

TOWN OF WARWICK
ZONING BOARD OF APPEALS

Members Present:

Jan Jansen, Chairman

Diane Bramich

James Mehling

Marc Malocsay

Chris Daubert

Mary Garcia, ZBA Recording Secretary

PUBLIC HEARING OF Michael Kushner & Remy Germinario - for property located at 24 Lake Trail, Greenwood Lake, New York and designated on the Town tax map as Section 72 Block 5 Lot 1 for a variance of the Bulk Area Requirements of the Code allowing an existing shed which is over the front property line.

Representing the applicants: Remy Germinario

Chairman Jansen: Please identify yourself for the record.

Remy Germinario: I'm Remy Germinario.

Chairman Jansen: Okay. So what are we doing? It's not your property.

Remy Germinario: So this is confusing. I'm gonna try to make a long story short. So me and my fiancé bought this property. We closed on, I believe October 11th, our first home. We're very excited. She's a fixer-upper and we're very excited to renovate it. However, about two weeks after we closed, we started dealing with a lot of nightmares. The title company, which we're sort of dealing with the lawyer right now, kind of failed to disclose a bunch of violations with the previous owners, the title search that they filed with us was completely clean. Two weeks later I called the Building Department of Warwick to ask sort of an unimportant question and they say, 'oh, the title company filed this, that, and that violation. About seven of them, including that the old owners didn't get permits for the fencing all around for the above ground pool for their new roof...'

Chairman Jansen: We're not concerned about that.

Remy Germinario: No, I know, but I'm getting this, I promise this is relevant. And the biggest one being the shed; the shed was a big part of our offer. It's very big and they did—the title company—did not tell us that there was any sort of violation. Just last week we were informed about the 'not even on our property' thing, which is highly confusing because, if I may, I do have a picture of the shed. May I approach?

Chairman Jansen: Sure.

Remy Germinario: Cool. Thank you. I do have a picture of the shed right here that was on the property before, and it's just very confusing that I'm hearing it's not on our property because it's below street level. It's like within our fence, which was just approved by the Building Department that from the violation from the previous owners. And it's pretty large, and I don't know how that's not our property when it's you know, within the limit...

Diane Bramich: In there.

Remy Germinario: Yeah. <inaudible> So, and I have the certified mail. Sure. And here's the deed. I know that somebody needed that as well.

Chairman Jansen: The problem is it's a private road and probably years ago it was done that way. And because of the difference in height, they probably never used that part of the road. So they just built that shed there. But it's not on your property.

Remy Germinario: But it's not on the road you see, it's below.

Chairman Jansen: I understand that, but it's still not your property.

Remy Germinario: I don't, I don't think I understand. I'm sorry.

Diane Bramich: Okay, May I?

Chairman Jansen: Yes.

Diane Bramich: The stair, what is the staircase? Also? You have a staircase in front that goes down to the road.

Remy Germinario: That goes up to the road. The house is below.

Diane Bramich: It's below the road. It would you believe that's still not your Property?

Remy Germinario: I wouldn't believe it to be honest, ma'am. I wouldn't believe it. Because we just got that fencing and the gate that leads up to the stairs approved by the Building Department. They approved a permit for it. So this...

Diane Bramich: This Building Department did?

Remy Germinario: Mm-hmm. <affirmative>. And when I gave them, because the fencing was one of the violations from the previous owners. And so I had to submit a survey to them where I had to measure out all of the fences. And they just approved that; the city inspector went and approved it and I got the permit. So the shed is the last thing that we're waiting on because we're not allowed to do any other renovations because of these violations that the title company never informed us about from the previous owners. So it's been a mess.

Diane Bramich: The paved area behind the shed.

Remy Germinario: This?

Diane Bramich: That's behind the shed?

Remy Germinario: Sorry, you mean...

Diane Bramich: Between the shed and the house.

Remy Germinario: Yes.

Diane Bramich: Okay. There's a paved area.

Remy Germinario: Yes.

Diane Bramich: Is there any chance of moving that shed back?

Remy Germinario: I'm gonna be honest with you; I don't know. It's not just like a plastic shed that you get at Home Depot and you can build yourself. It has like walls and like drywall and the supports and everything like that. And it's whomever the old owners got to design it. You can tell that they're using this (pointing to picture) the patio, that's there for the shed, so, and it doesn't look as incredibly big in this picture, but it's a pretty hefty shed. So I don't know if it would be able to be moved. And the shed itself was like a part of our offer. And again, the title company failed to disclose any of these violations to us before.

Chairman Jansen: Unfortunately, our attorney Bob Fink has covid, so he's not here.

Remy Germinario: Oh, I'm sorry.

Chairman Jansen: He can't even help us out on this thing. But from, I would think that we need to look. Is there a maintenance agreement for that private road?

Remy Germinario: I have no idea. The private road thing, I mean, just the private road thing is a new thing as of last week from that Bob called us about. I don't even know, it's just so confusing cause it's just...

Diane Bramich: I would imagine there is, because I believe, if I remember correctly, they pay to have somebody come in and plow. So there is probably some kind of association that they would, you would have to get in touch with, find out about through, for that whole complex.

Remy Germinario: I'm sorry, what? Within...

Diane Bramich: Okay. There's probably an association for that park. You live in a park...

Remy Germinario: We have a homeowners association.

Diane Bramich: You have a homeowners association.

Remy Germinario: Yeah.

Diane Bramich: So consequently, they pay to have the road taken care of.

Remy Germinario: Yes.

Diane Bramich: You pay...

Remy Germinario: Yes.

Diane Bramich: Them.

Remy Germinario: Yes.

Diane Bramich: Alright. So...

Chairman Jansen: If they would all sign off on your shed being there, we'd have no problem then.

Diane Bramich: Then you have no problem.

Remy Germinario: "They" the homeowners association?

Diane Bramich: Yeah.

Remy Germinario: Really?

Diane Bramich: Because it's a private road.

Remy Germinario: Oh. So I just have to get the homeowners association.

Diane Bramich: mm-hmm. <affirmative>.

Remy Germinario: Okay. So then, okay. That's good. <laugh> , that being said, would we, since, I had to do all the certified mail things and everything for this specific meeting, are we able to grant like a, I don't know how the legality of it would work, where like...

Chairman Jansen: Well we would continue this, your application to the next meeting and hopefully by that time you would've contacted the people from the, that are part of that homeowner's association. And if everybody signs off on it, then we're good.

Remy Germinario: Cool. I'm so sorry, everyone (apologizes to the audience). This has been a nightmare.

