

TOWN OF WARWICK
ZONING BOARD OF APPEALS
SEPTEMBER 22, 2008

Members Present:

Mr. Jan Jansen, Chairman
Mr. Mark Malocsay, Co-Chairman
Mr. Norman Paulsen
Mr. Charles Todd
Attorney Robert Fink

Members Absent:

Mrs. Diane Bramich

Chairman Jansen called the meeting to order at 7:30 P.M.

CHAIRMAN JANSEN: Can I have a motion to approve the minutes of the July 28, 2008 meeting?

MR. TODD: I make a motion to approve the minutes of the July 28th meeting.

MR. PAULSEN: I second it.

CHAIRMAN JANSEN: Any discussion? All in favor?

MR. PAULSEN: Aye

MR. MALOCSAY:
MR. TODD:
CHAIRMAN JANSEN:

Abstain
Aye
Aye

Motion Carried.

Public Hearing of MARY TAVOLACCI – for property located a 16 Points of View, Warwick, New York and designated on the Town tax map as Section 41 Block 1 Lot 11 and located in an RU District for a variance of Section 280a of the Town Law allowing a single family dwelling on premises not located on a municipal road.

Continued from the 7/28/08 ZBA meeting. Applicant has withdrawn ZBA application, as per Attorney John Ziobro's letter, dated 8/18/08.

Public Hearing of MICHAEL J. PETERSEN – for property located at 12 Woodland Terrace, Warwick, New York and designated on the Town tax map as Section 74 Block 5 Lot 52 and located in an SM District for a variance of Section 164.40N reducing 1 side setback from 5.4 (+/-) feet to 5 (+/-) feet where 18 feet are required and both side setbacks from 13.8 (+/-) feet to 14 (+/-) feet where 45 feet are required for the purpose of alteration of an existing single family dwelling and Section 164.41.A.(1) and subdivision (b) permitting an accessory building in the front yard 1 (+/-) feet from the front line and 3 (+/-) feet from the side line where 5 feet from any lot line are required for the purpose of construction of a 12 foot X 22 foot garage.
Continued from the 7/28/2008 ZBA meeting.

CHAIRMAN JANSEN: Please identify yourselves for the record.

KAREN EMMERICH: Karen Emmerich from Lemin & Getz Engineering.

MICHAEL PETERSEN: Michael Petersen, applicant.

KAREN EMMERICH: I think you've received the letter from the Planning Board recommending the variance, correct?

CHAIRMAN JANSEN: Yes, that's correct.

ATTORNEY FINK: Have we received anything from the County yet?

KAREN EMMERICH: That was the hold-up last time.

CHAIRMAN JANSEN: The letter was sent July 11, 2008; do you have anything else to add?

KAREN EMMERICH: Nothing other than Mr. Petersen has agreed with his neighbor to do a shared wall for the garage.

CHAIRMAN JANSEN: Is anyone here from the public to address the applicant? No? The public hearing is now closed.

ATTORNEY FINK: Is this going to create an undesirable change in the character of the neighborhood or be a detriment to nearby properties?

CHAIRMAN JANSEN: No, it's typical.

ATTORNEY FINK: Is there any other method feasible to pursue?

CHAIRMAN JANSEN: No, other than to not build.

ATTORNEY FINK: Is this a substantial variance?

MR. MALOCSAY: Yes.

ATTORNEY FINK: Is it going to have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is this self-created?

CHAIRMAN JANSEN: Yes.

MR. MALOCSAY: I make a motion that this is an Unlisted Action with no environmental impact.

MR. PAULSEN: I second it.

CHAIRMAN JANSEN: Any discussion? All in favor?

All in favor (Four Ayes), motion carried.

MR. MALOCSAY: I make a motion to grant this variance as advertised with the condition that the garage wall be a "shared/party wall" and approved by the Planning Board.

MR. PAULSEN: I second it.

CHAIRMAN JANSEN: Any discussion? All in favor?

All in favor (Four Ayes), motion carried.

Public Hearing of RAY CARLISLE – for property owned by Myrna Carlisle and located at west side of Co. Rt 21, Warwick, New York and designated on the Town tax map as Section 63 Block 1 Lots 8.21 & 8.22 and located in an MT District for a variance of Section 164.46J(2) permitting an existing building to be used for a kennel which is located 102 (+/-) feet from the side line where 300 feet are required. *Continued from the 7/28/2008 ZBA meeting.*

CHAIRMAN JANSEN:

Please identify yourself for the record.

