with other things.

Mr. James Seirmarco asked how tall do you think just make the retaining wall by itself would be?

Mr. Patrick Bell responded **4** feet. That would level out the backyard.

Mr. James Seirmarco stated so if you have a **4** foot retaining wall you're certainly can put a **2** foot white fence…

Mr. Patrick Bell responded part of their concern is the safety. A **4** foot wall with a **2** foot fence on top of it, that doesn't really stop anybody from trying to go over the fence.

Mr. David Douglas stated it wasn't that long ago that I had little kids. I also live right near a cliff and I put up a **2** ½ foot fence and none of my kids fell off the cliff. If safety is the concern, a fence is what they should do and they can put up a certain foot high fence under the Code and I think that maybe that's a great idea if their concerned about safety. I don't hear why they should

be allowed to put a higher fence than is allowed to other people in the Town. This is a very hilly Town. There are literally hundreds if not thousands of people in this Town that probably have a similar situation with slopes in their yards.

Mr. Patrick Bell stated I would hope they'd seek relief from the Zoning Board if that's what they'd like to do.

Mr. James Seirmarco stated many have and we are very stingy when it comes to granting Variances for higher fences. I don't know of any to tell you the truth.

Mr. Raymond Reber stated I also visited the site and I have some similar concerns. I have a problem generally when people move into a home, and we face this every once in a while, they move in and then they want to rearrange everything and to do it they come to us. We want to add a three-car garage, we need a big Variance so we say "well why did you buy this house? Or, didn't you check into it ahead of time?" "Well, we just assumed we could add them onto anyplace we wanted." That's unfortunate and I kind of feel the same here. This property, they were well aware of what they had here, the topography as you say, and from what I saw out there you've got a **4** foot drop. I looked at it and I said you're not really going to hurt yourself just – it's not a **20%** grade but it's got grass on it, it's mowable, if it's mowable kids can roll down it so chances are they're not going to break a leg. I understand the parents, fine they don't want the kids rolling down at the neighbors yard or whatever, who knows, maybe the neighbor wants to plant something down there or do something there and they don't want your kids falling down into it but I also look at it and I say to myself, what you're proposing which would be **10** feet high and then you're talking about a privacy fence. I don't know who they're trying to get privacy from because it's a preserve behind them, there's nothing but woods. If they're concerned about watching the deer go off to the woods or that the deer might be offended by watching their kids play – you've got now this **10** foot structure you want to put up which is basically a flanked wall between the stone and the privacy and what have you right on the property line, now I don't know what the neighbor contends to do with their property but if they wanted to plant a garden, I don't know whether this prevents the sun from ever reaching the ground there. I don't know which direction this is in. To me, it's kind of an intrusion to the neighbor and it's another reason why we have these Codes because we don't want people building these kinds of structures. If you would come to me and said we want a combination of a wall and then an open fence. I, for example, had a fence in my yard. I had kids, now I have pets and animals and I don't want them bothering my neighbors but you get an estate fence, you know the black estate type fence, it's open, light goes through it, it's very attractive but it keeps people in and out where they're supposed to be. It's not privacy and along those lines there's actually is an out here because if you read our Code carefully, what it says is the backyard can have up to **8** feet behind the line of the back of the house. If you take this section here, you forget about this little area up here and you stop here and turn right here, you're allowed to be **8** feet high so that means that you could put your **4** foot wall in or **4 ½** feet and you'd still be able to put in a **3 ½** to **4** foot fence up, that is certainly high enough to keep kids in, more than enough to keep kids in and give you the protection you want, so you don't really need a Variance. You've got **8** feet to play with.

Mr. Patrick Bell stated unfortunately, I'm not the one to make the decision on the project but they have indicated to me that they would like a **6** foot privacy fence.

Mr. Raymond Reber stated and I'm just telling you that there's no urgency for us to have to give a Variance which will impose upon the neighbor on the property line when in fact to meet their basic requirement, which is gain the property, which as one of my colleagues here said, their problem is they built a massive deck, that was their decision to take up the bulk of their backyard and those are things you have to think about sometimes, it's a trade off. Now all of a sudden they need more land for their kids, well okay but still they can go with a wall to get the land that they want and they have potentially **4** feet more to work with if you only put a **4** foot wall up for a fence. A **4** foot fence is perfectly adequate for the protection of the kids. Like I say, if for some reason they're trying to hide behind that fence because they're going to be doing drugs back there or whatever, that's not my problem, I don't know.

