

Planning Board meeting

November 7, 2018 Minutes

Chairman Kozakiewicz called the meeting to order at 7:02pm.

Roll call:

Al Kozakiewicz — present

Kim Hart — present

Fred Franko — absent

Mike Voght — present

Peter Kiernan — present

Lynne Delesky — present

Rick Gilmour — present

Members of the public in attendance: Matthew Paton

Al Kozakiewicz moved to approve August 1, 2018 and September 20, 2018 minutes. Rick Gilmour seconded the motion. All were in favor.

Al Kozakiewicz: We have two pieces of business before us tonight. Both of them are Site Plan Reviews. One for Paton on Route 10 and the other is for Schuyler on Pine Lake Road. You are?

Matthew Paton: I'm Paton.

Al Kozakiewicz: You're first.

Application Number: P2018-07

Owner: Matthew & Lynne Paton 121 Schmidt St. Tribes Hill NY 12177 of the property located at: 449 State Highway 10 Caroga Lake NY 12032 and identified as parcel #12.19-2-6 for a Site Plan

Review of the Town of Caroga Zoning Ordinance. as it pertains to Section 9.010.

Owner Desires to: build a larger replacement deck that would increase the non-conformity with regard to the lakefront setback.

Al Kozakiewicz: Just so you know, the reason that you are here is that — don't you also have a Zoning Board of Appeals?

Matthew Paton: Yes.

Al Kozakiewicz: The reason you are in front of the Planning Board, just in case it wasn't explained to you is that we have a provision in the [Zoning] Ordinance that if a structure is nonconforming — by nonconforming meaning it doesn't meet the setback requirements or some other major feature of the Zoning Law [sic, Ordinance] as it is written. Then, you have to come before us to basically review what you are going to do before it goes on to the Zoning Board of Appeals — if you are interested in it — which, I gather, is the case here — encroaching on a setback. Our job is to mainly just to make sure — and a lot of lots in town are nonconforming in that way — in fact all the lakefront properties are nonconforming: they're not big enough for the area [zoning district] that they are in, but they don't require Site Plan Review because — as long as the structure is within the setback that are set for it. Our job mainly is to make sure there isn't a bad situation that is being made worse. That's why you are here. That being said, why don't you tell the board what you are planning to do?

Matthew Paton: Just add a 8 [foot] by 10 [foot] deck [...] where it comes out of the porch [...] I want to put a 8 [foot] by 10 [foot] deck in that corner of the building, no farther out than the camp and no farther down. [...]

Al Kozakiewicz: Just to make sure I understand: this is already preexisting?

Matthew Paton: Those two in the front are. [...] The two down on the front are already there and the landing and steps have been taken off and I just want to put the deck in that corner: 8 [foot] by 10 [foot] deck just so my father can — he's got a walker and cane and stuff. He probably would probably have fallen of the railing of the door the way it was before. It wasn't very safe, so I wanted a little spot for them so they can sit out there and still look at the lake. It's no actually any farther [...]

Rick Gilmour: But you already did this job.

Matthew Paton: It is actually. I had [inaudible] builders build a whole new porch, same as what I had. [...] The old guy told me: well, you've got to get a variance. So that's why.

Rick Gilmour: When we look at a project and find that it's already done, it doesn't sit well. You know what I'm saying?

Matthew Paton: Right. Right. I understand that, but, yeah. I didn't even realize they were going to do it that — I mean they had the porch and everything to do. They're Amish. They just don't stop working. I went out there and it was already.

Al Kozakiewicz: That probably explains it. Normally, you would expect a contractor to take care of any permits that are necessary. Don't be too hard on him Rick [Gilmour].

Matthew Paton: I think they had all the proper permits. Just as far as working, they just go right ahead. They had all that done in like seven days. [...]

Lynne Delesky: The room that the new deck comes off of. Did that used to be there? Or, what was there before?

Matthew Paton: The room with the porch? Yeah, the porch was there.

Lynne Delesky: It was a porch? Did they enclose it?

Matthew Paton: It was all enclosed. It just was settling. It was angled down. You felt it leaning toward the lake. And toward the back of the camp toward the road, it was in the ground, rotted all the walls and sill. The other put all new footers under it and sill plate. He built from the inside out. [inaudible] The porch was actually starting to sag.

Rick Gilmour: So, you didn't do that job? You personally didn't? The contractor had that done?

Matthew Paton: Right.