ALLEN LIPMAN:

My name is Allen Lipman and I'm the attorney for the applicant. I have brought with me a map which shows an oval dashed line which represents the 300 foot radius that we are obligated to have between us and the next property line. We are (inaudible) concept to purchase the "Lands of Caris" thus eliminating any variance needed in that direction which is to the north. We are also purchasing the Mastrantoni lot next to us so no variance is required in that direction. When we were here the last time I don't think any of us recognized that the 300 foot radius carried across Warwick Turnpike and intrudes approximately 60 feet at most and tapering to zero into the "Lands of Meyer"; whom I believe have no issue at all. I believe there is no issue with Caris and no issue with Mastrantoni. So just to refresh the Boards recollection, we have an existing building that houses (the building from which the radius was drawn)...

ATTORNEY FINK:
kennel, runway or exercise pen?

Excuse me Allen; is it

ALLEN LIPMAN:

This is not a runway or exercise pen. These areas back here are reserved for training purposes.

MR. PAULSEN:
out, it came off of the Training area.

That's why he's 300 feet

ALLEN LIPMAN:

I don't think he had to, because it wouldn't make any difference because he owns that property anyway. I want to be up front with you and not tell you what could be perceived as a half truth. The purchaser of the Caris property is John Soars and his wife. John Soars is our Trainer; he is very well known in this industry. He and his wife are purchasing this property. Ray Carlisle is acquiring the Mastrantoni parcel and Ray Carlisle as of today is the sole owner of "Lands of Carlisle". It was owned by him and his wife, but he has told me that today his wife has conveyed her interest to him. So we're

only going to be dealing with two entities. Carlisle is one, Soars is another. I understand that I can't ask you to ignore the fact that Soars is the owner of that house and if what I'm suggesting to you is that if that house is ever conveyed to anyone *not* interested in the business, then unless they had no objection to it, then the variance disappears. I have spoken to John Bollenbach about this because this has to go to the Planning Board as well. I told him exactly what the circumstances are and he said that as far as he was concerned, they've done it in the past. So long as the relief that was sought is predicated upon that parcel remaining committed to this use, there won't be any problem at all. I have no doubt the language to that effect will be structured so that it protects the Town's interest and the neighbor's interest.

ATTORNEY FINK: I don't see an issue so long as there's a lease. I would suggest that there's a written lease.

ALLEN LIPMAN: But the piece is not going to actually be used.

ATTORNEY FINK: It doesn't matter, the code requires 300 feet from any lot line. You don't comply unless...

ALLEN LIPMAN: That is correct.

ATTORNEY FINK: But I don't see why you have to own it. I don't know why you can't lease it. And it doesn't have to be an exclusive lease, you can do something else.

ALLEN LIPMAN: You mean so that it's used for the purpose or *may* be used for this purpose?

ATTORNEY FINK: No, it's not being used for the purpose at all, it's just that that gives you your 300 feet.

ALLEN LIPMAN: That's fine, I don't have a problem with that.

CHAIRMAN JANSEN: So the only thing now standing in the way is the Meyer property. Has there been any contact with the Meyers?

ALLEN LIPMAN: No, but I'm certain he doesn't have any problem with it.

ATTORNEY FINK: Well, he's not here and even if he *had* a problem, we're still looking at it as it's across a state highway. He has been notified; we have an affidavit of mailing.

CHAIRMAN JANSEN:
hearing is now closed.

Any other questions? The public

ALLEN LIPMAN:
you need beyond what I've already given you.

Is there anything that you think

ATTORNEY FINK:

Yes. You're going to have to show us who owns the property, the Kennel in question, the property behind it. Who's going to be purchasing the property, this "Caris" property and show us the proposed lease?

Yes. You're going to have to show

ALLEN LIPMAN:

I'm prepared to tell you right now that everything shown as now or formerly Carlisle is Raymond Carlisle. The Caris property will be acquired by John Soars and his wife Lilly Bozzetti. The Mastrantoni parcel will be acquired by Raymond Carlisle. He will own everything but the Caris property.

I'm prepared to tell you right now

ATTORNEY FINK:

There has to be a lease from the owner of the Caris property (Soars/Bozzetti) to the owner of the Mastrantoni property (Carlisle) and that will give him the sideline, so long as he leases it. If he loses his lease, he loses his variance. Unless he came back here looking for another variance.

There has to be a lease from the

MR. MALOCSAY:

One question I have, that I am assuming will go before the Planning Board and that they will address it is for the Meyer property. Will there be appropriate screening to muffle sound?

