

**TOWN OF WARWICK
ZONING BOARD OF APPEALS
SEPTEMBER 28, 2009**

Members Present:

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

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 27th 2009 meeting and the minutes of the August 24th 2009 meeting?

MRS. BRAMICH: I make a motion to approve the minutes of both meetings.

MR. MALOCSAY: I second it.

CHAIRMAN JANSEN: All in favor?

MR. PAULSEN: Aye.

MR. MALOCSAY: Aye.

MR. JANSEN: Aye.

MRS. BRAMICH: Aye.

MR. TODD: Aye.

Motion Carried.

OTHER CONSIDERATIONS:

MARY ELLEN RICCARDO- ZBA to discuss the Mary Ellen Riccardo Subdivision ZBA application as to whether or not to deem the application as abandoned. Mary Ellen Riccardo appeared back before the Planning Board on 9/2/09. Planning Board to continue discussion on the Mary Ellen Riccardo application at the 9/28/2009 Work Session. The applicant is proceeding with the Planning Board. Previously discussed at the 6/22/2009 ZBA meeting.

CHAIRMAN JANSEN: Mrs. Riccardo, I understand that you're in front of the Planning Board Work Session tonight?

MRS. RICCARDO: Yes I am.

CHAIRMAN JANSEN: If you're in the process, then we really don't need to see you.

MRS. RICCARDO: Well, Connie sent me here, to speak to you first to discuss the variances and the Planning Board also wanted to get straightened out where the utility lines were. Remember two years ago we went through all of this with my neighbors? A Right of Way vs. an Easement; and when we contacted the Utility Company, they said it was one and the same? The Planning Board wants that clarified by this Board before they go forward because if you deem it a Right of Way instead of an Easment, then we have to deduct more square footage.

CHAIRMAN JANSEN: John, can you hold up a minute? Easment vs. Right of Way; how are you determining that?

JOHN BOLLENBACH: There is a section in the Code, 164.43, 11A which deals with Right of Way when you have a narrow road, generally a Town road if there's no dedication strip. The setback is measured 25 feet back from the center of the travelled way. It talks about Right of Way and also streets. So then there's a "B" which generally refers to Right of Way's; Right of Ways, Easments, utility Right of Ways, etc. but if you look back at the sequence it appears, perhaps that the street Right of Way might have been the intent of the "B" section also. So I don't know if it's a Right of Way or an Easment, I really don't know. So just to settle the issue, if the ZBA were inclined to grant the variance, to grant it excluding the dedication strip area which would be the 25 feet back from the road and also exclude the Right of Way or Easment area under the utilities. Physically, you still have the same general amount of land to enjoy, but that's for the Board to deal with as they wish. We did have a

letter that we've prepared, the applicants haven't seen it. I thought they were going to adjourn the ZBA so we could discuss it with the Planning Board.

CHAIRMAN JANSEN: I'm just asking why Connie sent her here first, but I think we need something back from you.

MR. BOLLENBACH: I have something right here.

CHAIRMAN JANSEN: So do you want us to act on it now?

ATTORNEY FINK: We can't.

MR. BOLLENBACH: I'm giving it to the applicant if the applicant would like to submit it. It's actually addressed to the ZBA; it outlines the variances that we believe are required based on meeting with the applicant with the most recent proposal.

ATTORNEY FINK: If that's the case, we can take a look at it and if there is anything different, and apparently there is from what was submitted before, we'll just do an amendment newspaper advertisement.

MR. BOLLENBACH: So essentially there are two variances, one will be for the area variance of both lots. Had they proceeded with a cluster subdivision, that would only require 3 acres per lot, I believe they have right around 6 or just under 6, so that's still within the nature of the zoning. The only other thing would be the setback requirements because it's measured 25 feet from the center of the road. In the past, the Planning Board has given a negative recommendation and they're also giving a negative recommendation this time. It's for the ZBA to do with it as they wish.

CHAIRMAN JANSEN: Okay, thank you.

ATTORNEY FINK: Nothing's going to be done tonight. We'll just file that with Connie and when I get the package we'll do an amendment to the Public notice and there probably will have to be mailings again.

MRS. RICCARDO: So it will go out to Public notice again?

ATTORNEY FINK: The Board will hear it next month.

