

**ZONING BOARD OF APPEALS MEETING
MARCH 15, 2016**

PRESENT: Kathy Kiernan, Chairperson
Joseph Guido
Richard Wenzel
Frank Skeritt
Karl Wick
Vic Barranca
Melanie Morino

ALSO PRESENT: Myles Putman, Consultant

Chairperson Kiernan called the meeting of the Town of Esopus Zoning Board of Appeals to order at 7:00 p.m. beginning with the Pledge of Allegiance to the Flag.

Chairperson Kiernan asked the Board if everyone read the minutes of the February meeting and if there were any changes. Karl stated that on Page 3 and Page 4 his name should be spelled with a K and on Page 6, paragraph 2, first sentence replace the word depth with slope.

KARL MADE A MOTION TO APPROVE THE FEBRUARY 16, 2016 MEETING MINUTES AS CORRECTED, SECONDED BY VIC. ALL MEMBERS WERE IN FAVOR.

Chairperson Kiernan explained that there are three parts to the process. We have no new applicants for the Informational part this month. There is a Public Hearing part and a Decisional part to the process.

We have to reopen the Public Hearing for Judy Shapiro/Old Stockade Development, Case #10-20-15-02.

PUBLIC HEARING

1-19-16-01 ZONING VARIANCE – JUDY SHAPIRO/OLD STOCKADE DEVELOPMENT – SBL#63.02-3-10 – 564 BROADWAY, ULSTER PARK, NY

KARL MADE A MOTION TO REOPEN THE PUBLIC HEARING FOR SHAPIRO/OLD STOCKADE DEVELOPMENT, CASE #10-20-15-02, SECONDED BY MELANIE. ALL MEMBERS WERE IN FAVOR.

Kathy explained that the reason that the Public Hearing had to be reopened was because it was brought to the Board's attention that the neighbors were not notified.

Applicant's representative Charles Wesley, Steffan Sanzi and Jim Lamb were present. Judy Shapiro, property owner was present.

Charles Wesley stated that what they are proposing at 546 Broadway is a total of two structures. One will be 4,400 sq. feet and one 6,400 sq. ft. that will be roughly 14 feet high to the ridge of the building. There will be a total of 74 self storage units. They are proposing landscaping around the perimeter in addition to what is already there. They would like to have access from Ulster Avenue in about the middle of the property. There is a driveway there at this time and it would be very close to where that driveway is located. There are two separate pieces of property involved. There is one parcel at this point and a second parcel to the north.

Those present to speak at the Public Hearing were asked to sign in and place their address on the paper provided. Kathy asked if there was anyone who wished to speak to come forward and state their name.

Gloria Meschi – 109 Ulster Avenue, Ulster Park

Gloria stated that she has some major concerns. She stated that some of her questions have already been addressed by looking at the map and listening to Mr. Wesley. Her first concern is the drainage on this parcel. She stated that the property has extremely poor drainage and that every time there is one inch of rain it takes a week for the water to drain away and she really feels that if a perk test was done the results would not be promising. She said this is a very real concern because there is already some pooling right by the stop sign at the cross street with Route 9W and every time it rains heavy and there already is potential for the road to be under water. She said there has even been ducks swimming in that little pond from time to time. She stated that in the minutes of the informational meeting Mr. Wesley stated that he would address in detail at the Public Hearing what the plans were for stormwater runoff. Gloria stated that in the Town Code there were some specific items that she hopes the Board can answer for her. It is about the 50 feet wide requirement of abutting residential district. She wants to know if there will be a 50 foot wide strip along Ulster Avenue. Another real concern of hers is landscaping. She stated that often at time with projects the landscaping does not follow through and this would be a very important concern for her. She wants to make sure that the landscaping is in there. She stated that it is a lovely neighborhood right now and unless it is landscape properly it could really affect the look of the neighborhood. Gloria mentioned Section 123.21(C) about corner lots. She wants to know if this would be considered two corners. Part C (regarding double frontage for lots on parallel streets) states that both frontages shall comply with the front yard requirements and she is wondering if this applies here. She questioned paved areas. The Code states that paved areas shall not project within 5 feet of a street line. She is wondering if this applies to this project? She said she sees on the map that there are 24x24 signs on the sides of the building but she does not see another sign on the road or a larger sign anywhere else.