One question I have, that I am

ALLEN LIPMAN:
property?

Have you been out to see this

MR. MALOCSAY:

Yes, when it first came before us.

ALLEN LIPMAN:

I think the only place where it's really open is the driveway. There's not much to be done without cutting across the driveway. I don't think he's got any problems, and if he does, we will do what we have to do to make him happy.

I think the only place where it's

ATTORNEY FINK:

The Planning Board is always going to look at screening and lighting and everything. But if you wish, we can put in there, just a note, that we haven't ignored the fact that the Planning Board might require screening and this variance shouldn't be construed as obviating, that if the Planning Board so thinks it.

The Planning Board is always

MR. MALOCSAY:
minutes.

Okay, just so it's noted in the

CHAIRMAN JANSEN: Any other questions or concerns?

ATTORNEY FINK: Is this going to create an undesirable change in the character of the neighborhood or be a detriment to nearby properties? I am specifically referring to the Meyer property.

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is there any other feasible method to pursue?

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is this a substantial variance?

MR. MALOCSAY: No.

ATTORNEY FINK: Is it going to have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is it self-created?

MR. MALOCSAY: Yes.

MR. TODD: I make a motion that this is an Unlisted Action with no environmental impact.

MR. MALOCSAY: I second it.

CHAIRMAN JANSEN: Any discussion? All in favor?

All in favor (Four Ayes), motion carried.

MR. MALOCSAY: I make a motion to grant this variance as advertised with the following provisions and conditions; one setback of approximately 60 feet, the purchase of the Caris property, the purchase of the Mastrantoni property, the lease from owner of Caris property to Carlisle, if lease is lost then the variance is lost, and the variance is not to be construed as obviating any screening the Planning Board might feel is necessary in the front.

MR. TODD: I second it.

CHAIRMAN JANSEN: Any further discussion? All in favor?

All in favor (Four Ayes), motion carried.

Public Hearing of SAUFROY FAMILY IRREVOCABLE LIVING TRUST AND MAUREEN COZAD- for property located on the north side of Denton Lane, Warwick, New York and designated on the Town tax map as Section 31 Block 2 Lot 30.21 and located in an RU District for a variance of Section 280-a of the Town Law allowing a single family dwelling on a private road on a proposed Lot 1 of a proposed 2 lot subdivision.

ATTORNEY FINK: Do we have anything back from the County on this? When was it mailed?

CHAIRMAN JANSEN: It was sent to the Planning Board on 9/10/08.

ATTORNEY FINK: We can hear it but we can't make a decision tonight.

CHAIRMAN JANSEN: Please identify yourself and tell us what you'd like to do.

MR. JOHNSON: Ernie Johnson from Fusco Engineering.

MR. SAUFROY: Steve Saufroy. I want to build a 2 lot subdivision on a private road. I obtained a variance 4 years ago for the same thing but we didn't follow through with it.

ATTORNEY FINK: Have you changed anything since you received the variance four years ago?

MR. SAUFROY: No.

MR. MALOCSAY: There was an issue with the number of properties off this type of road.

MR. JOHNSON: There was a letter from Tectonic Engineering. It states there were 19 lots available off of Denton Lane but there are 18 as of 7/8/08.

ATTORNEY FINK: We originally had a positive recommendation from the Planning Board in April 2006. Has there been anything else since then?

CHAIRMAN JANSEN: No.

ATTORNEY FINK: The Planning Board has no problem with this.

CHAIRMAN JANSEN: Let's open this up to the public. Is there anyone here from the public? No? Okay, we will have to continue the public hearing in October. *Continued to the October ZBA meeting.*

Public Hearing of VALENTIN PIPA – for property located at 48 Iron Mountain Road, Warwick, New York and designated on the Town tax map as Section 49 Block 2 Lots 33 & 34 and located in an RU District for a variance of Section 164.53(12) extending a variance of Section 280-a of the Town Law granted on 10/23/2006 allowing a single family dwelling on a private road on proposed Lots 2 & 3 of a proposed 3 lot subdivision.

CHAIRMAN JANSEN:
the record and state what you'd like to do.

Please identify yourself for

MS. EMMERICH:
Lemin and Getz Engineering.

Karen Emmerich from

MR. PIPA:

Valentin Pipa.