MRS. RICCARDO: Thank you.

Public Hearing of ROBERT PITIGER- for property located at 32 Lake Street, Greenwood Lake, New York and designated on the Town tax map as Section 67 Block 4 Lots 43, 44 & 45 and located in an SL District for a variance of the Bulk Area Requirements of Section 164-40N of the Code reducing 1 side yard setback from 36.82 feet to 11.82 feet where 35 feet are required, both side setbacks from 71.82 feet to 41.82 feet where 80 feet are required and rear setback of 16 feet where 50 feet are required for the purpose of construction of a 25 foot X 30 foot addition to an existing single family dwelling.

ATTORNEY FINK: Before we get into it, this is a very interesting application and there's a lot more to it and I have a few questions. This project is shown as having 22,066 square feet, but it appears to me that lots 6,7,8,9 and 10 are not part of your lot, is that correct?

ROBERT PITIGER: That I just recently acquired. I have a bill of sale for it now. I submitted it with the application.

ATTORNEY FINK: Right now your lot, 67-4-45 is not 22,066 square feet unless you want to erase the line and make all of these lots under one, which you haven't done, right now as I estimate it and using the definitions under the Code, that's the dwelling and the driveway, you have a lot coverage of 26% and only 20% is allowed. The other interesting thing here is that we could be dealing with 3 streets as it's defined in the Code. Lake Street, certainly, and then we have the paper road, that's Grove and then we have this existing drive. Who does that service?

MR. PITIGER: That goes up to the back lot, here.

ATTORNEY FINK: According to your survey, he's coming here. And presumably, were there to be a building here, this is for the use of this building. How would these four lots be accessed?

MR. PITIGER: From Grove Street.

ATTORNEY FINK: It looks as though Mr. _____ has encroached over there with a wire fence.

MR. PITIGER: That fence has since been taken down.

CHAIRMAN JANSEN: Are you adding these lots to the total?

MR. PITIGER: I would prefer to merge all, basically four lots including 39.1, 7, 8, 9 and 10.

ATTORNEY FINK: So you purchased the lot with house on it first and you just purchased the others?

MR. PITIGER: When I first purchased the house 4 years ago, I purchased lots 45, 44, and 43 and just recently I purchased lot 39.1.

CHAIRMAN JANSEN: So my question still is, will the whole thing be one lot or are you having these as one and this as one lot?

MR. PITIGER: Well, if it makes it easier for the Board to give the approval, I can merge all four into one.

MR. MALOCSAY: When you say all four lots, I'm looking at 7, 8, 9 and 10.

MR. PITIGER: Basically 1 through 10.

ATTORNEY FINK: Okay, then that solves the coverage then. With regard to front line, side line... The rear yard is not an issue but it looks like we have one rear yard and three front yards according to the definition.

MRS. BRAMICH: You have Lake Street and a paper street, what is this?

CHAIRMAN JANSEN: Is the driveway a frontage issue? Because it's not really a road, it's a driveway.

ATTORNEY FINK: If you look at the definition, a street is defined as a strip of land including the entire Right of Way publicly or privately owned as a means of vehicular, pedestrian or bicycle travel and furnishing access to abutting properties.

MR. MALOCSAY: Regardless of what the setbacks are, because of the way these houses are all situated there, no matter what he needs, I don't see it being an issue. So even if we're going to call these and we should just call them, more substantial variances, I don't think it's an issue.

ATTORNEY FINK: Go ahead and tell the Board what you would like to do.

MR. PITIGER: I'm looking to put in a 25 X 30 foot addition onto my existing dwelling; adding 1 bedroom, it's a 2 bedroom house now. And move the existing kitchen into the proposed addition.

MR. MALOCSAY: The bedroom may require changes to the septic system. Were you aware of that?

MR. PITIGER: No. It's a 1,000 gallon tank now.

MR. MALOCSAY: We usually don't address this, but I just wanted you to be aware. You might want to look into that with the Building Department.

MR. PAULSEN: How many bedrooms are in the house now?

MR. PITIGER: There are 2 bedrooms now and a third room. It doesn't have a closet but it does have a window.

ATTORNEY FINK: So, no other land is available. The only two questions that can be asked are, can you make it smaller and could you put it in the back?