Rick Gilmour: And you got a permit for that?

Matthew Paton: Yes. Two permits, actually. I bought one for last year and I just renewed in September.

Rick Gilmour: It doesn't come out any further than the footprint of the house. So, it's not going further that way. And, everything else was existing.

Al Kozakiewicz: Yes.

Matthew Paton: [...]

Al Kozakiewicz: Any other questions, board?

Peter Kiernan: Only a comment. I had the same feeling as you [Rick Gilmour]. It's like it's going to be a strange time to be having this conversation. [inaudible] And, you have been compliant in the past. So, it's not like you are [inaudible].

Matthew Paton: Oh, I wasn't trying to pull anything off. I just went up there one day and they had the deck and all that and I was supposed to get — you know — check with the board or check with the codes. [inaudible] Maybe have that looked at.

Mike Voght: When you put these other two decks on, that you have in here, you had to go through a permit process also?

Matthew Paton: My parents probably did that when they had the camp first.

Mike Voght: OK, that's where I was trying to go — to see how far along you were with this.

Matthew Paton: It's been many years with both decks.

Mike Voght: Yes, OK.

Matthew Paton: They've been there a long time.

Mike Voght: I'm also in agreement with the board. You have been compliant with getting permits and stuff but, it's kind of hard, you know. It's almost like a slap in the face to the board. [inaudible] It gums things up when other people have to do to exactly the same.

Al Kozakiewicz: Sounds like that's a clue to close the public hearing part of this, so now we can have a discussion.

Public session closed at 7:11pm.

Al Kozakiewicz: Not being afraid to go first, there's a couple things. You know I sent you [the board] a link to this [a document discussing ADA and zoning] around to have you read it. And, I had a conversation with Robyn Burgess of Adirondack Park Agency. I was more interested in the — I have this bugaboo in our Zoning Ordinance about, you know: "In no case shall any increase or expansion violate or increase noncompliance with the minimum setback requirements of the shoreline restrictions." Which is not this application: it's the other one. And I wanted to know — what started the conversation was — so, why is this in here? She doesn't know why it's in our Zoning Ordinance, but how do you deal with that? And, she says, "I not know, well you know the ZBA sends us stuff we kind of look at it". It sounded like how consistent they are with granting variances to that and is there a reason for it and is it a logical reason or is it capricious or what is it. I said, OK, that's great. And, then I happened to notice that both applications mentioned elderly parents and access. And, I asked her, because I had her on the phone at the time, you know, does the Americans with Disabilities Act [of 1990], which was passed in the [President George] H. W. Bush administration — I said, you know, does that trump the APA [Adirondack Park Agency regulations]? And, she said, yes, absolutely. Now, Americans with Disabilities Act [of 1990] basically governs the behavior of the government. OK, now, it doesn't say that if I have a handicapped child and I should have a wheelchair ramp, that I have to build one on my house. It doesn't say anything like that. But, what it does say is: as far as zoning ordinances and things of that nature, you know, land use regulations, that you have to make an accommodation and that goes above and beyond whatever is in your zoning regulation. And, the three tests are: Is the person to be accommodated, do they have a disability? Is the modification reasonably necessary to accommodate the disability? And, would the modification fundamentally and unreasonably alter the nature

or purpose of the zoning ordinance? That last one — so, those are an “and” [logical “and”] for all three of those. That last one pretty much says there’s really not a whole lot you can build. You know, if you were in a city — this is my reading of it — if you were in a city, and the homeowner wants to build a wheelchair ramp that covers the entire sidewalk to the curb, that’s unreasonable. OK? But, anything short of that, you’ve got to make an accommodation. And, it was odd for us [the Town of Caroga Zoning Board of Appeals] to have two applications, both of whom mentioned that — which is why I got interested in that. So, that being said, in this particular one [P2018-07], even without that, this is entirely within, you know, the footprint — generally speaking — of the house as it was. I don’t see — me personally, I don’t see anything bad about this. It doesn’t make a bad situation worse and it probably — it definitely — most of those properties there would improve it.

Rick Gilmour: I don't whether that Act [ADA of 1990] pertains to the actual disability of the owner that owns the house or lives in the house or, you know, somebody who is going to visit once a year. Because, I think this should be passed on its own merits and not even consider the disability advantage.

Kim Hart: I have concerns about that, too, because you are setting a precedent.

Rick Gilmour: Absolutely.