MS. EMMERICH:
variance in April 2006 for these lots which were created. Maps have been filed. The Planning Board signed off on this subdivision in February 2008. We are now back because the Pipa's don't intend to subdivide right away and their variance will expire on October 23, 2008 and so they'd like to extend the term of the variance because they aren't prepared to go ahead at this point. They aren't proposing any changes to the plans; there's nothing in the area that has changed since they received the variance. They're just looking for an extension of the time frame. Everything has been filed.

We received a 280-a

MR. MALOCSAY:

they're actually filed? Because at that point, the variance that we gave has already started.

Bob, how could it be that

ATTORNEY FINK:

"beginning construction" and unless this Board... This Board has never made an interpretation other than construction means construction. If you want to discuss interpreting going before the Planning Board as satisfying that provision for construction...

The code, as others, says

MR. MALOCSAY:

before the Planning Board can do the subdivision, they need a variance from us.

If I may give an example;

ATTORNEY FINK:

Correct.

MR. MALOCSAY: So they got the variance from us, so they can start construction of the subdivision.

ATTORNEY FINK: I think that's a stretch. Normally what we recommend when someone comes in for a subdivision that they anticipate is going to take more than 2 years, a variance is requested from that particular provision, which you can give right from the outset. Normally 2 years is sufficient.

CHAIRMAN JANSEN: So the question is, if you don't intend to do anything in the next 2 years, are you asking for an extended period?

MS. EMMERICH: How about 5 years?

CHAIRMAN JANSEN: Nothing's going to change in the next 2 years.

MR. MALOCSAY: Well, that's one of the reasons it's there. The review of the comprehensive plan's been in place. So that's done. The next thing would be that the code changes and then after that would be these older applications that haven't started would basically go back to the beginning and honestly it should happen within the next couple of years. That's very realistic if the comprehensive plan is done.

MS. EMMERICH: Well, you don't lose your...In this case, the subdivision privilege could be effected but people sit on lots for many years.

MR. MALOCSAY: That brings me back to the question of if you already have a subdivision approval, I don't understand why you need a variance. You in my opinion started the process, we gave you the variance, you got started, you did everything the way you were supposed to do and now you have a filed subdivision. How could have a filed subdivision if you don't have...

MR. PAULSEN: The variance says they have to start construction which would mean putting shovels in the ground somewhere.

CHAIRMAN JANSEN: I don't know whether the variance says that. Does the variance exactly say that?

MS. EMMERICH: It's on the plans here.

ATTORNEY FINK: The variance doesn't say that, the code says that.

MS. EMMERICH: It says “Unless construction is commenced and diligently prosecuted within 24 months of the day of granting the variance, such variance shall become null and void”.

CHAIRMAN JANSEN: Yeah, but you didn’t even have approval from the Planning Board at that point, so how can you count it? That’s a problem, something that needs to be addressed when they have a comprehensive review because they could have been in front of the Planning Board for 2 ½ years. Then the whole thing would have been moot.

ATTORNEY FINK: I can only tell you what the code says. Unless you want to grant a variance from that code saying that upon subdivision, they don’t have to put a shovel in the ground? You’re giving them a perpetual...

CHAIRMAN JANSEN: It’s not that we want to do that but I think we need a little more research on that. That’s a precedent that we need to check out before we decide to become involved in that.

ATTORNEY FINK: Maybe we need to discuss this with the Planning Board.

MS. EMMERICH: Okay.

CHAIRMAN JANSEN: Okay, let’s open this up to the public. Is there anyone here to address this application?

JEANNIE SCHADT: Michael and Jeannie Schadt, we own the property on the corner where the private road goes, the upper side of the hill. Now just to clarify, this is only to extend the variance he received before, right? We attended the other meeting before and the only problem that we had was that this is a dirt road. We asked if it would be paved. That was our only issue. Otherwise we haven’t really discussed anything else and if they’re not ready to build right now... You see, when we came last time, we didn’t really know what it was about. So when they do decide to start building the road, will we have another meeting?

MR. PAULSEN: What does the Planning Board say about the road?

MS. EMMERICH: It’s all specified on the road and it will be asphalt and have retaining walls 2-4 feet high.

MICHAEL SCHADT: I’m worried that when they dig my property out; my property is this much higher than the road.

ATTORNEY FINK:
Planning Board will be dealing with.

That's an issue that the

MICHAEL SCHADT:
is 2-4 feet high, my property is higher than that.

That won't work, if the wall

CHAIRMAN JANSEN:
2-4 foot high wall is a Planning Board issue.

Just so that you know, the

MS. EMMERICH:
reviewed all the plans.

Tectonic Engineering has

MICHAEL SCHADT:
The only notification we received was last year, we never got the one in '06.