<Laughter>

Remy Germinario: Just wanna make sure you get it, I'm...

Chairman Jansen: Well, there's little things that we don't think about when we purchase a piece of property.

Remy Germinario: Totally.

Chairman Jansen: And it comes back to haunt us.

Remy Germinario: Totally. So that being said, for the next meeting, I'm not gonna lie, the certified mail, things like...

Diane Bramich Bramich and Chairman Jansen Chairman Jansen (simultaneously): That's fine. You don't have to redo them.

Remy Germinario: Oh my God. I was there for two hours. She <inaudible>. Great. So for the next meeting, are you saying the homeowner's association, just like the people in charge of it or literally everyone who lives in that park?

Chairman Jansen: Are you using an attorney at all?

Remy Germinario: Yeah, we have one who's helping us.

Chairman Jansen: If he can write up a release form and everybody signs it, then you're home free.

Remy Germinario: Everyone who lives in Indian Park or just like the people in charge of the homeowner's association?

Diane Bramich: I would ask your attorney.

Chairman Jansen: Yeah, ask him. I would think it would have to be everyone that lives there.

Remy Germinario: Okay. And what sort of document would they have to sign? Do I present that to your attorney?

Chairman Jansen: Your attorney will write it up.

Remy Germinario: Okay.

Chairman Jansen: It's a release.

Remy Germinario: Okay. And then in that case, I would come back at the next meeting, present that to you guys and you would say Okay?

Marc Malocsay: I got just a couple of questions just to verify a few things.

Remy Germinario: Yeah.

Marc Malocsay: So the first one, I'm a little confused on. You bought the property?

Remy Germinario: Yes.

Marc Malocsay: Okay. We need a survey.

Remy Germinario: I gave...

Diane Bramich: It's here, it's attached.

Marc Malocsay: It is?

Chairman Jansen: Yeah, it's attached.

Jim Mehling: Yeah, it's attached. You don't have it?

Marc Malocsay: No. Okay.

Diane Bramich: Here.

Jim Mehling: Here you go.

Marc Malocsay: All right. Because I knew you said twice that you had a survey.

Jim Mehling: Here you go.

Chris Daubert: I got one.

Diane Bramich: You got one?

Marc Malocsay: Okay, we're good.

Jim Mehling: Some assembly required.

Remy Germinario: Yeah, sorry, FedEx was not very...

Marc Malocsay: So...

Remy Germinario: This was also provided to the closing.

Marc Malocsay: Okay. You had a closing. You purchased the property. The title insurance company two weeks later says, "whoops".

Remy Germinario: That's the shady part, sir. It actually, they didn't say anything. I called the building department to ask a question and they—the building department—informed me. Yeah, there's going, there's gonna be some stuff that I'm working with.

Marc Malocsay: So if, to your benefit, if there's a closing and there's usually a title search and then there's title insurance. The title insurance is gonna cover a lot of this if there's any issues.

Remy Germinario: Correct, yes.

Marc Malocsay: So, and again, since you have a lawyer, we'll see what they have to say. And the best thing is chances are to make things a little bit easier, I mean, Bob and your lawyer can probably speak just to make sure they're on the same page, just so that you're not coming here again...

Remy Germinario: Yeah.

Marc Malocsay: And then we're asking for X, Y, and Z. But you pay a lot of money for a title search and you pay a lot of money for entitle insurance.

Remy Germinario: Right.

Marc Malocsay: And that's the idea of insurance.

Remy Germinario: Yeah.

Marc Malocsay: So, like I said, you're, you should be in really good shape, but they should almost be here representing not you,

Remy Germinario: The title company? Oh yeah. Well, I don't trust them.

Marc Malocsay: Well, clearly they made a mistake.

Remy Germinario: Big one.

Marc Malocsay: So like I said, so hopefully, your lawyer and Bob can speak just to make sure that they're on this, because Bob right now would be saying what he needs to you. Or he would say, you know, who's your lawyer? And I'll speak with him the next day.

Remy Germinario: Great, thank you. And then one last question. So we're in like desperate need to get like electric done. It's like from the 1970s, but again, the Building —and the plumbing and stuff

but the Building Department's not letting us until everything gets settled. They said that because we were starting the process of this, that they would consider moving us forward. So would I be able to tell the Building Department that we're moving on to the next steps? So maybe they might be able to grant us?

Chairman Jansen: Absolutely. Yes.

Jim Mehling: Yeah, no question.

Marc Malocsay: Yeah. But...

Chairman Jansen: And the alternative, if you cannot get the agreement to allow that shed to stay there, I mean, if it could be moved back onto the property, I think it's only like about three feet that it's over.

Remy Germinario: Yeah. I mean, we can ask about it. It just...

Jim Mehling: If it's...

Marc Malocsay: So this board has the power to interpret the code, too. If you're seeking a variance, you're variance I'm pretty sure it's a 5 foot setback is what the code is...?

Chairman Jansen: Yes.

Marc Malocsay: Does he have?

Chairman Jansen: Mm-hmm. <affirmative>.

Marc Malocsay: Okay. So if you're seeking the variance, we're giving you a variance for zero feet. We are **not** giving you a variance to be on the other person's property, **nor** do I think we have the authority to do that.

Remy Germinario: Sure.

Marc Malocsay: So our variance would read zero feet and whatever happens with the rest of the shed, we don't do that, okay?

Remy Germinario: Okay.

Marc Malocsay: So that's why it's so important to have that association look at it carefully and figure out what they want to do, because it's been there forever.

Remy Germinario: Sure.

Marc Malocsay: But again, we can't in any way give any kind of a variance for that. We will give a variance for zero feet and I think, you know, provided there's substantial proof that you couldn't move it a little bit and you don't have a lot of room there anyway. But like I said, I'll talk to the building inspector and let him know what we came up with.

Remy Germinario: Okay. Thank you. I appreciate that. And you don't know who's property it is technically, right? We don't know that.

Marc Malocsay: So...

Chairman Jansen: Who does the property belong to?

Diane Bramich: The property belongs to the association.

Remy Germinario: The association, I got it.

Jim Mehling: It use to be part of the road.

Remy Germinario: Got it.

Jim Mehling: Which you need to remember.

Remy Germinario: Yes. Thank you all so much.

Diane Bramich: Don't worry about it because this is that you've got two parks on that side of the mountain that are exactly the same.

Remy Germinario: Yes.

Diane Bramich: And we go through this all the time.

Remy Germinario: I believe that. Thank you.