Kathy Kiernan asked if there was a free standing sign other than the ones that are on the side of the building. Charles Wesley stated that there is a 24 inch sign by 20 foot long sign. Mr. Sanzi stated that the signage for this project is minimum. We are talking about

74 units that would be able to be occupied fairly quickly. They will be doing a lot of marketing through the internet for the storage units. He stated that the storage building itself will be there own advertisement. The height maximum is 14 feet to the top of the ridge. They will be prefabricated buildings like what is seen around. They are made of steel.

Gloria respectfully asked the Board to seriously consider her concerns.

Kathy Kiernan asked Myles Putman about the double frontage. Myles stated that this is triple frontage so there are three front yards and he thinks the applicant is asking for four variances: front yard, rear yard, depth and area.

Roger Boughton – 113 Ulster Avenue, Ulster Park

Roger stated that he and his wife are neighboring property owners and they have resided there for over 15 years. They are strongly against the proposal and the variances. They feel that the variances alter the essential character of the neighborhood and negatively affect the neighborhood property values. They feel that it poses a threat to the health and safety of the neighborhood children and the scale of the project is excessive. He stated that the neighboring property owners behind this property are all residential. He stated that with this commercial business various people, trucks and cars will be regularly entering the property. He feels that they may not be from the area and this poses a threat to the safety of his children. Roger stated that the L1 district requires 2 acres minimum and the parcel is .89 which is only 45% of the maximum required. The lot is small and the proposed two storage unit building takes up 27% of the area which is 35% more than the maximum allowed to build out. The setbacks are 24 and 25 feet and the zoning requires 30 feet which establishes the room size, feel and character for the neighborhood. The layering of all these variances sends the wrong message to the property owners and the future investors in the town. The property owners must feel safe that there investment in the community is protected by zoning regulations being followed. Mr. Boughton urged the Zoning Board to follow the Zoning Regulations and protect the neighborhood from lessening the value.

Susan Whittaker – 13 Florence Street, Ulster Park

Susan stated that she did not receive a notification so she did not have time to do research. She stated that she has lived here pretty much all of her life. She is very familiar with the property and it is always flooding. This is her biggest concern. She stated that it floods and it goes out into the road. Susan said that she was told that they would fix this and she is hoping that they will share this information with them. She is concerned about the traffic. She stated that there are a lot of children in that area. She is wondering how this will affect the value of their property.

Captain Brian Parr – Town of Esopus Ambulance – 1 Cross Street, Ulster Park\

Brian stated that he only found out about the hearing two days ago so he did not have a lot of time to prepare for this meeting. He stated that he has been with the ambulance squad for about 12 years. He has two concerns he wants to express. He is concerned about the drainage of the property. He has seen times when that floods over and drains right into the ambulance property and if they fill it in will it be worse for them. He is concerned that it might damage the drainage system that they already have in place in their parking lot and building; that can sustain what they built because the building was built in 2006. He is wondering if they modify their property will they have to modify their property due to excessive water flow because their system is not adequate. He stated that his second concern is the property being very close to Route 9W which is a 55 miles per hour zone. Brian stated that they are an emergency service and the buffer they presently have there is great when they have to pull out into a 55 miles per hour zone. You are able to see an ambulance. He stated that as everyone knows pulling out from a 55 mile an hour zone in the Town of Esopus from a side street can be very difficult. Brian said that they are a very active squad and go to approximately 900 calls a year. He is concerned that this project will limit the view of Route 9W and make for a more dangerous situation for the ambulance operators and the operators of motor vehicles on this road. He stated that the tree line brings it out even more past the building. He feels that the buildings themselves will block quite a bit of the view and with the tree line that basically brings it to Route 9W you will have almost no visibility to the corner. He does not feel that other vehicles will be able to see and stop last minute. This is going to be a major concern for the ambulance. He does not want to see more accidents. There have already been enough accidents in that area because of the speed, turning and everything else that is going on.

Adel Wagman – 43 Ulster Avenue, Ulster Park

She is wondering how much traffic is expected to be generated by this project and she is wondering if there is going to be any kind of lighting.