Kim Hart: And, I think as soon as people hear it — you know, this is not saying anything to do with your [inaudible] but, it’s — just imagine that if people suddenly realize — that they start using that — that it’s just a given because we’ve already used it. That was my primary concern.

Al Kozakiewicz: And, just be aware, because the way the law is written, the burden of proof is on us to say why that should be the case. OK? It's actually one of those laws that you don't even need a lawyer. You go to the Justice Department. They will actually file — if they think it has merit, they'll file the complaint and go after the town for enforcement, if they think it is justified. So, there's no expense at all to the homeowner.

Kim Hart: But, the question for me: is it the homeowner, or a visitor, or how does that...?

Al Kozakiewicz: I don't know.

Peter Kiernan: And, there's a lot of in between. A visitor once a year and your father is there every weekend is kind of different.

Kim Hart: Well, his parent owned it prior too — which is kind of — you know, in the sense of like — obviously they're involved.

Rick Gilmour: And, that's why that I don't think we should pass this based upon that — that we should pass this based on the merits, that the footprint is [speaker was interrupted]

Al Kozakiewicz: I don't care. I just wanted you to be aware that that's sort of hanging over all this.

Rick Gilmour: Yes, so I read it. I read it. Sounds threatening.

Al Kozakiewicz: Alright. So, do you — then, we can go through the — you know — let's go through the checklist so that it's read into the minutes and the APA [Adirondack Park Agency] is happy with it. So, this has no — first of all, we have to consider any impact on natural resources? I think no. Water, land, air, nobody's critical resource, wildlife, or aesthetics, meaning scenic vistas or travel corridors.

No board member disagreed.

Al Kozakiewicz: Historic site considerations? Not an historic site, right?

Board members agreed it was not.

Al Kozakiewicz: Any affect on geology, slope, soil characteristics, depth of ground water: I don't think so.

No board member disagreed.

Al Kozakiewicz: Any effect on adjoining land uses? No.

No board member disagreed.

Al Kozakiewicz: Any effect on government services? No.

No board member disagreed.

Al Kozakiewicz: I don't really know what this: government review considerations. I don't think it applies to this particular application. So, it looks like it passes — or it doesn't raise any objections based upon the plan — what we're reviewing — so.

Rick Gilmour: The letters were all sent out and there was no feedback from any neighbor?

Al Kozakiewicz: Oh, oh, oh, yes, I forgot to read — to tell you that.

Rick Gilmour: Oh, there was?

Al Kozakiewicz: There was correspondence — this is Paton, right?

Rick Gilmour: Yes.

Al Kozakiewicz: Yes, we did get correspondence from John J. Garger [John J. Garger together with Carol Mark]. I'm suddenly confused because it says "we have no objections to either application". Oh, oh, oh, because one is Planning — I had to read the numbers. One is Planning Board and the other one is Zoning Board of Appeals. OK, now I understand. He [and Carol Mark] apparently owns property at 757 [sic, chair misread the number: it actually said 457] State Highway 10. They reside in White Plains [19 Tompkins Avenue, White Plains NY 10603]. They have no objections [to either the Planning Board or ZBA application]. You can put that.

Rick Gilmour: You don't have your own driveway?

Matthew Paton: Yes.

Rick Gilmour: You do? Because when I pulled in there, I was like on the right side — the next door neighbor — I didn't realize where your driveway might have been. Does it go to the garage, that temporary little garage there?

Matthew Paton: Ah, if you bear to the left, it'll go in there, yeah. We gotta take that down — that canvas thing — before it snows. That's for sure. Yeah, that is my driveway. The line is like a foot...

Rick Gilmour: So, do you share a driveway with the neighbor? How does that work?

Matthew Paton: They use it when they're up there.

Rick Gilmour: OK.

Matthew Paton: I'm trying to get — I had it surveyed. And, now there's a stake showing where the line is and their steps are like three and a half feet from the line.

Peter Kiernan: Could be the Hatfields and the McCoys going on?

Matthew Paton: Well, no. I don't have an issue. It's just when I get up there I'd like to be able...

Peter Kiernan: I was wondering if anybody even lived there. That's just for the winter time, probably? [inaudible, multiple simultaneous speakers]

Matthew Paton: New Jersey, Georgia, and Texas, I think — is where they're from — the kids. They're up there usually the week toward the end of July, like a couple weeks. But, they're talking about building a place next year too, right? Tearing that down. There's a trailer in there too. Then, they've got log siding over it. They're talking about like a modular home and I just want to make sure they're not infringing on the line, now that we know where the line is. I've always know where the line is, but they, I think, thought they had a little more than they have.