MR. PITIGER: I prefer not to put it in the back because that would make my house 25 X 90 feet long.

ATTORNEY FINK: And the size?

MR. PITIGER: I could go smaller but I prefer not to.

MRS. BRAMICH: The deck is coming down?

MR. PITIGER: Yes.

CHAIRMAN JANSEN: Also there is a piece there that belongs to the other person but it's not big enough to ever do anything on.

MR. PITIGER: I actually maintain it.

ATTORNEY FINK: That's not going to be any kind of issue.

CHAIRMAN JANSEN: Okay, any other questions from the Board? No? Is there anyone here from the Public that would like to address this application? If not, 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?

MRS. BRAMICH: No. It's one of the nicer sized lots since he purchased the other four.

MR. MALOCSAY: This would actually have greater setbacks than some of the other properties.

ATTORNEY FINK: Can this be achieved by any other means?

MR. MALOCSAY: This is the maximum for that size and if you're going to add a bedroom, 25 X 30 is pretty big.

MR. PITIGER: I'm looking to add a Master bedroom with a walk-in closet.

MRS. BRAMICH: There's a kitchen in there too.

ATTORNEY FINK: Well, actually, that's another question as to size; can he do what he wants to do by any other feasible method?

MRS. BRAMICH: Not unless he goes out the back.

CHAIRMAN JANSEN: We discussed how long that would make the house and that doesn't seem very practical.

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 it self-created?

CHAIRMAN JANSEN: Yes.

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

MRS. BRAMICH: I second it.

CHAIRMAN JANSEN: Any discussion? All in favor?

All in favor (Five Ayes), motion carried.

MRS. BRAMICH: I make a motion to grant this variance with the following conditions; that with the changes in the dimensions this reflects that we're dealing with 3 front yard setbacks, those dimensions are to be put in the variance and also that all the lots must be merged within 60 days and no Building Permit will be issued until this is done.

MR. MALOCSAY: I second it.

CHAIRMAN JANSEN: Any discussion; all in favor? Any opposed?

All in favor (Five Ayes), motion carried.

Public Hearing of ROBERT E. KRAHUIK- for property located at 46 West Cove Road, Greenwood Lake, New York, designated on the Town tax map as Section 76 Block 1 Lot 48 and located in an SM District for a variance of Section 164-40 N reducing front yard setback from 46 (+/-) feet to 14 (+/-) feet where 30 feet are required and side setback from 13.6 feet to 9 (+/-) feet where 18 feet are required for the purpose of construction of an attached 24 foot X 24 foot shed/garage to an existing family dwelling.

ATTORNEY FINK: Did we get anything back from the County about this?

CHAIRMAN JANSEN: No.

ATTORNEY FINK: We can go through all this but we can't act until next month.

CHAIRMAN JANSEN: Please identify yourself for the record and briefly describe to the Board what you'd like to do.

ROBERT KRAHULIK: Good evening, my name is Bob Krahulik. I own a piece of property at the end of Cove Road. It's approximately 1/3 of an acre in size and it's on Greenwood Lake. I would like to construct a 24 X 24 foot shed/garage. The reason I call it a shed is because what I'm thinking of doing is buying a pre-manufactured shed which comes in the size of a 2 car garage. It is delivered in 2, maybe 4 sections, I'm not sure. It's dropped on the ground, they bolt it together and there it sits. I've handed out a number of photographs of my property. The first photo is a picture of my house and the exact location of where the garage would sit, on the blacktop area where you see the boats and the trailers. The purpose of this is because a lot of my stuff sits outside; right now all I have is a carport underneath the house and this would give me a place to hide all of my junk. The second photo shows the same area but from a different angle. The garage would sit up top in the higher section above the car that's in the photograph.

ATTORNEY FINK: Now, you know you'll have to go to the Planning Board with this?