Jim Lamb, one of the applicant's representatives, addressed some of the issues about traffic. Jim stated that he has some numbers from Self Storage.org. one of the largest builders in the country for this type of project. He stated that about 75% of the storage users are from 20 minutes or less away so it is all local people. The purpose of a storage unit is that you want to be close to your stuff in case you need it. You are not talking about random strangers. We will have records of everybody coming and going and the access will be controlled by a Pin so we know who enters and leaves. We have their credit information, their IDs and we know who they are and where they live. About 70% of people come once a month or less to the storage unit with about 40% of those people coming less that six times a year. You are not talking about a lot of traffic. He stated that regarding TEVAS you are not going to have more traffic there. If you look at the plans and the way it is cut out, you will have plenty of vision to see onto Route 9W. He stated that he does not think this is a concern but he understands where they are coming from. He does not see traffic, strangers and the safety concerns with a storage unit of this nature, especially with only 74 units. He feels that you are talking about maybe two people a day if you go with the averages he has stated.

Mr. Boughton asked about lighting i.e. night lighting, etc. Jim stated that most of the lighting will be security lighting on the buildings themselves and will be motion activated. Jim stated that there will probably be a couple of small lights on but mostly security lighting that will only come on when someone enters the facility. Jim said that they are exploring camera systems.

Charles Wesley addressed the drainage issues. He stated that as far as the drainage goes he made it a point to visit the property after we have had some heavy rains because they don't want to get in over their heads on a property that they will have to invest a lot of money on for drainage. They want to make sure that they know what is going on as far as the drainage goes. He provided the Zoning Board with a brief stormwater calculation report at the last meeting. He stated that most of the drainage issues that you see on the property are on State land. He stated that if you look at the map on the south end most of the wetlands in that area are in the low lying area on the south end which belongs to the State. They actually arranged a meeting with the State Highway Engineer who came down and they walked the property. He stated that unless that flooded and went over the road the State had no intentions of doing anything. Charlie stated that they have their own stormwater plan that they are planning on instituting which may actually create less water on that south end because they will have underground holding tanks and dry wells. This may help whatever is running on the surface down the south end. You may actually see less standing water after this project is completed. Charlie showed those present on the map the land that was owned by the State. Charlie pointed out an area on the map that they would like to fill in if they could because it would certainly help because it has been designed so that the traffic can circulate around the building. He stated that the setback would not be from Cross Street. It would be from further back. Charlie stated that they are not allowed to go that far back. He further stated that there is no drainage system on the State property. He feels that if they have a drainage system on their property a lot of the stormwater may be caught before it gets to the State property. Charlie stated that they will need to involve a Civil Engineer which he is not but he does know enough to put the report together and he used the 100 year storm occurrence which is 2.7 inches an hour. He asked the State if they would consider putting some sort of drainage because the only drainage is on the other side of the street. They stated that they would not unless they get complaints that it is coming over the road. They said that there is no money in the State budget unless it is a danger to the public. Charlie stated that if it comes over the road and we can show them that then maybe we can petition them to do something about the drainage.

Myles stated that the State highway reconstruction plans from the 1930's resulted to this property being the shape that it is now. These plans show installation of a culvert under what is now Cross Street but the applicant's field investigation shows that there is no culvert.

Mr. Boughton asked if there was going to be any kind of fencing around the property. He was told that they are planning on some kind of a gate that will control access so you won't be able to just go in. Mr. Stanzi stated that the rest of the project will have a

natural border with evergreen trees, bushes and landscaping and he feels that no one is going to go in on Route 9W and just walk in. Ulster Avenue would be more the fencing and security. Mr. Boughton asked if they have done any type of research with these types of units going in residential areas and what it did to the property values. Mr. Stanzi stated that they are both realtors and he has never seen a situation where storage units in a residential area dramatically reducing the property value. Mr. Lamb stated nothing more than the ambulance or Iron Mountain. Mr. Lamb stated that Iron Mountain is possibly one of the largest storage facilities in the country maybe the world and it is ¼ mile away. They were told that Iron Mountain was held to very strict conditions regarding their landscaping and is now very attractive and the same needs to happen here. Mr. Lamb stated that he just went to a seminar in Albany and there are definitely things that they can do to make the facility more aesthetically pleasing between the landscaping and the construction. Charlie stated that the shrubs along Route 9W will be low shrubs. Charlie stated that assuming that they are approved by the ZBA they will be going to the Planning Board. The Planning Board will tell us what to plant and he is sure that they are going to want high trees along Route 9W and will not allow them to block the line of site. Myles stated except with the 9W overlay standards which emphasizes landscaping and screening. This is going to be a tough situation. Charlie stated that they will need to work together on this but their intent would not be to block line of site. Frank Daily, 1 Jordan Lane, stated that Iron Mountain did not need any variances. Myles stated that he thinks Mr. Daily is talking about the expansion that took place in the 1990's when we went through the EIS process. He stated that they are asking to put up 74 units on a small piece of property. Charlie stated that it would be .917 acres. Charlie said that he thinks it will have a very low impact but he does understand the concerns. Charlie stated that right now it is a vacant piece of property and really does not look like much.

