

July 13, 2009

1

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
JULY 13, 2009

MEMBERS PRESENT: PAT TORPEY, ACTING CHAIRMAN
FRANCIS BEDETTI, JR.
JAMES DITTBRENNER

ALSO PRESENT: ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

JENNIFER GALLAGHER
BUILDING INSPECTOR

ABSENT: MICHAEL KANE, CHAIRMAN
LEN MCDONALD

NICOLE JULIAN
ZONING BOARD SECRETARY

REGULAR MEETING

MR. TORPEY: I'd like to call to order the July 13, 2009 meeting of New Windsor Zoning Board of Appeals. This is a two part meeting. The first step of the meeting you come up, say who you are, address us and explain to us exactly what you need. And then the second part follows it at another hearing.

APPROVAL OF MINUTES DATED MAY 13, 2009

MR. TORPEY: First of all, motion to accept the

July 13, 2009

2

minutes.

MR. DITTBRENNER: So moved.

MR. BEDETTI: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. TORPEY	AYE

PRELIMINARY_MEETINGS

JOHN_&_MARY_JANE_KAKNIS_(09-21)

MR. TORPEY: First is John and Mary Jane Kaknis, request for a variance for a proposed 6 foot fence on top of a 2 foot retaining wall located on the property line at 107 Chestnut Drive.

Mr. and Mrs. John Kaknis appeared before the board for this proposal.

MR. TORPEY: Just state your name and address to the stenographer.

MR. KAKNIS: John Kaknis, 107 Chestnut Street.

MRS. KAKNIS: Marry Jane Kaknis, same address.

MR. TORPEY: Okay, go ahead.

MR. KAKNIS: We were told we had to request a variance because we had a little, some changes in our landscaping, we replaced our front porch and built a patio. And the patio ended up a little bit higher than what we expected. We were told that dirt would be packed against the side and this would hold and based on erosion it's not going to hold up. We had a fence along our property line which was a picket fence, we want to put a solid fence and the fence will not take the weight of the dirt against it so we have to build a wall, a retaining wall and put a fence above that. But maybe partly my misunderstanding also was that what a grade is, I didn't know that grade was, the new grade I didn't understand it was the old grade so probably a combination of both things. So the plans did as much as possible, try to keep the contour of the land, the architectural plans, the landscaper tried to make things as level as possible so that we wouldn't end up with this problem but we did, we're ending up being

about, the patio is about 18 inches above the existing grade so we end up having this scenario here, this is our patio, this is existing grade, it's about 18 inches higher, if we put the fence down here we're looking over in our neighbor's windows.

MR. TORPEY: Is that this house right here?

MR. KAKNIS: Yes, that's the white house so we're looking in their windows if when we stand up on our patio. So we want to put a six foot fence, if we put that on the existing grade it's going to end up being six feet from the grade but we're standing up 18 inches so we're looking over a 4 1/2 foot fence so if we put the fence on top of the patio and we're going to have a six foot fence and it will create privacy, we don't really have a back yard, we have a 9W yard and a Chestnut Drive yard. Our side yard is our back yard so to speak, so we want to create an area that's more private and there really isn't, that white house that was built I guess that was before zoning because there's not a lot of leeway between the two houses there.

MR. TORPEY: But there's no easements?

MR. KAKNIS: I don't know what's there but this is still on our property, the fence is on our property and as is the patio so we want, we need to build the wall because that will help keep the patio, hold everything together and put the fence on top which we told you we need six so there's a six foot fence where we're standing, they can't see us, I've got to say if you drive by, it doesn't block anybody's view, you can't see it from--

MR. TORPEY: It's kind of inside the property.

MR. KAKNIS: It's between the two houses. I spoke with our neighbor, we kind of picked out what would look

both aesthetic to him and us rather than just do timbers.

MR. TORPEY: It's not going to block the view driving down the road?

MR. KAKNIS: No.

MRS. KAKNIS: It's between.

MR. KAKNIS: It's between two houses.

MR. BEDETTI: This does not extend beyond the front of the house?

MR. KAKNIS: We were told we can't go in front of the house, we're going to make a 90 degree turn which we were told we could do which would just create a little box around this area so we have some privacy because when you stand in the side yard you can see 94, they can look into our side yard.

MR. TORPEY: Just going to be like a--

MR. KAKNIS: Perimeter and 90 degree turn which is going to be behind the front of the house.

MRS. KAKNIS: Ours is an L-shaped ranch so when the fence makes the turn it's in line with the house, it's not out in front of the house, it's in line with the bedroom.