Diane Bramich: Ok.

Remy Germinario: Thank you so much your time.

Diane Bramich: We'll see you next month.

Chairman Jansen: Good luck.

Remy Germinario: Thank you.

CONTINUED PUBLIC HEARING OF Dan Doyle - for property located at 10 Fence Road, Warwick, New York and designated on the Town tax map as Section 17 Block 1 Lot 37.2 for "Renewal" of a variance granted on 07/27/20 of Section 164.46.J(3) reducing the 200-foot buffer strip to 95 feet, 96 feet and 86 feet for 3 residences on the property for the purpose of siting a brewery building. Continued from the 11/28/22 ZBA Meeting

Representing the applicant: Dan Doyle, Applicant

Chairman Jansen: Are you here? This is a continued public hearing and I believe the only thing that's missing so far is the mailings?

Dan Doyle: No, the mailings went out.

Chairman Jansen: They did go?

Dan Doyle: I didn't bring copies of all the certified receipts but, <inaudible> delivered certified ticket.

Diane Bramich: Did you hand those in?

Dan Doyle: Excuse me?

Diane Bramich: Did you hand those in?

Chairman Jansen: Did you hand them?

Diane Bramich: Did you hand in the original certified mailings?

Dan Doyle: I would have got told they did. I assume. They pretty much know the deal, I would think?

Chairman Jansen: Because that was the only thing that was pending.

Mary Garcia: (Reporting to Chairman Jansen after searching documents) Yeah, there's nothing in here in the file.

Chairman Jansen: Can you assume that somebody has them?

Dan Doyle: They brought me the little stub.

Chairman Jansen: Well if...

Dan Doyle: He's not here, so I can't...

Chairman Jansen: Let's put it this way...

Jim Mehling: No, I got you. We just need the hard copy of the certified mailings. Just as a matter for the record.

Chairman Jansen: Let's put it this way: if they don't appear sometime, the whole thing is void.

Dan Doyle: Okay.

Marc Malocsay: I was just going to say our decision would be null and void. So, I'll pretend I'm Bob for just a second because he always says in these applications that we extend our variances. And the first question he'll say, "has there been anything, any changes to this whatsoever?"

Dan Doyle: No.

Marc Malocsay: And that's usually what everybody says is 'no'.

Dan Doyle: Right.

Marc Malocsay: And I don't believe there were any code changes either. So between no changes and that, we can move right on to the list of criteria.

Dan Doyle: Yep.

Marc Malocsay: You ready, Chairman Jansen?

Dan Doyle: The only reason we're here is for the two year renewal of the variance.

Marc Malocsay: Yes.

Dan Doyle: ...limit expired. I would assume if nothing changed at our end, and your rules haven't changed...

Marc Malocsay: Yes.

Dan Doyle: So it should just be...

Marc Malocsay: Okay. So he'll read off the list and then we'll answer accordingly.

Chairman Jansen: To the area variance list and then we'll answer those and then we'll get to the approval. Area of variance an undesirable change will not be produced in the character of the neighborhood. And a detriment to nearby properties will not be created by granting the area of variance.

Board Members: No

Diane Bramich: Excuse me

Chairman Jansen: Yes

Diane Bramich: Is the public hearing still open?

Chairman Jansen: Is there anyone from the public here that's to address this application? I don't believe so. Public hearing is closed.

Diane Bramich: Thank you.

Chairman Jansen: The benefit sought by the app. So what was your answer there Marc, no?

Diane Bramich: No change.

Marc Malocsay: No

Chairman Jansen: Everyone no. Okay. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than the variance?

Marc Malocsay: And they're only asking for the extension.

Chairman Jansen: Yeah.

Marc Malocsay: So no.

Chairman Jansen: The requested variance is numerically not substantial?

Marc Malocsay: The extension is not. The original variance was, kind of.

Chairman Jansen: Yeah. The proposed variance will not have an adverse effect or impact on the physical or the environmental conditions in the neighborhood or district?

Marc Malocsay: Correct.

Chairman Jansen: The alleged difficulty was self-created or was not self-created.

Marc Malocsay: That'd be interesting because if they had the variance and they didn't do it because of economic reasons, then it wouldn't be self-created. But if they just chose not to do it, then it would be.

Chris Daubert: Just wondering, why?

Dan Doyle: You're asking me why it was?

Chris Daubert: Yes.

Marc Malocsay: Yes.

Dan Doyle: That was just because the whole process of trying to get the brewery approved,

Marc Malocsay: Okay.

Dan Doyle: And everything that went along with that between the DEC and the County and all the studies we had to do, just everything just got dragged out. And then there was an issue where somebody else had complained. And that delayed us for a year and a half before we recently got approved in October for the whole project by the Planning Board.

Marc Malocsay: I'm going say this is one of the first times where I'm going say no, it was not self-created.

Chairman Jansen: I put down because of the bureaucracy. All right?

Marc Malocsay: And Covid

Chairman Jansen: And Covid

Chairman Jansen: Okay. We have the foregoing resolution to approve as submitted motioned by Diane Bramich.

Marc Malocsay: Second.

Chairman Jansen: Seconded by Marc. All in favor?

Board Members: Aye.

Chairman Jansen: Any opposed? Just bear with me. It's the first time I'm doing this too. Okay. Then there was a well, so that's the decision is to approve. Well, he doesn't spell that out, but, any...

Marc Malocsay: I didn't think that we needed a second one because of the type of variance it is.

Chairman Jansen: All right.

Marc Malocsay: I'm pretty sure.

Chairman Jansen: I'll leave it like that.

Marc Malocsay: Yeah. Okay.

Dan Doyle: Going back to what the original comments were, do you need some slip or something for those original mailings that were mailed out?

Marc Malocsay: Yes.

Chris Daubert: Do you have the little tickets they gave you?

Dan Doyle: Yeah, I didn't bring them with me.

Chris Daubert: Bring them in to the office.

Marc Malocsay: Yes. Bring them in.

Chris Daubert: That's all we need. Drop them off at the office.

Dan Doyle: I'll do that tomorrow.

Chris Daubert: Yes, if you have those, then drop them off.

Dan Doyle: They will be at your desk tomorrow morning.

Chris Daubert: That's all we need.

Dan Doyle: Assuming I do that, then are we fine with this?

Chairman Jansen: Yes.

Dan Doyle: Okay, great.

Chairman Jansen: You can get the permits.