Can I get a copy of that?

CHAIRMAN JANSEN:
open and Mr. Fink will contact the Planning Board regarding whether or not this is a permanent sub-division or if it has to keep coming back for review. Is there anyone else here to address this application? No? Okay, we'll see you back in October. *Continued to the October ZBA meeting.*

The public hearing will stay

Public Hearing of DREW & KATHERINE BAGIN – for property located at 34 E. Ridge Road, Warwick, New York and designated on the Town tax map as Section 33 Block 1 Lot 33.21 and located in an RU District for a variance of Section 164.40N reducing 1 side setback from 113.8 feet to 67 (+/-) feet where 75 feet are required for the purpose of construction of a 28 foot X 46 foot 9 inch extension to an existing garage to include a total of 6 garage doors and an interpretation or variance of Section 164.22, garage, private, wherein the capacity is restricted to not more than 3 automobiles (and 3 garage doors), for the purpose of storing an antique car and motorcycle collection consisting of 16 (+/-) motor vehicles.

CHAIRMAN JANSEN:
yourself and explain what you'd like to do.

Please identify

DREW BAGIN:
Bagin. We're extending our garage to be able to keep all of the vehicles we own in one location. Currently we have them all spread out where we can't adequately use or maintain them properly. We don't have enough space. We can't go in another direction because the other garage goes toward the house.

My name is Drew

CHAIRMAN JANSEN:

Any questions?

MR. PAULSEN:
with the 6 doors?

What's the issue

CHAIRMAN JANSEN:
barn up.

You could put a

ATTORNEY FINK:
building.

An accessory

DREW BAGIN:
power, heat, everything there. I can reach the garage by walking through the breeze way which is convenient in the winter.

This garage has

ATTORNEY FINK:
breeze way look like?

What does this

DREW BAGIN: It's a covered, like part of the house, open on the sides, it has a deck that goes down, and it has a roof over top of it.

ATTORNEY FINK: Because if it wasn't attached, it'd be an accessory building as opposed to a garage that is part of the house.

DREW BAGIN: Right, I understand that.

CHAIRMAN JANSEN: Is anyone here from the public to address this application? No?

ATTORNEY FINK: I don't think we got anything back from the county on this one either. Are you close to the Village of Florida? Is there any State or County park near you?

DREW BAGIN: No, nothing.

MR. MALOCSAY: Bob, let's not look at the issue of the possibility of an accessory building in which case there would not be a need for a variance.

ATTORNEY FINK: There might be; I don't know how big that building is.

MR. MALOCSAY: We can understand why having it attached by the breeze way makes sense for the electric, heat etc, but precedence for having a 6 door garage?

ATTORNEY FINK: And housing 16 motor vehicles.

DREW BAGIN: There are more motorcycles than cars.

CHAIRMAN JANSEN: The number of vehicles has nothing to do with it.

ATTORNEY FINK: It does – “garage, private, a garage used for storage purposes only and having a capacity of not more than 3 automobiles, not more than 2 automobiles per family, housed in the building... space therein may be used for not more than one commercial vehicle”. The rest is irrelevant. So an accessory building 1200 square feet, 40 x 30, that is certainly larger than a 3 car garage, right?

MR. MALOCSAY: It's about that size.

CHAIRMAN JANSEN: Does every decision that we always ever make always a precedent setting decision?

ATTORNEY FINK: Absolutely, but just about every one can be distinguished. No two are exactly the same. But if we grant this and someone else comes in and wants to build a great big garage, if you grant it that's one thing, but if you decline to grant it, you would have to show the conditions here as opposed to the new applicants conditions and justify why it was suitable here but not there.

CHAIRMAN JANSEN: How many acres do you have?

DREW BAGIN: Almost 12.

MR. MALOCSAY: Are all the motor vehicles registered?

DREW BAGIN; Yes, every one; all antiques.

ATTORNEY FINK: The alternative would be to put up an accessory building. No variances would be required.

DREW BAGIN: An accessory building would be a much larger building and a much larger expense. It would be inconvenient in the winter.

ATTORNEY FINK: Is it emergent that this is built right away?

DREW BAGIN: Yes, I can't go another winter improperly maintaining the vehicles; they're deteriorating.

MR. MALOCSAY: I did not drive back to the house because it's such a long driveway, it would be difficult for anyone to complain, you can't see anything.

MR. PAULSEN: It's not a question of someone seeing it; it's a question of someone wanting to build a similar thing.