Joe asked about the hours of operation. Charlie stated that they discussed this and they talked about 8:00 a.m. to 8:00 p.m. with gate access. This would not be an all day, 24 hours a day situation. Captain Brian Parr stated that if an individual was not able to get their by 8:00 p.m. and there is no fence around the perimeter they will park in the ambulance parking lot and walk over. He said that they will still be able to walk onto the property. They don't think that this is a real issue. Mr. Boughton stated that he has been a cop for 30 years and he said that they are not used for just storage. Mr. Parr stated that he has been an EMS for 12 years and he has seen some interesting things in a storage unit. Applicants said that they would certainly try to make sure that this was not the case.

Joe questioned the height. Charlie said that the height would be 8 feet ceiling height. 20 foot wide buildings and if you figure a 4 on 12 pitch so you are looking at 13-14 feet tops. They will not be high buildings. Joe stated that he thinks Iron Mountain was before this board when they put the new buildings up for height issues and he believes that the ambulance is on variances.

Kathy asked if they could reduce the size of the buildings. They looked at the size of the unit and the number of units and in order to get some sort of a reasonable return on their investment because the underground stormwater system is going to be very expensive they feel that 74 units is a reasonable number for payback over a reasonable period of

time. Kathy asked if the units were standard size. Jim stated that they were. The units will be 5x10 and 10x20 units and they are all kind of cookie cutter. Kathy asked about whether they were going to move the gate in. They said that they talked about that and they could move it in as long as they have enough to provide traffic circulation around the building. Kathy asked if they had standard size car with a small trailer and you had to stop at that gait would it go out into the road. Charlie stated that right now it would but they will move it in. Kathy asked about a regular pickup. They stated that if they pulled the gate in there would not be a problem for a regular size pickup. They would have to make other provisions for a 24 foot Rider Truck. They discussed the entrance and it is negotiable. It could be moved. They discussed possible locations for the entrance.

Vic asked if they were planning on bringing in a lot of fill for the project. Charlie stated that they cannot fill in anything that is there. It is pretty much just going to be leveled off. Charlie said that the actual map showed a deed overlap area and the dotted line was the deed overlap area. Rather than go into a long drawn out battle about who owned what Mr. Sanzi decided to purchase a piece of property assuming the other individual owned it.

Mr. Wagman asked where they were going to put the drainage system in. Charlie stated that it would be throughout the property. He stated that he does not know how much of a buffer there is. He stated that just south of Iron Mountain there is one piece that floods and comes up over Route 9W at times and on the other side of the road where the bus shelter is. Mr. Wagman stated that he does not know if the stormwater system is going to be able to handle this. Jim stated that if you notice the road goes up in that area.

Karl asked about elevations. Charlie stated that he does not have a topo map but he could provide one. Karl is curious how level this property is. Charlie stated that the only sharp elevation drops is on the south end that the State owns. Karl asked if they would be doing any fill and Charlie said they would not.

KATHY MADE A MOTION TO DECLARE SHAPIRO/OLD STOCKADE DEVELOPMENT, CASE #1-19-16-01 AS AN UNLISTED ACTION, NEGATIVE DECLARATION, PURSUANT TO SEQR SECONDED BY VIC. ALL MEMBERS WERE IN FAVOR. VOTE WAS AS FOLLOWS:

Frank.....yes
Karl.....yes
Vic.....yes
Melanie.....yes
Richard.....yes
Joe.....yes
Kathy.....yes

JOE MADE A MOTION TO CLOSE THE PUBLIC HEARING, SECONDED BY VIC. ALL MEMBERS WERE IN FAVOR.