Dan Doyle: I guess your approval would then get forwarded to the Planning Board? Because we're depending on the ZBA approval to get to the Planning Board. The Planning Board meets on February 15th. We are scheduled to be on that meeting to finish the Planning Board approval process.

Diane Bramich: Bob has to write up the ZBA decision.

Dan Doyle: We were conditionally approved through the Planning Board. This was one of the conditions of approval that we had to be met in order for us to complete our final approval process through the Planning Board.

Chairman Jansen: We will let Planning Board know.

Dan Doyle: Yes. Thank you.

Chairman Jansen: That's it. Thank you.

Dan Doyle: Thank you very much

PUBLIC HEARING OF Anthony Costello & Theresa Costello - for property located at 12 Wawayanda Road, Warwick, New York, designated on the Town tax map as Section 49 Block 1 Lot 45.3 for a variance of the Bulk Area Requirements of the Code, allowing 2 existing sheds extending over the side property line and Section 140-4B allowing an existing pool 5 feet from the property line where 15 feet are required.

Representing the applicants: Anthony Costello

Chairman Jansen: Please identify yourself for the record.

Anthony Costello: Anthony Costello, 12 Wawayanda Road.

Chairman Jansen: Okay. So let's tackle the pool first. Does anyone have a problem with the pool?

Marc Malocsay: You know, we've had, you know, in 20 years we haven't seen any except for the last couple of years. And in each one of them, we always ask the same question on why it's there in the first place to have that setback requirement. And the only thing that we found so far was for contamination if a pool should go onto a leach field or close enough to a house, but these are further away. And most of it has to do with the holding tank itself, the septic tank, so that it's still accessible. So with that said, on the pool, the relation to the pool and the leach field? Because it doesn't show it on your plan.

Diane Bramich: Where's your leach field?

Anthony Costello: On the opposite side of the pool.

Chairman Jansen: The other side of the property?

Diane Bramich: On the Morelli side of the pool?

Anthony Costello: On what side?

Diane Bramich: Morelli, the people that own it. The other side of the property?

Anthony Costello: No, no other side here.

Diane Bramich: Can you show us where it is?

Chairman Jansen: Here's a map.

Diane Bramich: So it's above the sheds?

Anthony Costello: No, down in here.

Chairman Jansen: No because the sheds are next to the pool.

Anthony Costello: Right. The sheds are here, the leach fields are here,

Board members discussing the location of the pool on the map.

Chairman Jansen: Let's go to the pool. Any questions on the pool?

Jim Mehling: Is that new construction or was that existing when you, did you buy that house or?

Anthony Costello: We have about 45 years here. We having aspect, it's about 45 years old.

Chairman Jansen: Okay, there probably wasn't even any requirements in those days.

Jim Mehling: Correct. That's why I'm just, cause I'm looking at, it looks, you know, the pictures you show it's got a really nice updated railing around it and everything else. So I mean, I just wondered at the age, it's an existing <inaudible>.

Chairman Jansen: So let's tackle these individually then. So we'll go through the criteria for the pool.

Marc Malocsay: So...

Diane Bramich: The sheds?

Marc Malocsay: No. And the reason is the sheds and the pool are on the same side affecting one property owner—mostly. So what I want to do is we'll open up to the public, see what they have to say first and go from there.

Chairman Jansen: All right. So the public hearing is open. Does anyone want to address either the pool or the sheds?

Chairman Jansen: Your name, please?

Joseph Ingur: I'm Joseph Ingur. I'm the property owner for 10 Wawayanda.

Mary Garcia: I'm sorry, can you spell your last name please?

Joseph Ingur: Yes. I N G U R.

Mary Garcia: Thank you.

Joseph Ingur: So I, honestly, I'm just seeking clarification cause I'm not really like, you guys are the experts. So I really don't have an issue with the pool/pools not across the property line. The only

thing would be the sheds. I don't know the law. I don't even know. I mean, I heard you speak on the prior case, like I don't even know if it's legal to grant a variance for a property that's not...

Chairman Jansen: It isn't.

Joseph Ingur: So, I mean, I don't know how to fix it but...

Chairman Jansen: Well, there's, there's two ways to fix it. One is to remove them entirely and the other one is to move them back onto their property with a setback.

Joseph Ingur: I mean, I'm not trying to be difficult, but I just, whatever's easiest. I mean, I don't care what or how it gets done, but, you know, I don't want to have issues when I go to sell my home in the future if I choose to do so.

Chairman Jansen: Absolutely.

Joseph Ingur: Yeah, I mean, like I said, the pool,

Chairman Jansen: Let him, let him answer.

Joseph Ingur: Sorry. Go ahead.

Anthony Costello: Well, back in 2020 we did get an easement for those two sheds.

Diane Bramich: From...

Jim Mehling: I see that on the drawing it says 'no filing information available at this time.'

Anthony Costello: Yeah, but it has an easement. It wasn't filed until December.

Theresa Costello: Of this year. It was Covid.

Marc Malocsay: If I may on the easement, this is something that hasn't come up too often either. Okay. The first one is, I can't even remember with the exception of tonight, anybody coming for a variance where it has gone over onto the other property. So now we have two of them in one night. But on the easement, easements are a way of allowing something to be on another piece of property and it has to be filed, it's right in the deed itself. And in most cases, it would be—Joe, are you even aware of an easement?

Joseph Ingur: I am, but it was, it's an agreement between the previous property owner who I bought the house from and these <inaudible>.

Marc Malocsay: Okay. So, which brings us to, I can't go any further because I don't, usually it's in the deed itself and if it's an agreement between the property owners and that other person isn't there, I don't see how...it would seem that it's null and void. Go ahead.

Diane Bramich: No, I'm gonna ask a question.

Marc Malocsay: Okay.

Diane Bramich: What are they sitting on? They look like they're sitting on skids.

Anthony Costello: No. One is on the concrete and one is I believe on blocks.

Diane Bramich: Okay. And this gentleman owns the property that they're on?

Chairman Jansen: Yes.

Diane Bramich: So why can't they be moved?

Marc Malocsay: Because it would be very difficult for us to give a variance when these can simply be moved because I believe it's a five foot setback there also for an accessory structure.

Diane Bramich: That's fine. But I mean, the pool is right on the line.

Marc Malocsay: Yeah.

Diane Bramich: I mean, get them off the other person's property.

Marc Malocsay: Yeah. So, and again, Joe said he didn't have a problem with the pool. It's been there forever and he's the one that would be the most...what's the word I'm looking for?

Diane Bramich: affected.

Jim Mehling: impacted.