Al Kozakiewicz: So, would anyone like to make a motion regarding this application?

Rick Gilmour: I'll make a motion to approve the application.

Lynne Delesky: I'll second it.

Roll call vote:

Mike Voght: Yes.

Lynne Delesky: Yes.

Al Kozakiewicz: Yes.

Rick Gilmour: Yes.

Kim Hart: Yes.

Peter Kiernan: Yes.

Al Kozakiewicz: Motion passes.

The board discussed the next Zoning Board of Appeals meeting date.

Al Kozakiewicz: Linda [Gilbert] has another application for a Site Plan Review.

The board agreed to meet on November 20, 2018 at 7:00 pm for that newly filed application. This would be prior to the previously schedule Zoning Board of Appeals meeting, also at 7:00 pm.

Al Kozakiewicz: The other application before us is from Schuyler and they did not send a representative.

Application Number: P2018-06

Owner: William Schuyler 505 Wolfe Street Alexandria VA 22314 of the property located at: 235 Pine Lake Road Caroga Lake NY 12032 and identified as parcel #**38.11-1-22** for a Site Plan Review of the Town of Caroga Zoning Ordinance as it pertains to Section 9.010.

Owner Desires to: add a deck to a non-conforming structure. Road and lakefront variances are being requested.

Lynne Delesky: I have questions for this one.

Mike Voght: So do I.

Al Kozakiewicz: What kind of questions? Because, this looks like it's very similar to the prior application in that the walkway they want to build is essentially bounded by preexisting deck.

Peter Kiernan: That's true.

Lynne Delesky: Except for the stairs in the front.

Rick Gilmour: Right, the stairs in the front.

Lynne Delesky: That's where I have a concern.

Al Kozakiewicz: Well, he just said "walkway". Am I not reading the whole thing?

Lynne Delesky: Well, the stairs are new, because they're not there now.

Al Kozakiewicz: OK.

[inaudible, multiple simultaneous speakers]

Lynne Delesky: This was there.

[multiple simultaneous speakers]

Lynne Delesky: This is pretty close to the road.

Rick Gilmour: I don't think they're asking us to approve the stairs. They're asking us to approve that deck.

Lynne Delesky: But, he's got to have stairs.

Rick Gilmour: No, no. I think what they're doing is they are using the deck to get to the catwalk, so to speak, to get back to the back. They're not going to put that stairs in, because the stair come in front of that window.

Lynne Delesky: Well, no. He has the stairs coming and ending before the door.

Rick Gilmour: Yes, but there's a window there also.

Lynne Delesky: But, why would he have the stairs in there?

Rick Gilmour: I was — I don't know. I can't — we were — I don't think they're asking us to approve that.

Lynne Delesky: Then, it shouldn't be on the [inaudible].

Rick Gilmour: I agree. There's a lot of stuff that is wrong with this thing. First of all, the square footage — I was talking to Al [Chairman Al Kozakiewicz] — and I was trying to figure it out. It looks to be two different pieces of property — what he owns behind. OK? So, he's way over on the square footage. He's got decks all over the place. He's got two outbuildings and, and he just had — this, this addition — whatever was done to the house — you know, had just had had this done. So, I think this is like a wish-list thing. You know, he wanted to attach — so, the door comes out and there's nowhere for anybody to go with that door, so you obviously need stairs or you need to attach it to something else. So, that's what he's hoping to do is just — he wanted it back.

Al Kozakiewicz: It just — the application is only for this deck.

Rick Gilmour: Yes, that's what I thought too.

Lynne Delesky: For the deck that runs along side of the house.

Rick Gilmour: Right. And, I really — I believe that this is too much. Because, if you look at all the other stuff that's going on there, he's got like a deck, then he's got a framed-in catwalk that goes to the base of the little hill. Then, there's going to be steps up to his outbuilding. And, now he wants to put this deck on and then he's also saying that, oh, we might have a handicapped person also. Well [speaker was interrupted]

Al Kozakiewicz: It is specifically for his mother.

Rick Gilmour: Yes, well the mother can walk right through the house.

Kim Hart: That's what I was thinking. [inaudible]

Rick Gilmour: You know, I mean you don't have to walk on the deck on the side. And, this is almost like a screened-in porch, but I mean it's a porch with a window. You know, so it's not like it's — there's no deck there — it's framed out as just a landing.