Myles addressed the Zoning Board regarding the above application. Myles stated that the ZBA is being asked for variances to develop a site which is part of a larger application before the Planning Board for a Special Permit to actually develop this site. He stated that the ZBA decision on the variances does not necessarily obligate the Planning Board to a certain course of action. If you deny one or more of the variances, the applicant has the option to redesign the project and come before the Planning Board. If you approve the variances, the Planning Board still has to deal with issues relating to how this site fits within the Route 9W overlay district, screening requirements, stormwater requirement which the Planning Board will certainly look at and that the ZBA decision will have to respect the required modifications requested by the Ulster County Planning Board based on the referral response. If you disagree with this, you can override the modification with a majority vote plus one.

Kathy polled the Board regarding voting on this application at this time. The decision of the Board was unanimous that they require additional time to think about what was discussed at the Public Hearing. The **decision** on this application will be made next month.

DECISIONAL PHASE OF HEARING

**10-20-15 – ART CREEK, LLC/LAURA & VLADIMIR KLIMENCHENKO
Variance – Section 123-131 – Subdivision – Laura & Vladimir Klimenchenko
Variance – Section 123-11A – Construction of second single family dwelling –
SBL: 71.02-1-05.100, 850 Old Post Rd., New Paltz**

Laura Klemnichenko and Andrey Tamarchenko were present for this application.

Andrey is a partner in Art Creek LLC and lives at the main house on the property. He stated that there is one cottage being rented to a single tenant and another cottage has been made into an art studio and used by him.

Kathy stated that we are here to vote on the application before us. Laura stated that she was hoping that the Board would vote on the second variance for the second dwelling on the property as opposed to the subdivision. She came to this conclusion because it came to her attention that the subdivision had been denied before by the Planning Board. Kathy informed her that this Board would not be able to do anything about the subdivision. Joe stated that he tried to contact Laura two weeks ago after the last meeting and the one phone was not active and no one ever answered the other phone. They cleared up the phone number issue. The cell phone number was correct and Laura was surprised that it has not been working.

Andrey asked permission to speak to the Board. He wants to specifically address the issue of a second residence. He stated that they formed the LLC to purchase this property with other members. The intention really comes from the two families that were hoping to live there full time. They have been friends for many years. He has three children and she has two children. He stated that it is a 10.4 acre parcel that they would like to homestead. There are five other cottages on it. When they saw it they came to the

Building Inspector, Timothy Keefe before they purchased. They talked about the two possibilities. He did not think they were so far out and of course he did not say that it could be done but he was not negative about and said you should give it a try. At that point, Laura and her husband took over and proposed all of those things. At the last meeting it came up that in fact the property had been attempted to be subdivided in the past. We did not know this when we started. We would never have pursued this action if we knew this. At this point, we respect the rules and whatever the Planning Board and the Zoning Board feel in this case. We said let's forget about the subdivision and see if the second full time residence can be built on the property. He stated that there is a second residence there. It is a one bedroom apartment. It is an old summer cottage that has been somewhat winterized so it is livable. It is one bedroom with one person living in there full time. Andrey stated that as far as he is concerned it is an auxiliary apartment to the house. It is fully dependent on the main house. It shares the same electric, well and for all intents and purposes it could be part of the main house. It shares the septic with the other bungalow. All the other bungalows are owned by the members of the LLC and they are used as summer cottages to be used only in the summer. The property is 10 acres and to maintain the property it would be great to have a second family be part of the venture so they could really upkeep it and make it as beautiful as possible. They sincerely want to ask the Board to allow them to do this.

Andrey stated that if he understands correctly the zoning for this property is for a summer colony and the way the Building Inspector Timothy Keefe told him if he understands correctly he was told that you are allowed to build one cottage for every ½ acre. He stated that potentially they could have a main house and five cottages now and they could build another 10-15 cottages on the property. This is not their intention at all. Why would you think that it is feasible to build more cottages but not have another family live there? He understands that zoning follows its own rules and grandfather law. They would sincerely like to ask the members of this Board to allow them to do so.

Karl asked that if they have five cottages and one main building why does the map show seven dwelling units? Andrey showed the Board on the map the main house, bungalow #1 which is dependent on the main house and then there are one, two, three and four summer cottages and the last structure was falling down and now with building permits they removed the middle of it and are putting in a barn/shed type structure to be used as an art studio for himself, he is a painter, and there are other artistic members of the community. This structure will be 24x24 with some skylights.