Marc Malocsay: Yeah. So, but on the two sheds, I'm just one person, but I think you're gonna have to spend some money to move the sheds and you'll only need a variance then for the pool. But again, I'm only one and there's...

Diane Bramich: I agree. I think they should be able to be moved.

Jim Mehling: This one I'm assuming here with the barn door detail, this one's sitting on skids if I'm not incorrect.

Diane Bramich: That's what I thought.

Jim Mehling: And the metal one is sitting on concrete?

Anthony Costello: No, it was this one.

Jim Mehling: Go ahead.

Anthony Costello: I believe it was this one. It was done so long ago I don't even remember.

Jim Mehling: That's fine.

Anthony Costello: One was Concrete. I think one was wide.

Jim Mehling: Okay, fine.

Anthony Costello: The other way around. I'm not sure.

Jim Mehling: Yeah I'm just thinking that just cause based on the style and the material used, this looks like aluminum, which is usually a prefab, you know, it's like a kit comes, they put it together...

Anthony Costello: They're all wood.

Jim Mehling: Oh, that's all wood?

Anthony Costello: Yeah.

Chairman Jansen: Either way...

Jim Mehling: I stand corrected. Yeah. Okay. I mean, I think moving is, because like he said, if this gets kicked down the road and it just comes up again. If the property ever gets sold, either of your properties ever gets sold, it could conceivably come up again. You know, like he said, that easement is granted, that's between you and the prior owner of, and if it's not in the deed, then all sets and purposes...

Anthony Costello: So the easement that it has, is no good because of the...?

Marc Malocsay: If it was made...

Anthony Costello: the other property?

Marc Malocsay: Right.

Anthony Costello: And I didn't, you know,

Marc Malocsay: But here's the thing, without our lawyer being here and without him seeing the agreement, if you want to hold it over and so that our lawyer can take a look at that agreement and then to see if it's binding with a new owner, that'd be one option. And Joe, if it's binding, it's an easement and there's not too much we can do about it. But if it's not, then like you said, the board feels that they have to be moved.

Joseph Ingur: Okay.

Marc Malocsay: Okay.

Chairman Jansen: So then if we hold, is it okay if we hold it over?

Anthony Costello: Sure.

Chairman Jansen: Or are you willing to move it <laugh>.

Anthony Costello: We'll hold it over first.

Marc Malocsay: Yeah.

Anthony Costello: I mean there's even electric in those two sheds, so.

Marc Malocsay: Okay and like I said, at least Bob will get a chance if you can get a copy of that to Connie at the office.

Anthony Costello: On the easement?

Marc Malocsay: On the easement, and then she can send it over to Bob and he can take a look at it and advise us.

Anthony Costello: Give it to Connie?

Marc Malocsay: Yes.

Lucy Anne Tinnirello: Can I ask you something? In your hands, do you have a copy of the easement?

Anthony Costello: This is the easement.

Lucy Anne Tinnirello: This is the easement that just went through because of Covid.

Marc Malocsay: Okay. You have to give your name so that we're on everything.

Mary Garcia: I'm sorry, what is your name?

Lucy Anne Tinnirello: I'm his realtor.

Mary Garcia: What is your name?

Lucy Anne Tinnirello: Lucy Anne Tinnirello.

Mary Garcia: Can you spell your last name please?

Lucy Anne: T I N N I R E L L O

Mary Garcia: Thank you.

Lucy Anne: Okay. I'm just, well, we got this like three weeks ago because of Covid. And they had it all in gear, but they never filed it, Royalty Titles, which is the title company.

Marc Malocsay: Okay. We're, in somewhat of agreement if the easement will go with a new owner of the property, Joe understands that. And then it's not going to need a variance, but if it only went with the previous owner.

Lucy Anne Tinnirello: Would it be on here?

Marc Malocsay: I, you know what? Yeah. And it's...

Lucy Anne Tinnirello: I'll read it.

Marc Malocsay: It always helps to have the lawyer look at it because they seem to catch things.

Chairman Jansen: This is holding up the sale of the property, correct?

Anthony Costello & Theresa Costello: Yes.

Diane Bramich: At the sale of the property, this is going to show like the last one.

Marc Malocsay: Yes.

Jim Mehling: Yep.

Diane Bramich: Exactly the same thing. Where it's going to come down when they do these title searches.

Jim Mehling: Title search.

Diane Bramich: It's going to show up.

Diane Bramich: I think they should be moved.

Marc Malocsay: Unless they use the same title company as the last one and make a mistake that's fine.'

Several speaking at same time

Chairman Jansen: Okay. So we, we hold the whole thing up until next meeting?

Jim Mehling: Yes. Get a copy of the easement.

Chairman Jansen: A month from now?

Marc Malocsay: It's a 4th Monday of the month.

Chairman Jansen: Fourth Monday of the month.

Joseph Ingur: Yep. Perfect. Thank you.

Jim Mehling: Joe, thank you for being understanding.

Thank you.

PUBLIC HEARING OF Hazel Molina & Mauricio Roldan - Property located at 7 Seneca Hill, Greenwood Lake, New York and designated on the Town tax map as Section 73 Block 12 Lot 2.2 for a variance of the Bulk Area Requirements of the Code permitting expansion of an existing structure with an existing front setback of 5 (+/-) feet, proposed 6 (+/-) feet and required 30 feet.

Representing the applicants: applicants: Mauricio Roldan

Chairman Chairman Jansen: Please identify yourself for the record.

Mauricio Roldan: I'm Mauricio Roldan. PUBLIC HEARING OF Hazel Molina & Mauricio Roldan - Property located at 7 Seneca Hill, Greenwood Lake, New York and designated on the Town tax map as Section 73 Block 12 Lot 2.2 for a variance of the Bulk Area Requirements of the Code permitting expansion of an existing structure with an existing front setback of 5 (+/-) feet, proposed 6 (+/-) feet and required 30 feet.

Representing the applicants: applicants: Mauricio Roldan

Chairman Chairman Jansen: Please identify yourself for the record.

Mauricio Roldan: I'm Mauricio Roldan.

Chairman Chairman Jansen: Do you have any mailings?

Mauricio Roldan: Yes.

Chairman Chairman Jansen: Tell us what you're trying to do?