MR. KRAHULIK: Yes. The remaining photographs are a series of photos of some of the neighboring properties to show you the impact my variance request would have in relation to my neighboring property owners and also to show you conditions in the neighborhood. Many of the property owners have sheds in their front yards just like I propose. Many of the houses are much closer to the road simply because the lots are very small. Although a numerical analysis of my variance request may show a request for a substantial variance, in relation to the other properties in the neighborhood, I think my request is reasonable. Looking at the third photograph of a gray garage, that's lot 49, my immediate neighbor. He obtained a variance to build that garage and I think his setback is 1 foot from the side lot line. That's similar to what I propose. The 4th photograph is a picture looking down West Cove Road from where the garage would be located. You see the first house on the left and you can see how close that is to the road; 10 feet from the road. The 5th

photo shows the location of a shed on Lot 47 and you can see how close it is to the road. It is located in the front yard and that's the way it is throughout the neighborhood and that's because the lake is on the other side of all the homes. They tend to treat the back yard as if it were the front yard and the front yard as if it were in back. The 6th photo is of lot 46 and it shows a shed in the front yard which is about 10 feet from the front lot line. The 7th photo is of Lot 45 and it shows a shed which is almost identical to the one on Lot 46; that's about 15 feet from the front lot line and again it's located in the front yard. The next photo of Lot 44 shows a shed attached to the house but that shed is located literally on the street, maybe a 1 foot setback for the shed. The next 2 photos, # 9 and 10 show Lot 51 which also has a shed in the front yard. There's about a 2 foot setback for that shed. You can see how close the house itself is; you can also see in the background how close the house is on Lot 50 to the street. Hopefully those pictures will give you a sense of the character of the neighborhood and that what I propose is consistent with the conditions in the neighborhood.

CHAIRMAN JANSEN: Is there going to be a second floor to this garage?

MR. KRAHULIK: There would be a loft for storage. The reason I like this particular shed is because from an architectural standpoint, it's more attractive than a single story.

ATTORNEY FINK: Keep in mind that the Planning Board is going to review the actual garage.

MR. KRAHULIK: I didn't think the smaller shed was as attractive in appearance as the larger shed with the loft and the windows.

MRS. BRAMICH: Is this what you're going to see from the Lake?

MR. KRAHULIK: No, from the street.

MRS. BRAMICH: This is the front of the house?

MR. KRAHULIK: From the street, yes.

CHAIRMAN JANSEN: In the process, are you blocking anyone's views?

MR. KRAHULIK: No.

MRS. BRAMICH: Is it going to be right up against the house?

MR. KRAHULIK: It would be attached to the house.

MRS. BRAMICH: So it takes away the windows that are on the house now?

MR. KRAHULIK: You would not see the windows at all.

MRS. BRAMICH: Would you be able to open them?
Would you have any air coming in?

MR. KRAHULIK: I would have to talk to the Building Inspector.

MRS. BRAMICH: The only reason I'm asking is because this one looks like maybe it would be a bathroom.

MR. KRAHULIK: It is yes, getting back to the question about the views, since we're on a point, all the houses look out onto the Lake. None of the views are obstructed, they're all lakefront.

MRS. BRAMICH: Are these bedrooms?

MR. KRAHULIK: Yes.

CHAIRMAN JANSEN: If we do approve it, then it goes to the Planning Board?

MR. KRAHULIK: Anything within 100 feet of the Lake, then the Planning Board has to review it.

ATTORNEY FINK: As far as the architectural issues, the Planning Board will deal with that.

CHAIRMAN JANSEN: What about lot coverage?

ATTORNEY FINK: As I looked at it, I didn't see any issues.

CHAIRMAN JANSEN: Any questions or concerns?

MRS. BRAMICH: I just have concerns about those windows, especially the bathroom. There's going to be no air. That's not our department though, right?

ATTORNEY FINK: The Building Inspector and the Planning Board will take care of that.

MRS. BRAMICH: The garage looks so much bigger than the house.

MR. KRAHULIK: I don't believe the roofline on the garage is higher than the house.

MRS. BRAMICH:

It just looks like it.

MR. KRAHULIK:

The picture makes the garage look large but it was the best I could get off the Internet. The house itself has a full attic that you can stand up in so I think it's going to be close.

CHAIRMAN JANSEN:

Is there anyone here from the Public to address this application? No? The Public Hearing will remain open.

Continued to the October 2009 ZBA meeting.