Kathy explained to the applicants that the Board needs to vote on both requests for variances since they did not submit a written withdrawal for the subdivision. Joe explained that legally we have to vote on both variances unless applicant puts it in writing that they wish to withdraw the request for the subdivision variance. Laura submitted a written request to withdraw the subdivision variance.

Joe asked Myles about the history of this property. Myles stated that in 2001 Mr. Todd Schroeter applied for a two lot subdivision of Skytop Bungalow site, on behalf of the owner, Mildred Bart, to split the site into a smaller 10 acre lot for the bungalows and

residence; and a larger 21 acre lot that is now owned by another party. At that time, area variances were granted for nonconforming setbacks between some of the bungalows and the proposed division line. As part of that, it may have been a recommendation of the ZBA to put a restriction on further subdivision of this lot and when the Planning Board approved the subdivision they ask that the notation be put on the plat. This is a condition that only the Planning Board can remove if so inclined.

Andrey said that if this is the case it is not their intention to go up against this decision. He stated that they want to respect whatever the rules and regulations area. Laura stated that she is not sure why it never came to her attention in all of the questioning that she was doing since last May that this was the case. Karl stated that the title search should have triggered this. Laura said that she knows that this was told to her before but it never came up. Karl questioned if the applicant was withdrawing the variance request for 123-13.L1. Joe stated that they are withdrawing all of the application for the subdivision which is 123-13-L1.

JOE MADE A MOTION TO ALLOW A SECOND SINGLE FAMILY RESIDENCE AT 850 OLD POST ROAD, ART CREEK LLC, PER SECTION 123-11A.

Karl stated that he would like to add a stipulation to the motion that this property never has additional dwellings of any sort beyond the five bungalows, main house second dwelling and studio. Karl stated that this is wrong he wants the new additional dwelling to replace one of the bungalows so that the total number plus the studio does not increase. Andrey said that he is not sure if this is even possible on their side because basically all of the bungalows are spoken for. All of the partners in the LLC own a bungalow so to speak. Somebody would have to give up their bungalow and they could take one of the bungalows and reconstruct it into a house. Andrey said that he does not think this is a plan that they can follow through on. Karl stated that they are actually planning on building an additional unit. Andrey said that this is what they are asking for. Andrey said that somebody would have to give up something that they already paid money for. Andrey stated that Laura and her husband share a section of the land which they wanted to subdivide but now they know that this is impossible. Presently Laura and her husband do not own any dwelling on this site. They own land that they were hoping to subdivide and build on. Their share in the LLC is the land. Vic asked Joe if he was under the impression that it was an additional structure. Joe thought that it was replacing a structure. Joe knew that they were building a house but he thought they already had one of the bungalows. Joe said under these circumstances he is not willing to vote for this since the previous owners tried to do the same thing and they were turned down for it. Laura stated that they are not the previous owners and they are not trying to do what they were doing. They were trying to create 10 full time residences there. Andrey stated that they were trying to create an income producing property. That is not their intention. The previous owners were trying to turn the five existing bungalows into full time rentals. This is clearly not their intention. There is a family living in one house and another family wants to build and live in another house on the same property full time. There is no question of creating an income producing, real estate thing. He feels that their

intentions are clearly different. Karl asked what would happen if another owner desired the same thing. Andrey stated that he knows that they don't but the Board has full power to deny any such request. Andrey said that the truth about everybody else is that they do not live in the area but they do. Their children do not go to schools in the area but theirs do. He feels that it is a very different situation.

Kathy asked if they just thought that they could build another house on the property. Laura explained that they thought they could subdivide and that prior to purchasing it they came and spoke to Tim Keefe and at that point he sent them to the pre-submission which was on May 20th which was before they bought the property which was at the end of August. What Laura understood from that meeting was that we would need to get a variance from the Zoning Board. We have never done this before, we are not in real estate, this is not our profession and we don't know how this is done. He is somewhat surprised that at the meeting on May 20th before the purchase of the property the subdivision restriction did not come up. Laura stated that what she thinks she is hearing from the Board is that somewhere along the line this restriction should have come up. She does not know why it didn't. She is not blaming anybody but it just did not come up because if she had heard that in May or before they closed on the property they would not have purchased the land. Karl asked how many partners there were in the corporation. Andrey stated that there are currently six. Karl asked why they need seven dwelling units. Andrey stated that he and his wife have the main house and they have the auxiliary apartment and have looked at the possibility of changing that bungalow apartment into a second residence. To honestly say that it is possible after looking at it they feel that it is not really possible. The way it is situated it is very close to the house and it cannot really hold another family. The other house would be situated on the other side of the property because it is naturally where another house would be built. There are no other houses near by.