Mauricio Roldan: So we purchased the garage that was in front of our property. It was a detached garage, it belonged to someone else and we purchased it in 2014 and we realized that the water underneath the foundation was causing the foundation of the building to collapse. So we made a decision to demolish it and build another two car garage, similar to what we had. We decided that because there was an existing area to the east of the property that was filled with shrubs and trees that we would expand building into that area, with 30 feet opposed to 22 feet, it was 20 and it was originally 22. So we wanted to take us six feet back. So from that point on, I still have 10 feet to the existing prop—of existing pavement to the property line. And there's 25 feet of road, private road. So the building doesn't obstruct anything. It's only the original footprint of the building.

Diane Bramich Bramich: The footprint is gone. And I have a couple of questions. Are you attaching this to the building that's still existing?

Mauricio Roldan: No. There is no existing building.

Chairman Chairman Jansen: Are there two separate tax lots?

Mauricio Roldan: Yes, yes.

Chairman Chairman Jansen: That's the other problem.

Hazel Molina: No, no, no. They're not. They were joined.

Mauricio Roldan: They were joined. They were joined a few years ago.

Hazel Molina: Before we got the permit, the builder told us we had to join the lots and we did.

Mauricio Roldan: Before we got our permit, we had to join the lots in order to do this. We did that a few weeks back. So we became 7 Seneca. Our house is 4 Seneca; the garage used to be 303 Jersey Avenue. So now the entire property is 7 Seneca. But the building is not going in the highway direction. It's keeping in that same, there's about 20 feet of pavement between the edge of the house and the white line of the state highway.

Chairman Chairman Jansen: Okay. Questions?

Chairman Chairman Jansen: Not yet. Let me open it up to the public. Is there anyone from the public that would like to address this?

Joan Finn: Yes.

Chairman Chairman Jansen: Please come on up and give us your name.

Joan Finn: Would you like me to stand up there?

Jim Mehling: Whatever's more comfortable for you.

Chairman Chairman Jansen: Whatever's easy.

Mary Garcia: I'm sorry, can you spell your last name please?

Joan Finn: I want to say, I'm not objecting to the building. I'm objecting to it coming further to the road. And wider. And if you like, I can show you what I mean.

Chairman Chairman Jansen: Yes, you can show us.

Joan Finn: <inaudible> because it's coming out closer to the road and it is a very narrow private road.

Diane Bramich Bramich: I know.

Joan Finn: Yeah. And it's not easy. And this is what the problem is. This is what we have now, a twenty-five and a half foot small road. (Showing picture or illustration to Chairman Chairman Jansen)

Chairman Chairman Jansen: Affirmative.

Joan Finn: This is it. The building, this is where it used to be. They want to bring it out to here, which leaves us absolutely no movement on that road. It's very narrow and it's just like I said, this is where the line would be. And this is where we kind of come in and going forward, like you said, the highway's not a problem. Going back to the house is not a problem. The only problem is coming towards this, this man over here has parking to build two cars all the time. And it's tight. And I just don't feel that it should come forward towards the road, keep it within the boundaries that was there before.

Diane Bramich Bramich: Forward towards Seneca.

Joan Finn: Towards Seneca. I mean, the boundaries that were there before, you could see the line where the guy's fence was. Now they're going beyond that.

Mauricio Roldan: No.

Joan Finn: What do you mean, no? You have to if you're coming out seven feet.

Mauricio Roldan: Okay, let me...

Hazel Molina: Let her finish. (speaking to Mauricio Roldan).

Mauricio Roldan: I'm sorry. You can finish.

Joan Finn: Maybe I'm misunderstanding, but according to what I'm seeing....

Mauricio Roldan: Okay fine.

Joan Finn: So that's my only objection. I do not want it coming closer to Seneca Hill.

Diane Bramich Bramich: Now if it was approximately on the same footprint, I'm saying that approximately on the same footprint as to where the last garage was located.

Joan Finn: Affirmative.

Diane Bramich Bramich: Was that too close?

Joan Finn: No. The last garage stood back. I don't know if I have a picture of that one. He had a fenced in parking lot.

Diane Bramich: I remember when that garage was built.

Joan Finn: Right.

Diane Bramich: And he had his little garage fenced in there.

Joan Finn: And outside of that, there was still a little bit of room that would've been their property. But now if it comes to the edge, we have no room. I mean, it's hard enough to get big trucks and ambulance and stuff up that damn road. And it's a private road. There are quite a few cars that park on that road.

Diane Bramich: Is this only going to be 10 feet from the property line on Seneca Road?

Mauricio Roldan: Correct. From the property line to where the existing structure is located, I want it to be 10 feet.

Joan Finn: 10 feet back is where you are going to have your building.

Mauricio Roldan: Yes. It will be 10 feet back.

Joan Finn: So you're not going past where the fence was?

Mauricio Roldan: No. Did you see the picture of the rear of the property?

Joan Finn: I have this picture.

Mauricio Roldan: The rear?

Joan Finn: Yes.

Mauricio Roldan: No. The picture of the rear of the property. Okay. So here's the existing one that got demolished. Here's the 6 feet I'm proposing. So my car's parked there, about 8 foot long car that goes from there to 10 feet to where Seneca is. That's where that fence used to be. I'm not building on that fence. I'm only taking up that space where the trees were.

Joan Finn: But that's behind me.

Mauricio Roldan: No, That's the side building on the side. This is Fay's house.

Joan Finn: This is. Ok. I understand now.

Mauricio Roldan: This is the six feet where the trees used to be. That's where I'm extending my building. I'm not going that way. I need that pavement.

Hazel Molina: Yes. We're parking there.

Joan Finn: I don't read maps very well. What I understood here was pull 7 feet out, which brought you right to Seneca Hill.

Mauricio Roldan: No. The building extends right there. This is 10 feet. This is what used to be "7".

Joan Finn: Yes. Ok.

Mauricio Roldan: You see the red line? The red line is where the building used to be. The black lines are where the new one is going. This is where the trees used to be. This is Seneca Hill right here. And this is the existing pavement. This is where that fence used to be.

Joan Finn: Ok. I have another question. I'm not sure if this is you or the Building Department? Regarding the septic and water, where's that going?

Mauricio Roldan: I have a grinder pump that was engineered in the drawings for my drainage pump.

Joan Finn: But that's not the ZBA. That's the Building part.

Mauricio Roldan: Right. The grinder pump is going into the existing septic system.

Hazel Molina: We're putting one toilet upstairs.

Joan Finn: Like I said, I'm not objecting to the whole thing. I'm just objecting to coming closer to Seneca Hill.

Hazel Molina: No. Absolutely not. We also need the extra parking.

Chairman Jansen: Originally it was a one-story building? Is that correct?

Mauricio Roldan: Two-story building.

Chairman Jansen: Two-story building.