MR. TORPEY: So you're not going to create water hazards? You're not taking any substantial vegetation out?

MR. KAKNIS: No.

MR. TORPEY: There's no easements there, overhead power lines or easements on the property?

MR. KAKNIS: No.

MRS. KAKNIS: When you say easements, what do you mean?

MR. KRIEGER: Easement is a right to use somebody else's property.

MR. KAKNIS: Not that I know of.

MR. KRIEGER: Put a sewer line in.

MR. KAKNIS: No, there's nothing there.

MR. KRIEGER: The town owns the sewer line but they get easements, they don't buy property.

MR. KAKNIS: There's nothing on ours, that would be on our deed and our survey, correct?

MR. KRIEGER: Yes, it would show up on the survey.

MR. KAKNIS: No, there's nothing there.

MR. DITTBRENNER: Just a quick question. The fence is six feet high, if he puts it just inside the retaining wall on grade at that point why does it require a variance?

MR. KRIEGER: I don't think it does.

MR. TORPEY: You're not going on top of the wall?

MR. KRIEGER: As long as it's behind the front of the building.

MR. KAKNIS: The wall and then it will be on our side we were told we needed one.

MR. TORPEY: Yeah, that's strange.

MR. KRIEGER: Well, according to what I see on the agenda, they want to put it on top of the two foot retaining wall, that would require a variance. If it were inside the retaining wall which is six feet it wouldn't require a variance.

MR. DITTBRENNER: Are you putting it on top of the retaining wall? You're putting it in the ground behind the retaining wall, the retaining wall is strictly holding your grade?

MR. KAKNIS: You're my neighbor, the ground is the floor, there will be a retaining wall which comes up 18 inches to two feet, I don't know exactly and then if you take another step in, that's our property, the fence will go into the dirt on our property which will be the bottom of the fence will be pretty much level with our patio, it's kind of like what you do around the pool.

MR. KRIEGER: If it doesn't project more than six feet you're allowed to do that.

MR. KAKNIS: That's my grade.

MR. TORPEY: Wall's only keeping his grade in.

MR. KRIEGER: So the retaining wall is irrelevant.

MR. TORPEY: So they're going off the grade of the neighbors and this, you shouldn't be--

MR. KAKNIS: It's the grade of the neighbors or--

MR. TORPEY: It should be yours.

MRS. KAKNIS: The retaining wall is still on our property.

MR. TORPEY: Yes, but this is just a grade just going to come out, that's your grade.

MR. KAKNIS: Right where those boards are inside that is my property.

MR. TORPEY: You're putting the fence on top of the wall, you have it down saying you've got a six foot fence going on top of the wall, now you're at eight feet, that's why they're questioning you.

MRS. KAKNIS: The grade is still going to be higher than six feet.

MR. KRIEGER: As measured from what?

MR. TORPEY: If you have your grade the fence is still going to be only be six foot.

MR. DITTBRENNER: If the old grade sloped from the back door let's say down to your neighbor's property and you came in 10 feet you're probably still two feet up, you're cutting that grade and securing it with a retaining wall because you put a stone patio behind it and you need to protect that grade.

MRS. KAKNIS: We were told we needed it.

MR. KAKNIS: Because the grade changed.

MR. TORPEY: Maybe you didn't explain it to them.

MS. GALLAGHER: You guys had a couple sets of plans, correct, that came into our department. First you had one and then you revised it.

MR. KAKNIS: I think I just extended the length of the fence cause I didn't show you that it was going to turn because we don't want to block our view of the Hudson River that's going to be five feet rather than six

feet.

MS. GALLAGHER: The building department is under the understanding that this fence was going on top of your retaining wall, that's why it's written up this way.

MR. TORPEY: So you're actually going to the retaining wall in the dirt?

MR. KAKNIS: Yeah.

MR. DITTBRENNER: It's not going to be on top of the retaining wall so it's a six foot fence.

MR. KAKNIS: The retaining wall, well, the fence is going to be here.

MR. TORPEY: You're going to be to your existing grade that you have now?

MR. KAKNIS: Yeah, it will be in dirt.

MS. GALLAGHER: He doesn't need one.

MRS. KAKNIS: Makes it a lot easier, we'll be able to sit, enjoy it, the fence people are ready to work.

MR. BEDETTI: Just to carry this a little bit further the existing fence that's there?

MR. KAKNIS: Well, we took it down because, yeah.

MR. BEDETTI: You want to go to a privacy fence now?