Mr. Patrick Bell responded they're both lawyers in the city so I don't think that's going to be what they're inclined to do.

Mr. Raymond Reber stated I'm just joking but like I say, to me, they don't need a Variance. They can get a wall, they can get a fence, they can get the protection they need, they're allowed **8** feet in the backyard and so, to me, I see no justification for giving them a Variance.

Mr. James Seirmarco stated they can step in down that little jetty to **6** foot and close it in if they want, like **4** and **4** and **3** and **3**.

Mr. Patrick Bell stated you spoke of an out as far as what you read in the Code. My understanding of the Code too is that if you have a wall or a fence within **5** feet of the property line then you have to use the combined height of the wall and the fence if the fence and the wall are within **3** feet of each other. That's my understanding of the Code.

Mr. Raymond Reber stated my point is you're trying to keep these contiguous. You're right, if you move the fence back from the wall a certain distance than you can go up to the **6** foot or whatever's allowed not taking into account the wall but you can't have them within the same proximity.

Mr. Patrick Bell stated you can't have them within **3** feet of each other but in doing a plan like that we had left the **2** foot access between the property line and the face of the wall for maintenance, for whatever reason if they have to access that area. Based on the Code we could move the face of the wall within **6** inches of the property line still construct the wall and then have the fence in the relatively same spot that we had proposed it now and now you've lessened the area of access between the property line but still, I believe, would be permitted and on top of the wall you've created a **3** foot maintenance area where now someone's going to have to go out there and if they have grass up there…

Mr. Raymond Reber stated that may be but that way you comply with the Code and what that does is by having the setbacks it makes it less intrusive on the neighboring properties. That's the purpose for that – if you can meet that requirement then you're not asking for a Variance and it's a non issue.

Mr. Patrick Bell stated but they would like to maximize the use for the backyard and that's why the wall and the fence are proposed contiguously.

Mr. Raymond Reber stated that's what Variances are for.

Ms. Adrian Hunte asked Mr. Bell any other comments or anybody on the Board? Anybody in the audience? I make a motion that we close the public hearing, seconded.

Mr. John Klarl asked does he want to do that?

Mr. Patrick Bell responded my only question is they've asked that we have a decision tonight.

Mr. David Douglas stated they want a decision one way or the other? What we usually do is give people when representatives are here to go back and speak to their client and see if they want to come with a revised plan. We'll give you that option.

Mr. Patrick Bell responded I just want to make sure if we have a denial, which it looks like we're headed towards, that if we provide a Code compliant plan as I had talked about that we're not going to have – if we have a Zoning Board denial and then we come in with a Code compliant plan there's not going to be any issues with that.

Mr. David Douglas stated if it's Code compliant then…

Mr. John Mattis stated there's no issues.

Mr. David Douglas stated we'll never see you again.

Mr. Patrick Bell stated I'm not trying to make a joke of the Board, I just want to make sure because I've been instructed by my clients that I have a decision tonight and I don't want to…

Mr. Raymond Reber stated we have no jurisdiction if it's Code compliant.

Mr. John Klarl asked you don't think your client may appreciate it if you convey the thoughts from the Board tonight to them first?

Mr. Patrick Bell responded I believe the clients were conveyed what the thoughts were. I spoke to them earlier.

Mr. John Klarl stated I'm talking about conveying the Board's thoughts.

Mr. Patrick Bell responded I know. I laid out what the options would be and they asked for a decision and they seemed – if the Code compliant plan it seems like something they would like to go with as I've indicated they really want the **6** foot fence and I laid out to them how that would be.

Mr. David Douglas stated that's their decision if that's what they've instructed you to do.

Mr. Patrick Bell stated I just don't want any delays if I get a denial.

Mr. Raymond Reber stated the only thing that would happen is DOTS would obviously be concerned about whatever you do that drainage is properly addressed and things like that but that's not a zoning issue.

Mr. Patrick Bell stated correct.

Ms. Adrian Hunte stated motion on the floor to close the public hearing, seconded with all in favor saying "aye." On Zoning Board of Appeals **case no. 21-10** for Marc and Maria Rosen at 7 Sassinoro Boulevard for an Area Variance for the height of the side yard retaining wall and fence I make a motion that we deny the Variance, seconded with all in favor saying "aye."

Mr. David Douglas stated that Variance is denied.

* * *

ADJOURNMENT

Mr. John Mattis stated I move that we adjourn the meeting, seconded with all in favor saying "aye."

Mr. David Douglas stated so moved. The meeting is closed.

NEXT MEETING DATE:
October 20th, 2010