Mauricio Roldan: Affirmative.

Joan Fin: Yeah. As long as...

Diane Bramich: But I have a question. Do they need any kind of approvals....since it's on a major road? That's considered a State highway.

Chairman Jansen: I don't know if we got anything from the County yet.

Mauricio Roldan: The garage, or the demolished building, were on the State highway side.

Diane Bramich: Well, the thing is, anything on County or State road has to be approved by them.

Mauricio Roldan: Our building isn't going to be on the State road.

Diane Bramich: It is on a State road.

Several speaking at same time

Diane Bramich: Jersey Avenue is a State highway. So your garage stores would have to be approved. Where are the garage stores, on the other side? Seneca?

Hazel Molina: Facing Jersey Avenue.

Diane Bramich: They have to be approved.

Hazel Molina: Okay.

Diane Bramich: Oh, there you go.

Chairman Jansen: The County did respond. Their comments are "we reviewed the materials regarding the appeal for an area variance. And while the Zoning Board of Appeals must weigh the local issues in balance and the means of the application for potential impact on the surrounding area does not appear that inter municipal or County right impacts would result if the board finds that granting relief is warranted." My concern is that the old building is gone, but you're expanding the size of the building. And I'm not quite sure whether or not that needs to go to the Planning Board before.

Mauricio Roldan: Well, you tell me. We'll do whatever we need to do.

Chairman Jansen: What do you think Marc?

Marc Malocsay: Bob would've picked that up when the application came in on whether if it had to go before the Planning Board. It usually does.

Diane Bramich: It usually does.

Marc Malocsay: Before the application. So I don't know. Before the Planning Board you know, there was a requirement so many feet from the water had to go before the Planning Board. I'm trying to remember the other criteria.

Chairman Jansen: Well, I think at this point I would still feel better regarding the legalities of whether it does or doesn't.

Marc Malocsay: Okay. All right.

Diane Bramich: And Bob is not here today.

Marc Malocsay: Right.

Chairman Jansen: He's working from home. We've been in communication.

Diane Bramich: You don't think he reviewed this prior to today?

Chairman Jansen: He would've reviewed it in order to do the advertisements.

Marc Malocsay: And then the first thing that he would've said was that the Planning Board has to review it. I would think that that would happen before it would come to us because we didn't hear anything.

Diane Bramich: Affirmative.

Marc Malocsay: I'm assuming it didn't have to. I would, if we give a variance and it's, and that's not the case where the Planning Board has to look at it, then it's null and void.

Hazel Molina: Ok. We've waited a long time to get this done. So we are just waiting. Our street looks like something hit it.

Diane Bramich: I can't see why it's having to go to the Planning Board. There was a building there before. They're not changing it. They're putting up another building. Maybe it's a little bit bigger, but it's not closer to the highway. It's bigger going the opposite way—closer way back to the center. I don't think it needs to go to the Planning Board. If Bob does the variance decision and there's something wrong, it can still be sent to the Planning Board with our variance that we granted them. There's no reason why you can't go to them. We get applications sometimes from the Planning Board.

Marc Malocsay: Right.

Diane Bramich: For our approval before they finish Planning Board approval.

Marc Malocsay: Right. If there was something, Bob would let us know. I believe it has to be unanimous for us to change our decision and/or Bob would say that we didn't have the authority to make the decision, in which case it would be null and void. But like you said. I'm assuming it didn't have to because Bob usually catches those things.

Diane Bramich: He didn't.

Marc Malocsay: I don't have a problem moving forward with this. If there's anybody else from the public that would like to speak? If not, we can close the public hearing and go through the criteria.

Chairman Jansen: Ok. Is there anyone else from the public?

Joan Finn: I am the public on that road. There's nobody else that knows anything.

Chairman Jansen: This is your last chance.

Joan Finn: I'm not objecting to the building. I'm just objecting to it coming closer. That is one narrow road.

Hazel Molina: We are not.

Joan Finn: That is the main concern.

Diane Bramich: You have to be able to see up and down that highway.

Joan Finn: That is terrible down there as you know. You've been up there.

Diane Bramich: Many times.

Joan Finn: Many times. I know. We are just glad to see this building beautiful again.

Chairman Jansen: Public hearing is closed.

Hazel Molina: And it's too bad we couldn't save it. We had three engineers come in and just say, "can't do it".

Diane Bramich: It was old. Very, very old. It was there when I lived there and I've been here since '48.

Chairman Jansen: So will there be an undesirable change to the character of the neighborhood?

Board Members: No.

Chairman Jansen: Benefit sought by the applicant, can or cannot be achieved by some method feasible for the applicant to pursue other than the variance? I don't think so.

Board Members: No.

Chairman Jansen: The requested variance is numerically not substantial. I don't think it is, is it?

Marc Malocsay: Because isn't it 30 feet? The setback? That's what the setback is. It's not what it was where the other building was. But wasn't it?

Chairman Jansen: Let me just see, it was only 7 feet. Approximately 7 plus or minus feet.

Jim Mehling: Right. It was required 30 feet.

Marc Malocsay: Right. So down to 7. So that's substantial. Yes.

Chairman Jansen: The proposed variance will not have an adverse effect or an impact on the physical or environmental condition in the neighborhood or the District.

Marc Malocsay: That is correct.

Chairman Jansen: The alleged difficulty was self-created or not self-created?

Diane Bramich: It's self.

Marc Malocsay: It's very self-created. Very, very.

Chairman Jansen: Okay. Can I have a motion?

Marc Malocsay: So I was pretty sure there's only the motion to approve because there's only one setback.

Chairman Jansen: Yes.

Marc Malocsay: As opposed to there being the two that we do. But that's, if there's more than one setback requirement or variance. So, hopefully we're doing that right. So I'll make a motion to approve as advertised.

Chairman Jansen: Motioned by Marc.

Diane Bramich: Second.

Chairman Jansen: All in favor?

Board Members: Aye.

Chairman Jansen: Any opposed? Motion carried.

Hazel Molina: Thank you.

Mauricio Roldan: Thank you.

Diane Bramich: It has to be written up by Bob.

Chairman Jansen: He usually does.

Diane Bramich: Sends it here. They'll be contacted by Connie.

Chairman Jansen: Yes. Connie gets the decisions. It is usually within a week's time.

Mauricio Roldan: Thank you so much.

Chairman Jansen: Good luck. Happy building.

Hazel Molina and Mauricio Roldan: Thank you.