ATTORNEY FINK; That's one of the distinguishing factors. It's not visible. All of these things are factors, the size of the lot and whether or not it's visible.

CHAIRMAN JANSEN: We meet on the 4th Monday of every month.

DREW BAGIN: Yes, I know, we tried to be on the last time, but there wasn't a meeting last month (August). If I shave off 5 feet and put up 3 garage doors then I'm fine?

ATTORNEY FINK: Why would you give up something if you don't have to?

DREW BAGIN: Because I can't go another winter. I have to begin construction. I can't wait.

CHAIRMAN JANSEN: The public hearing is now closed.

ATTORNEY FINK; Is this going to create an undesirable change in the character of the neighborhood or be a detriment to nearby properties?

MR. MALOCSAY: No.

ATTORNEY FINK: Is there any other feasible method to pursue?

MR. MALOCSAY: Yes.

ATTORNEY FINK: Is this a substantial variance?

CHAIRMAN JANSEN: Yes.

ATTORNEY FINK: Is the variance going to have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

MR. MALOCSAY: No.

ATTORNEY FINK: Is it self-created?

CHAIRMAN JANSEN: Yes.

MR. MALOCSAY:
this is an Unlisted Action with no environmental impact.

I make a motion that

MR. TODD:

I second it.

CHAIRMAN JANSEN:
in favor?

Any discussion? All

All in favor (Four Ayes), motion carried.

MR. MALOCSAY:
grant this variance as advertised with one condition, that it not be used for
commercial purposes.

I make a motion to

MR. PAULSEN:

I second it.

CHAIRMAN JANSEN:
in favor?

Any discussion? All

All in favor (Four Ayes), motion carried.

Public Hearing of ERIC & ELIZABETH KOHLMEIER – for property located at 98 Lake Shore Road, Warwick, New York and designated on the Town tax map as Section 75 Block 1 Lot 12.21 and located in an SM District for a variance of Section 164.45B&C and Section 164.40N allowing an existing single family dwelling to be razed and rebuilt, increasing ground floor area from 1,084 square feet to 1,349 (+/-) square feet, reducing front setback to 8 (+/-) feet where 30 feet are required and both side setbacks to 40 (+/-) feet where 45 feet are required.

CHAIRMAN JANSEN:

Please identify yourselves for the record.

ATTORNEY FINK:

Before we begin I just want to let you know that the Board can't take any action tonight because we've not heard back from the County yet. Everything was sent on 9/10/08. We need to either hear back from them or wait 30 days.

MARY STAIKOS:

I'm the architect on the project.

My name is Mary Staikos,

ERIC KOHLMEIER:

owner.

I'm Eric Kohlmeier the

MS. STAIKOS:

recommendation from the Planning Board on this project. Basically the Kohlmeiers want to re-build the existing house. It is currently a weekend home and they wish to re-build it to use for a future retirement home for the family and extended family.

I believe you have a

MR. MALOCSAY:

Bob, the pre-existing small lot, so these setbacks don't sound like pre-existing small lot setbacks.

Bob, the pre-existing small

ATTORNEY FINK:

I think they are.

MS. STAIKOS:

Its supposed to be 20, total 50 and depending on how you measure because there's a jog in the property line over here at this point to the addition it's 36 feet, almost 8 inches then on this side 13 ½ feet. So we're closing in on 50.

Its supposed to be 20, total

CHAIRMAN JANSEN:

Is there anyone here from the public to address this application? No? I'll leave the public hearing open. Are you going to knock the entire thing down?

Is there anyone here from

MS. STAIKOS: It looks likely at this point, given the framing that's in the house. We might use part of the foundation depending on the structural integrity.

CHAIRMAN JANSEN: We meet the 4th Monday of each month. *Continued to the October ZBA meeting.*

CHAIRMAN JANSEN:
Considerations, regarding Mary Ellen Riccardo.

Okay, Other

ATTORNEY FINK:
apparently she still hasn't gone before the Planning Board. It can't just hang out there forever.

I wrote to her;

CHAIRMAN JANSEN:
to the end of the year?

Should we give her

MR. MALOCSAY:

Yes.

ATTORNEY FINK:
January 2009 meeting, otherwise the Board will have to deny without prejudice.

Okay, she has to the

MR. PAULSEN:
adjourn.

I make a motion to

MR. TODD:

I second it.

CHAIRMAN JANSEN:

All in favor?

All in favor (Four Ayes), motion carried.

Frances N. Sanford ZBA Recording Secretary