Lynne Delesky: Where do you mean, now?

Rick Gilmour: Off the door.

Lynne Delesky: On the back?

Rick Gilmour: No, not the back: that front door that comes out to the left on the driveway.

Lynne Delesky: OK.

Rick Gilmour: There's like a landing there.

Lynne Delesky: Yes.

Al Kozakiewicz: Let me read the paragraph: "The fact that there may be other alternatives which comply with the zoning ordinance is not sufficient. The focus is on whether the modification would allow people with disabilities the same opportunities as those without. Thus, for example, a request to expand a garage to accommodate an indoor wheelchair ramp to an internal door could not be denied merely because an outdoor wheelchair ramp to the front door could be constructed in compliance." You know, it's essentially the least restrictive. I'm just telling you what the law is. I'm not holding an opinion on it.

Kim Hart: Then again the mother doesn't [speaker was interrupted]

Rick Gilmour: They're not here and they can't say, well ma [speaker was interrupted]

Al Kozakiewicz: Part of the family. I mean, you want to have an argument with a lawyer about why you consider the mother to be not a family member and not worthy [speaker was interrupted]

Rick Gilmour: No, I never said that.

Kim Hart: No, no, no, no.

Rick Gilmour: Never said that.

Lynne Delesky: No, be we also don't want to like...

Kim Hart: Accidentally

Lynne Delesky: ...open up the door to [multiple simultaneous speakers]

Rick Gilmour: Right. I'm definitely with you on that.

Lynne Delesky: ... like everybody on their applications now.

Peter Kiernan: Well, does this change the setback, or are we — like the other one [application] wasn't changing?

Al Kozakiewicz: No. This is entirely within the footprint of what's already there.

Lynne Delesky: No, it's not.

Rick Gilmour: No.

Al Kozakiewicz: Yes. There's deck here.

Lynne Delesky: No, that's not.

Al Kozakiewicz: What do you mean. I know, but, he's making a request — an application to build this here.

Lynne Delesky: Right.

Al Kozakiewicz: I'm assuming this is already here and this is already here. This is supposed to be an as built drawing.

Rick Gilmour: This is framed-out. It's not — it's not — there's no decking on it yet.

Lynne Delesky: It's not there.

Rick Gilmour: This — there's no decking on this thing.

Al Kozakiewicz: OK, well then he has a permit for it, presumably. Or, not.

Lynne Delesky: But, he never made room for [multiple simultaneous speakers]

Rick Gilmour: Well, yeah, probably.

Al Kozakiewicz: Why would he get a permit for this and not that.

Rick Gilmour: Yes, he probably does.

Al Kozakiewicz: It's a logical assumption, anyway.

Rick Gilmour: But, it's also that [speaker was interrupted]

Al Kozakiewicz: If you're going to break the law, you go all the way. Don't write that down.

Rick Gilmour: He also has — he has a catwalk off of this deck that he didn't show that goes into the side of the hill and he's got a little landing off of his outbuilding and I'm sure he's going to put stairs from one to the other. So, you know, when you add up all this on a — what is it — 0.2 [acre]? What's the?

Lynne Delesky: It is 0.16 [acres], I think.

Rick Gilmour: The square footage. It's way over on the square footage.

Lynne Delesky: It's 0.16 of an acre.

Rick Gilmour: And, I think that — I'm just saying — that, if mom is coming to visit, mom could easily just get on this deck and walk through the house to here. I think it is just like a wish list. So, that's my opinion.

Peter Kiernan: And, that may be so, and I'm not disagreeing with you at all, but driving up there, the places especially on the front end of that road, are packed in like the buildings are eight feet apart. I'm surprised it is not even like a fire hazard. So, you get to his place and I did look out the back and the outbuildings you are talking about, but he's got kind of a nice little setup there. And, he's, you know, cleaned it up.

Mike Voght: Number one, I am not in favor of that at all. You are taking away from the road frontage already. The house is at 25 feet and now you are cutting it down to [speaker was interrupted]

Al Kozakiewicz: You're not. The application has nothing to do [multiple simultaneous speakers] — only over here on the right [multiple simultaneous speakers] — which I don't know if he's talking, it's the right side.

Rick Gilmour: Yeah, he's not adding to that. The only thing he's doing is he's getting a little four foot closer to the neighbor.