Melanie asked Myles if she heard him say earlier that she could formally go back to the Planning Board and ask for a subdivision. Myles stated that restriction of re-subdividing this lot or the lot next door was something that the Planning Board placed on the map when they approved the subdivision of Schroeder so it is a condition on that plat. In theory, they could ask the Planning Board if they would consider removing that condition and allow a future re-subdivision considering the circumstances. This would be the Planning Board's decision to mull over and take action. Myles apologized to the applicant stating that last May he should have said the first step should be sketch submission to the Planning Board and get the temperature of the Board and see which way the wind is blowing and see if they would have removed that condition before the applicants went on to this process.

Andrey stated that based on Mr. Putman's words it does not sound like the Planning Board would be very open to such a proposal. Myles stated that nobody on that Planning Board is present here to speak to that. Myles stated that it is a seven person Board and he is not one of them.

Following further discussion **Joe retracted his previous motion.**

Karl stated that he is not comfortable with three full time dwelling on this property. The factor in favor is that it is 10 acres which is a fairly large parcel. Andrey stated he understands but the year round rental is dependent on the main house for electricity and water and it has a shared septic. Joe stated that it is only one acre zoning. Joe stated that it was in the master plan to make it two acres but that has not happened. Karl stated that the Board could stipulate that nothing else gets converted to year round. Applicants were asked if this would be acceptable and they stated that it would.

Vic asked the applicant about his statement earlier that if he wanted to make more cottages he could because he has 10 acres of land. Andrey stated that he was told that by the Building Inspector, Timothy Keefe . He does not know if it is true or not. Myles stated that it would be subject to a Special Use Permit approved by the Planning Board. Andrey stated that he was not planning to do that. Melanie questioned what would happen if the Board were to grant this and then one of the other owners wanted to build another house. At this point, we have already set a precedent.

KARL MADE A MOTION TO GRANT A VARIANCE FROM SECTION 123.11A TO ALLOW CONSTRUCTION OF A SECOND SINGLE FAMILY RESIDENCE WITH THE UNDERSTANDING THAT THERE IS ALREADY A SINGLE FAMILY AND A RENTAL HOUSE AND THE COTTAGES/BUNGALOWS AS SHOWN ON THE MAP WITH THE FOLLOWING STIPULATIONS:

- 1. There will be no additional cottages/bungalows constructed and**
- 2. None of the other existing cottages/bungalows shall be converted to year round dwelling units.**

THE MOTION WAS SECONDED BY VIC. THE MOTION PASSED WITH A VOTE OF 5 IN FAVOR AND 2 OPPOSED. THE VOTE WAS AS FOLLOWS:

Frank.....no
Karl.....yes
Vic.....yes
Melanie.....yes
Kathy.....yes
Joe.....no
Richard.....yes

Applicants were told that the stipulations listed above will need to be on the map. Andrey said that he would like to thank the Board for allowing them to move forward with this project. He said that now they have the green light to follow through and maybe they can do what they originally wanted to do. Joe let the applicants know that they have one year and if they do not do anything for one year the decision will be null and void.

Zoning Board Clerk, April Oneto, asked Myles about the stipulations being placed on the map. Applicants were told that the stipulations in the motion would need to be placed on

the maps and submitted to the Board. April will forward the stipulations in writing to Laura Klimenchenko.

MISCELLANEOUS

Kathy informed the Board that Sheila Pratt resigned as secretary to the Board and April Oneto will be filling in.

VIC MADE A MOTION TO CLOSE THE MEETING SECONDED BY DICK. ALL MEMBERS WERE IN FAVOR. MEETING ADJOURNED AT 8:50 PM.

NEXT ZBA MEETING: APRIL 19, 2016

SUBMISSION DEADLINE: APRIL 5, 2016

Respectfully submitted by:

April Oneto
Zoning Board of Appeals Clerk