MR. KAKNIS: There was one there.

MR. BEDETTI: Is that the type of fence you had?

MR. KAKNIS: We're going to go to a white vinyl solid fence for privacy.

MR. TORPEY: Who wrote that?

MRS. KAKNIS: Well, we did.

MS. GALLAGHER: It says the fence will be on top of the retaining wall. You're sure it's not on top?

MR. KAKNIS: The retaining wall's just there to hold the dirt in.

MR. TORPEY: That's your grade, no?

MR. KAKNIS: Couple inches in.

MR. TORPEY: This is just a misunderstanding if you ask me.

MR. KRIEGER: What you can do is submit a new application to the Planning Department. From the zoning board's point of view what my advice is take a vote, set him up for a public hearing, it doesn't mean that doesn't obligate him to do anything, just gets him passed the preliminary hearing stage. He's filed the application, he's gotten a preliminary hearing, he's all set. If they get it resolved at the building department, you don't have to take advantage of it, there's no public hearing to go to, they don't have to worry about it. But if for any reason it could be my paranoia in dealing with just generally if any if for any reason they're not successful at the planning department they can come back here and go right to public hearing, they don't have to go through this again.

MRS. KAKNIS: So should we send letters out tomorrow?

MR. TORPEY: No.

MS. GALLAGHER: You can give me a call tomorrow in the

building department, I'll go over it with Lou and then give me a call cause you need a permit regardless for the fence.

MR. KAKNIS: We have a permit.

MR. TORPEY: But let's go through the phases and you handle it with the building department, if everything works out, we don't see you until the barbecue.

MR. KAKNIS: We did get the permit but we thought we were going to--

MS. GALLAGHER: But it got revised.

MR. KAKNIS: It got revised because we didn't know we were going to end up a couple inches higher.

MS. GALLAGHER: Give me a call in the building department and we'll figure out what's going on.

MR. TORPEY: We'll run through a motion.

MR. DITTBRENNER: I would move that we forward the application of John and Mary Kaknis for a variance related to a six foot fence on top of a two foot wall being moved for a public hearing.

MR. BEDETTI: I'll second that.

ROLL CALL

MR. DITTBRENNER AYE

MR. BEDETTI AYE

MR. TORPEY AYE

EILEEN_SHARROW_(09-22)

MR. TORPEY: Eileen Sharrow request for a variance for a proposed addition above existing two car garage will create two (connected) single family homes on a single lot at 19 Lawrence Avenue.

Ms. Eileen Sharrow and Mr. Jack Watson appeared before the board for this proposal.

MR. TORPEY: I'm ready, could you just state your name and everything?

MS. SHARROW: Eileen Sharrow, 19 Lawrence Avenue, New Windsor.

MR. WATSON: Jack Watson, I'm the architect for the project.

MR. TORPEY: I'm ready.

MR. WATSON: Well, briefly, what I was asked to do was to find a way for Eileen to provide additional space on her property to accommodate her son who currently lives with her and is at an age where he'd like to have a little more privacy living in her house. And in addition, it provides some financial assistance to her by having him there, since he shares in the expenses. Our first, one of the things we looked at was adding above the current residence and in looking at that and looking at the option of doing it over the garage it certainly would be less expensive and a lot less disruptive of her living space by doing it that way. So the proposal was to connect the two buildings which are actually only five feet apart currently so we don't, and I don't understand why, I guess the building department wrote this why they're describing it as two dwellings or two, describing it like it's two residences on the same property where in the end by connecting the buildings we actually only have one

building.

MR. KRIEGER: Let me ask you this. Are you going to once it's complete, if you get permission to do it, it's all going to be serviced by one gas and electric meter?

MR. WATSON: Yes.

MR. KRIEGER: Okay.

MR. WATSON: So it will be--

MR. TORPEY: Never to be rented out?

MS. SHARROW: No, my son wants to be there to help me.

MR. KRIEGER: I understand that's family but once that family consideration piece is not--

MR. WATSON: It's sort of like a mother-daughter.

MR. KRIEGER: That's perfectly, the statute says that immediate family can live there, they define single family as so many people other than immediate family.

MR. TORPEY: But there will be one electric meter, one everything?

MR. WATSON: Yes.

MR. BEDETTI: One entrance, will he have a separate entrance, the son's area?

MR. WATSON: Well, I was thinking about providing the entrance in the connecting piece between the two buildings so there would be an entrance, it would be like the rear entrance to her present house, I mean, it's not like we're going to have two front entries.