Public Hearing of GEORGE LIPPI /GAUDIELLO for property located at 12 Mimsis Lane, Warwick, New York and designated on the Town tax map as Section 67 Block 4 Lot 46.1 and located in an SL District for a variance of Section 164-46 Special Conditions 16 & 101 permitting a horse barn 15 (+/-) feet from a lot line where 150 feet are required, a penning area less than 1 acre in size 15 (+/-) feet off the lot line where 50 feet are required and keeping a horse accessory to a residence on a lot with 1.2 acres where 3 acres are required.

CHAIRMAN JANSEN: Are you waiting for your attorney?

GEORGE LIPPI: No, I'm waiting for Mr. Gaudiello. He's the owner of the horse. He's stuck in traffic coming up from the city. I'm the owner of the property. Mr. Gaudiello doesn't have any property to keep the horse on. I'm the only one he knows with any. I, Mr. Gaudiello and the horse are all retired from the Police Department. He uses him to raise money for charity events.

CHAIRMAN JANSEN: Let's just proceed then. It all revolves around the property. There's no restrictions is there?

ATTORNEY FINK: No restrictions, but several issues. There's an issue with how close the fence is and the barn/shed, whatever you call it, is to the property line.

CHAIRMAN JANSEN: I don't see any outpouring of opposition in attendance.

MR. LIPPI: There are 3 houses around mine. One property has 5 acres; another has 2 that are Mr. Burges. I'm trying to get the horse over there because he had two horses, one died.

CHAIRMAN JANSEN: If you get the variance, would you give it up after the horse passes on?

MR. LIPPI: What do you mean? Would I try to sell my property?

CHAIRMAN JANSEN: No, I mean can you put a time line or expiration on a variance?

ATTORNEY FINK: You can put reasonable conditions on it. A reasonable condition would be that it be a limited time.

CHAIRMAN JANSEN: We're dealing with a property that is smaller than what it should be for a horse. Under the existing circumstances the Board would look favorably upon this but not that it go with the land forever.

MR. LIPPI: Fine.

ATTORNEY FINK: How does the horse make money?

MR. LIPPI: He makes appearances. He did something for Children's Hospital a while ago, he did Winslow last year.

ATTORNEY FINK: What does he do?

MRS. BRAMICH: He doesn't do anything; he rides around on the horse.

CHAIRMAN JANSEN: Does that (an expiration date) seem like a solution?

MR. MALOCSAY: It solves one issue but another one might be more important.

CHAIRMAN JANSEN: Okay, what's the other one?

MR. MALOCSAY: The shed itself.

MRS. BRAMICH: It's like a lean-to shed; its 3 sided.

CHAIRMAN JANSEN: Could the shed be removed too, when the horse is gone?

MR. LIPPI: No problem at all.

CHAIRMAN JANSEN: The entire situation here would be a temporary situation. How long can a horse live?

MR. MALOCSAY: We haven't opened it up to the public yet but it appears as though nobody has a problem with it.

CHAIRMAN JANSEN: Is there anyone her to address the application?

PUBLIC: We had this problem with a horse right next to the house. In the summertime we had rats and flies. How close is another house to this shed?

ATTORNEY FINK: Just out of curiosity, do you live there and that's why you're concerned?

PUBLIC: No, I'm just bringing this up because it happened to us.

MR. LIPPI: I have a border collie and a Chihuahua; there's not even a mouse around. My own house is the closest.

MR. MALOCSAY: Is the shed a stall or is it a run-in shed?

MR. LIPPI: What's the difference?

MR. MALOCSAY: The Town Code defines them differently. A run-in shed can be closer to a property line as opposed to a stall.

MR. LIPPI: Does a stall have a door on it?

CHAIRMAN JANSEN: The horse goes in and out at will.

MR. MALOCSAY: That's a run-in shed, which is allowed to be closer.

MR. LIPPI: That's good then?

MRS. BRAMICH: That's a good thing.

CHAIRMAN JANSEN: Well, they seem to be willing to have conditions on this.

MR. TODD: If the neighbor decides to take the horse, the one who's other horse died, then it ends with that too, right?

CHAIRMAN JANSEN: Right, if he takes the horse, then it's not an issue.

ATTORNEY FINK: What is the name of the horse?

MR. LIPPI: Zeus.

CHAIRMAN JANSEN: When Zeus goes, everything goes.

ATTORNEY FINK: The fence too?

MR. LIPPI: Yes, everything. Nothing is permanent.

CHAIRMAN JANSEN: Once the horse ceases, everything ceases.