PUBLIC HEARING OF Michael Capuano - for property located at 17 Funnel Place, Florida, New York, designated on the Town tax map as Section 21, Block 1, Lot 29.1 for a variance of the Bulk Area Requirements of the Code permitting alteration of an existing single-story dwelling 46.7 feet from the front line where 75 feet are required.

Representing the applicant: Michael Capuano, applicant

Chairman Jansen: Yes, you are?

Michael Capuano: Michael Capuano.

Chairman Jansen: Okay. I was trying to figure out where this addition was, but it's not on here?

Michael Capuano: Yes.

Chairman Jansen: Okay.

Michael Capuano: So I went through the Planning Department, the architectural plans, and \$20,000. And I'm down to two last things, which is this meeting and I put in a new septic, but they want a different septic. So I'm going through that with Mr. Getz. So here's my mailing tickets (*hands tickets to Mary Garcia*).

Mary Garcia: Thank you.

Chairman Jansen: Okay. Any questions?

Marc Malocsay: No. I want to make sure that the board is aware of something first on the variance.

Chairman Jansen: Yeah.

Marc Malocsay: If this were the regular zoning for these lots, that 75-foot setback is required. But we're in an area. Tell me what's the furthest property thing that's in that area?

Diane Bramich: It's that park that I'm talking about.

Marc Malocsay: Yes.

Chairman Jansen: Actually, his place looks pretty good compared to the lot.

Michael Capuano: Yeah. Basically.

Marc Malocsay: So what I'm saying is, even though this variant sounds really substantial, I know it's only one part. We just have to be realized on where it is and the size of the lots that it's really difficult with those lot sizes to be 75 feet in either direction. You couldn't even get a house up.

Chairman Jansen: I bet you half the houses in there couldn't meet that.

Marc Malocsay: No, absolutely not. So I just wanted to make sure that we were aware before we went further.

Chairman Jansen: Okay. I open it up to the public. Anyone from the public? No, the public hearing is closed. So unless you have any more questions, let's go through the criteria.

Chairman Jansen: Undesirable change will not be produced in the character of the neighborhood.

Marc Malocsay: Absolutely not.

Chairman Jansen: Benefits sought by the applicant cannot be achieved by some other method feasible to the applicant other than a variance.

Marc Malocsay: Correct.

Chairman Jansen: The requested variance is numerically...

Marc Malocsay: Huge. It's substantial. Substantial.

Jim Mehling: Ginormous.

Diane Bramich: Substantial like the size of the piece of property.

Chairman Jansen: Right. The proposed variance will not have an adverse impact or impact upon the physical or environmental condition in the neighborhood or district.

Marc Malocsay: Correct.

Chairman Jansen: The alleged difficulty was not self-created?

Marc Malocsay: Uhhh...

Jim Mehling: I'd say no.

Chairman Jansen: No, not really. Not really, he had no other place to build.

Diane Bramich: No.

Marc Malocsay: Uh....okay.

Board members laugh.

Chairman Jansen: Would...

Marc Malocsay: Bob's not gonna be happy with the answer, but we'll go with it. Okay.

Jim Mehling: Bob's not here.

Marc Malocsay: Bob's not here. He trusted us.

Chairman Jansen: Can I have a motion?

Diane Bramich: I move

Chairman Jansen: Motion by Diane Bramich

Chris Daubert: Second.

Chairman Jansen: Second by Daubert. Any further discussion? All in favor?

Board Members: Aye.

Chairman Jansen: Any opposed? Motion carried. We don't need a second one, they only need an environmental one, right?

Marc Malocsay: I don't think so because it's only one.

Chairman Jansen: In case we do need an environmental one, everybody was for it, right?

Board Members: Aye/Yep.

Chairman Jansen: Thank you.

PUBLIC HEARING OF Stephen Schermerhorn - for property located at 402 Jersey Avenue, Greenwood Lake, New York, designated on the Town tax map as Section 73 Block 9 Lot 18 for a variance of 140-4C and D permitting a hot tub less than 15 feet from the dwelling and less than 20 feet from the septic system.

Representing the Applicants: Stephen Schermerhorn, Applicant

Chairman Jansen: So we've gone through this whole thing with hot tubs before you can put it inside the house and not have to get any permits or anything.

Joking about size of house and hot tub

Chairman Jansen: What is it? Is it a 400-gallon septic system from the hot tub?

Stephen Schermerhorn: Yeah.

Chairman Jansen: A 400-gallon is not going to impact their septic system

Stephen Schermerhorn: No.

Jim Mehling: No. It is going to be gone before it even gets anywhere.

Marc Malocsay: We're arguing this. We see it all the time. We cannot figure out why.

Chairman Jansen: Until there's a new master plan, you're not going to change anything.

Marc Malocsay: Yes.

Diane Bramich: No.

Marc Malocsay: So that's why we've been very, very lenient with these.

Chairman Jansen: I will now open it up to the public. There is no public comment. Public hearing closed.

Marc Malocsay: Is it close to the lake?

Ms. Schermerhorn: No.

Marc Malocsay: Where is it located?

Ms. Schermerhorn: A hundred feet from the lake.

Diane Bramich: They are further away. They have enough footage between the lake and the hot tub.

Diane Bramich: Now the last one was because of Lake Shore Road, because it would come down onto the road.

Marc Malocsay: Okay.

Jim Mehling: Right.

Diane Bramich: This would not come down on any road. It would come right down into the water.

Marc Malocsay: Ok.

Chairman Jansen: Okay, so unless you have any other questions or concerns?

Marc Malocsay: Nope.

Chairman Jansen: Will an undesirable change be made in the character of the neighborhood?

Board Members: Not at all.

Chairman Jansen: Benefits sought cannot be achieved by some other method feasible?

Marc Malocsay: No. The hot tub, no matter where you put it, it just will not work with being away from the house, away from the property line, away from the septic.

Jim Mehling: You're not trying to create an Airbnb, right?

Mrs. Stephen Schermerhorn: No.

Jim Mehling: A few of those.

Chairman Jansen: The requested variance is numerically substantial?

Marc Malocsay: Not really. No.

Diane Bramich: No.

Jim Mehling: No.

Chairman Jansen: Proposed variance will not have an adverse effect or impact on the physical or environmental condition. The alleged difficulty was self-created.

Diane Bramich: Not always.

Chairman Jansen: Can I have another, a motion?

Diane Bramich: Yep.

Marc Malocsay: Second.

Chairman Jansen: All in favor?

Board Members: Yep. Aye.

Chairman Jansen: Any opposed? Motion carried.