MR. TORPEY: Is there going to be an entry through the garage to go up like there will be an entry through the garage but an entrance--

MR. WATSON: Yes, there's a connecting piece between the present garage building and the present house and there would be an entry there which you could go either way into the existing house or into the addition over the garage cause, I mean, that would be a way to get from the space over the garage to the house also.

MR. DITTBRENNER: How do you define whether this is a single family dwelling or two single family dwellings on one parcel? That's really the question.

MR. KRIEGER: I would suggest that you go about it the same way you go about it with the two kitchens in one house, if they're willing to put on the record that it is a single family dwelling, it was a single family dwelling and it will always be a single family dwelling that's your, and I suspect that's why the building department sent them here because they didn't know necessarily what to do and they want to have that statement on the record, same as they do with for the same reason that they send two kitchens to this board.

MR. DITTBRENNER: Will this renovation include the install of a kitchen?

MS. SHARROW: Like a studio.

MR. WATSON: I think, I don't think a full blown kitchen but a kitchen area, a sink and I don't know whether he's going to have a range.

MS. SHARROW: Probably not.

MR. WATSON: At least a microwave.

MR. KRIEGER: If we have them put on the record that

it's one single family home and will always be one single family home and will never be a rental apartment, that's what you do when you're faced with the two kitchens situation.

MR. TORPEY: You guys got any questions?

MR. BEDETTI: Like I said, I think if we go with the idea that this is really a single family home, will never be rented out, I mean, whatever arrangements you make with your son to share expenses what we're trying to do we're trying to guard against making it a two family.

MS. SHARROW: Other people coming.

MR. BEDETTI: Identifying as two separate homes on a single lot, that's a clear violation.

MS. SHARROW: Definitely be my son, he wants to be there to help me but yet he wants his own privacy.

MR. BEDETTI: I understand that.

MR. KRIEGER: And it will be a single dwelling?

MS. SHARROW: Yes.

MR. BEDETTI: We go with the interpretation that this is a single family home and add the caveat that it cannot be rented beyond that to anyone else as a rental, separate rental apartment, I mean, that would be the only way that would be considered.

MR. WATSON: That's why we were proposing the connection.

MR. BEDETTI: That way if you do rent it out after your son decides to maybe he doesn't want to live there anymore you'd be in direct violation of the law.

MS. SHARROW: Right.

MR. KRIEGER: All the building department would have to do if they went to court and in order to prove it they'd produce a copy of the minutes where you made a statement that it's a single family home.

MS. SHARROW: Right.

MR. WATSON: She's not planning to do that.

MS. SHARROW: No, absolutely not.

MR. TORPEY: Any questions?

MR. BEDETTI: We're going to make a motion that this will be revisited as an interpretation or again go to public hearing and let them work it out.

MR. KRIEGER: I would suggest that the motion we be set him up for a public hearing for an interpretation and/or use variance same as do you with two kitchens knowing that if the interpretation is granted there's in need to proceed to variance inquiry.

MR. BEDETTI: But we'll be, are we forcing him in a public hearing?

MR. KRIEGER: Well, by law the zoning board is only entitled to act after a public hearing.

MR. BEDETTI: I will make that motion that we schedule a public hearing for Eileen Sharrow for an interpretation of a single family home on a single lot at 19 Lawrence Avenue in an R-4 zone.

MR. DITTBRENNER: Second the motion.

ROLL CALL

July 13, 2009

17

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. TORPEY	AYE

CHRISTOPHER_SOMMERS_(09-23)

MR. TORPEY: Christopher Sommers request for a variance of a proposed addition and deck will be 22' from the rear property line. Required rear yard depth is 50', a variance of 28' is required at 22 Hill View Road.

Mr. and Mrs. Christopher Sommers appeared before the board for this proposal.

MR. TORPEY: Give us your name and address for the stenographer.

MR. SOMMERS: Chris Sommers, 22 Hill View Road, New Windsor.

MRS. SOMMERS: Julia Sommers, 22 Hill View Road.

MR. SOMMERS: Looking for a variance to put up an addition, we moved in with her mother, same situation, take care of her as she's getting older. We're just looking to make, add on an addition of three bedrooms, a bathroom and family room but it's a little close to the back line of the property, this is why I'm here for a 20 foot variance and a garage.

MR. TORPEY: Is that where the existing deck is now you're coming off there?

MR. SOMMERS: I'm coming right off the side of the house, there's a little driveway on the side and go back passed the deck just about a foot.

MR. TORPEY: So there will be two decks?