ATTORNEY FINK: How old is the horse?

MR. LIPPI: Fourteen, I think.

ATTORNEY FINK: That's not old. He could live another fourteen years.

MR. LIPPI: I have no idea how old he is.

CHAIRMAN JANSEN: The public hearing is now closed.

ATTORNEY FINK: How long has the horse been on your property?

MR. LIPPI: Since last winter, I think.

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

MRS. BRAMICH: No, Mr. Lippi's house is the closest.

ATTORNEY FINK: Can this be achieved by any other means?

MRS. BRAMICH: No.

ATTORNEY FINK: Is this a substantial variance?

CHAIRMAN JANSEN: Yes.

ATTORNEY FINK: Is this 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?

MRS. BRAMICH: Yes.

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

MRS. BRAMICH: I second it.

CHAIRMAN JANSEN: Any discussion; all in favor; any opposed?

All in favor (Five Ayes), motion carried.

MRS. BRAMICH: I make a motion to grant this variance as advertised with the condition that when the horse leaves the property, all the improvements have to be removed and no other horses are allowed there.

MR. MALOCSAY: I second it.

CHAIRMAN JANSEN: Any further discussion; all in favor; any opposed?

All in favor (Five Ayes), motion carried.

Public Hearing of RICHARD HUTTNER- for property located at 111 W. Ridge Road, Warwick, New York, and designated on the Town tax map as Section 32 Block 2 Lot 5 for a variance of Section 164.41C(4)(f) permitting a 6 foot fence in the front yard setback where only 4 feet are permitted. *Continued from the 8/24/09 ZBA meeting.*

ATTORNEY FINK: Mark, can you talk to the Planning Board and see if they have any recommendations? With the way that they generally deal with that type of issue when they have a site plan approval when it has a fence?

MR. MALOCSAY: Yes. Should you write a letter or do you just want me to talk to them?

ATTORNEY FINK: Just talk to them, just find out what they like.

MR. MALOCSAY: We've had these fence issues come up so often now. They're all there for the same reasons, we all understand them but if we can't see through the fence, we really should have something in front of it to break it up.

ATTORNEY FINK: Didn't he say that he was going to put it right back where it was?

MRS. BRAMICH: Yes.

MR. MALOCSAY: I was under the impression that he was going to remove the stuff that was there. All it is that's there is briars. He would have to remove it just to build the fence. Once it's up that area is going to look hideous because there's nothing there. I don't know if the old one was left. You couldn't tell because the vegetation was easily 8 – 10 feet high.

CHAIRMAN JANSEN: I understand they're looking at revamping this whole fencing ordinance so maybe we need to communicate that they'll need to consider that if it's a solid fence there needs to be some softening of it.

MR. MALOCSAY: Yes, but that means that 6 foot fences are allowed and I think that's a bad move.

CHAIRMAN JANSEN: Well, I think that's what they're looking at.

MR. MALOCSAY: The reason is that no-one wants to be driving down the road looking at a stockade fence. That's why every Municipality has it so you can't have a 6 foot fence in the front yard. I understand that Mr. Huttner wants to have a 6 foot fence but if it was somewhat camouflaged so if you drive past you can't see it, that would be better, but it sounds like he just wants it to block the road. He has a corner lot with two front yards.

MRS. BRAMICH: Didn't he make a comment about keeping the deer out?

MR. MALOCSAY: No, that was a different one. He just wants to replace an existing fence.

MRS. BRAMICH: So this is going to the Planning Board?

MR. MALOCSAY: No, we're just going to ask if they have any recommendations for dealing with solid fencing. We've given a few of these out, I remember one out on 17A where they had a handicapped child and they were afraid he would get out to the road.

CHAIRMAN JANSEN: There was another one too where we did require them to have some plantings, so there is a precedent as far as suggestions for plantings.

MR. MALOCSAY: I know who you mean, I just can't think of the name.

CHAIRMAN JANSEN: So we have done that before. Are there any other questions regarding this application? No? We'll put it over to next time.

Continued to October 2009 ZBA meeting.

MRS. BRAMICH: I make a motion to adjourn.

MR. TODD: I second it.

All in favor; motion carried.

Frances N. Sanford, ZBA Recording Secretary