MR. SOMMERS: It's going to be one connecting by the time it's done. If you look at the plans, I did submit two stamped plans.

MS. GALLAGHER: We keep them.

MR. SOMMERS: On the site survey I did do a drawing there, I did attach a sight survey, it comes directly off the side of the house, it's a bi-level, it sits back 18 feet from the road, it's just going to come flush with the front of it and go back 35 feet, I believe.

MR. TORPEY: So you're actually coming off the side of this house?

MR. SOMMERS: Yes, and it's going to come back towards this tree.

MR. TORPEY: Then it's going to connect to the next deck?

MR. SOMMERS: Yes.

MR. TORPEY: You're going to have both decks?

MR. SOMMERS: Yes.

MR. BEDETTI: Now what's on the other side of the property line?

MR. SOMMERS: On the back side, woods.

MR. BEDETTI: The side that you're violating?

MR. SOMMERS: Woods, just woods, that's it and then if you're looking at the house from the street, the back is woods, the left side is railroad tracks.

MR. KRIEGER: This proposed addition is for?

MR. SOMMERS: Me, for us, make more bedrooms, we have three kids.

MR. KRIEGER: But it's a single family house, it will

always be a single family house?

MR. SOMMERS: No other kitchens going in, just bedrooms and bathroom.

MRS. SOMMERS: Two car garage, it's going to be over a garage.

MR. BEDETTI: What's in the addition?

MR. SOMMERS: There's going to be two small bedrooms, there's going to be like a family room with a washer dryer, keep it on one level for her mother, a master bedroom and a bathroom and on the bottom is open garage.

MR. TORPEY: So no two kitchens?

MRS. SOMMERS: No, none of that crap. Sorry.

MR. TORPEY: So really just putting an addition on the house with extra bedrooms, not putting two family kitchens?

MR. SOMMERS: No.

MRS. SOMMERS: We have one meter, that's it.

MR. TORPEY: That's a big difference.

MR. SOMMERS: That's all we want to do, just so it's not so tight.

MR. DITTBRENNER: Will you accept a motion?

MR. TORPEY: I'm ready.

MR. DITTBRENNER: I would move that we schedule a public hearing for Christopher Sommers at 22 Hill View Drive for a 20 foot rear yard variance.

July 13, 2009

21

MR. SOMMERS: It's 28.

MR. DITTBRENNER: Twenty-eight feet rear yard variance.

MR. BEDETTI: I'll second that.

ROLL CALL

MR. DITTBRENNER AYE

MR. BEDETTI AYE

MR. TORPEY AYE

PUBLIC HEARINGS:

PHYLLIS_DRENNEN_(FOR_MARY_DOMALAUGE)_(09-17)

MR. TORPEY: First public hearing is Phyllis Drennen request for a variance of 30 foot from an existing screened porch which is 20 foot to the rear yard property line. Required rear yard depth 50 feet at 14 Elizabeth Lane.

Ms. Phyllis Drennen appeared before the board for this proposal.

MR. TORPEY: You know there's only three of us tonight so it's like gambling, you know, there's supposed to be five but there's only three so--

MR. KRIEGER: By law to be successful in your variance request you have to get three votes. There's only three persons here that can vote so you have the option to proceed or asking for an adjournment if you want to do that.

MS. DRENNEN: No, I'll keep going.

MR. TORPEY: All right, okay, so then we're going to open up a public hearing for Mrs. Phyllis Drennen.

MS. DRENNEN: Standing in for Mary Domalauage.

MR. TORPEY: Standing in for Mary Domalauage. Please state your name for the record.

MS. DRENNEN: I'm Phyllis Drennen, 14 Arcadia Drive, Wallkill.

MR. TORPEY: And this is for a screened-in porch that's already existing, right?

MS. DRENNEN: Yeah, it's been there 40 or more years.

MR. KRIEGER: During the time that it's been there, have you had any complaints formally or informally?

MS. DRENNEN: No, they say no.

MR. BEDETTI: Has the building department received any complaints on that property?

MS. GALLAGHER: No.

MR. TORPEY: There's no electricity in it, no power?

MS. DRENNEN: No, they took that out, it's already been checked.

MR. TORPEY: You guys are good?

MR. DITTBRENNER: Yes.

MR. BEDETTI: Yes.

MR. TORPEY: I guess I'm going to, we have to open it up to the public first, right. I don't see anybody here, obviously there's nobody here and how many mailings did we send out?

MS. GALLAGHER: Twenty-four with no response.

MR. TORPEY: Okay.

MR. KRIEGER: If I may, this was built by the current, was this here when they--

MS. DRENNEN: One time owner.

MR. KRIEGER: Doesn't go over any easements or doesn't interfere with any easements?

MS. DRENNEN: Not that they say, I don't think so.

MR. KRIEGER: It doesn't cause the ponding effect or drainage of water?

MS. DRENNEN: Not really.

MR. TORPEY: You guys got any questions?

MR. DITTBRENNER: No.

MR. BEDETTI: I will make a motion that we grant the variance for 30 foot variance for an existing screened-in porch at 14 Elizabeth Lane in an R-3 zone.

MR. DITTBRENNER: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. TORPEY	AYE

DEBORAH_BRAND_&_MICHAEL_MUSANTE_(09-19)

MR. TORPEY: Deborah Brand request for area variance for proposed rear deck that will be 34 foot from property line, a variance of 26 feet is required at 10 Birchwood Drive.

Ms. Deborah Brand appeared before the board for this proposal.

MS. BRAND: We're requesting to get a variance for a deck and I brought some pictures of what the deck would look like.

MR. TORPEY: Just state your name and stuff just to her.

MS. BRAND: I'm Deborah Brand representing Deborah Brand and Michael Musante for a variance to build a deck in our back yard, I believe the variance is for 16 feet that's required at 10 Birchwood Drive in New Windsor. And we're, I brought some pictures of what it would look like, there's a few different drawings, these are my only ones from the designer but just so you know you can see here that the level off the ground here would be minimal. It's going to be flush with the yard over here, this is just kind of a yard, doesn't really look like this, the only side that would have any kind of height off the ground we're going to have a railing, it would be approximately 12 inches off the ground to 18 inches off the ground. But the rest is going to be flush but they'll, it will be girders, 42 inch footings in the ground. This is what it would look like and these are some of the, and there will be on one side where there's any kind of elevation off the ground there will be a railing there and there will also be a small bench I think it's 18 inches off the ground so really that's the only elevated part, everything else will be flush with the ground.

MR. DITTBRENNER: I have no questions. Substantial vegetation, any drainage?

MR. KRIEGER: Well, I'm not going to ask any questions until I'm sure everybody else has had a share of it.

MR. TORPEY: Just for the record, you're not going to create substantial water hazards?

MS. BRAND: No, in fact, he's going to create a better drainage system than we have because he's going to create a french drain to keep the water from pooling by the house.

MR. TORPEY: Cutting down any excessive vegetation?

MS. BRAND: No.

MR. TORPEY: No easements.

(Whereupon, Mr. Musante entered the room.)

MS. BRAND: No easements or anything like that. This is Michael Musante.

MR. TORPEY: So if you stepped out of the doorway, you'd break a leg?

MS. BRAND: It's going to go--

MR. KRIEGER: Without the deck, it would be a safety hazard, correct?

MR. MUSANTE: It would be safer with the deck.

MR. TORPEY: Open this up to the public, obviously, we have nobody in the room here tonight. How many mailings did we have?

MS. GALLAGHER: Eighty-six with no response.

MS. BRAND: They've seen our yard and they're all for it.

MR. BEDETTI: Have you made her aware of the three present to vote?

MR. KRIEGER: It's a little late now.

MR. BEDETTI: Well, is it? She should have that option.

MR. KRIEGER: Before you vote, yes.

MR. TORPEY: At a normal meeting, there's normally five of us, now there's only three, so you need three votes tonight. You can table it and wait till there's all five of us or you can take your chances tonight and go with the three votes.

MS. BRAND: I'm going to take my chances.

MR. TORPEY: Okay.

MR. DITTBRENNER: I move that we approve the application of Deborah Brand and Michael Musante at 10 Birchwood Drive for a proposed deck that will require a 16 foot variance.

MR. BEDETTI: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. TORPEY	AYE

FORMAL DECISIONS

ROGER ARNOLD
WILLIAM MCWILLIAM
JOHN O'BRIEN
WESTAGE SIGN

MR. BEDETTI: I'll make a motion that we accept the formal decisions as written.

MR. DITTBRENNER: Second it.

ROLL CALL

MR. DITTBRENNER AYE
MR. BEDETTI AYE
MR. TORPEY AYE

MR. DITTBRENNER: Motion to adjourn.

MR. BEDETTI: Second it.

ROLL CALL

MR. DITTBRENNER AYE
MR. BEDETTI AYE
MR. TORPEY AYE

Respectfully Submitted By:

Frances Roth
Stenographer