Mike Voght: But, we're not here to represent him. I'm not in favor of this at all.

Rick Gilmour: And, I'm not either.

Mike Voght: I'm putting it out there. I'm not in favor of this at all.

Al Kozakiewicz: Let me ask [speaker was interrupted]

Rick Gilmour: Why not just deny it?

Al Kozakiewicz: And, would the situation change at all if the applicant was here to answer questions from either of you guys?

Lynne Delesky: Well, yes. I want to know [multiple simultaneous speakers] those stair on there.

Kim Hart: Because, I'm unclear.

Al Kozakiewicz: Let people enjoy their property. I say, let them do whatever they want to do.

Rick Gilmour: I agree with you, but in this case I'm not sure I agree with you.

Al Kozakiewicz: I will make the motion to table this and I'll call the applicant. I'm not sure I have their number. I'll ask Linda [Gilbert, Town Clerk] to call and see if they can schedule a time to be here. Is that acceptable?

Lynne Delesky: One other thing was the drainage here, because that's one of the things we ask. There was — I mean — it was

like, the water was running down today when I was there. It was running down.

Al Kozakiewicz: I believe that is one of the reasons why he wants to build the deck — is to get, you know, the walkway from on above the grade.

Lynne Delesky: Yeah, but I don't know where that water is going to go, if it is [speaker was interrupted]

Al Kozakiewicz: Probably the same place it goes to now.

Rick Gilmour: Yeah, I don't think that's going to change at all.

Al Kozakiewicz: Yeah.

Rick Gilmour: And, we had tons of water so, I mean, you can't — it was not...

Al Kozakiewicz: OK. Anyone want to second my motion?

Peter Kiernan: I'll second your motion.

Al Kozakiewicz: OK. All in favor? Anyone saying no? Anyone opposed. OK. Motion carries.

Lynne Delesky: So, now they're going to come back and be here for the meeting?

Al Kozakiewicz: Yeah. So, we'll try to schedule — assuming we can have another meeting on the 20th [of November] then we'll try to schedule this.

Rick Gilmour: Mom is not — this is another point — it's mom and she probably doesn't live there. You know, it's probably somebody visits.

The secretary reminded board that once the board tables an application, it must be reopened within a certain time frame.

Al Kozakiewicz: Well, remind me and if the next meeting doesn't involve this, I will do so.

Rick Gilmour: Well, if they don't show up for the next meeting, I'm in for denial. [multiple simultaneous speakers]

Al Kozakiewicz: I don't think we should and I don't think we can but,...

Peter Kiernan: You mean we can't deny it because they aren't here?

Al Kozakiewicz: No, no, no, no, no, I actually think — you know, we're starting to get into — and this is what bothers me — and I would like to have a lawyer here to tell us — you know, if we're going to make decisions about whether a family member is disabled enough, is there often enough, and whether that runs afoul of the ADA, I'm welcome for an opinion, but otherwise my attitude is, I'm going to give the ordinance or the ADA as much latitude as possible because I think that's what's called for. But, I'd like rather an attorney to say, oh, no, no it's gotta actually be a resident of the house, for example.

Rick Gilmour: Can't we just ask the town attorney what they thought about that?

Al Kozakiewicz: I can call them. Do we have a town attorney now?

The secretary said yes.

Lynne Delesky: The person could go through the house, right?

Rick Gilmour: Right, right. Because the deck — they're going to finish this deck no matter what — I mean I'm sure they have a permit for that. So they pull the car up to here. They're still going to have to walk [speaker was interrupted]

Lynne Delesky: Mom's going to go in that way. She's gotta go in that way.

Rick Gilmour: Right. Exactly.

Lynne Delesky: Because there's no way to go in here.

Rick Gilmour: Right.

Lynne Delesky: So, she's got to go in here.

Peter Kiernan: Doesn't it grade up?

Rick Gilmour: Yeah, but it doesn't matter, this — this is [speaker was interrupted]

Lynne Delesky: How is mom going to get in here if she doesn't drive up here and go in there?

Rick Gilmour: That's the way she has to go.

Lynne Delesky: So, then they want — OK — they want mom to be able to go all the way over here. Well, mom can go in here and walk through the house and come out here.

Rick Gilmour: Right.

Peter Kiernan: My whole — putting this whole ADA thing aside, I say that's the existing outside of the structure right now, so going down like that doesn't change the outside structure. That's all [speaker was interrupted]

Rick Gilmour: No. And that might be true, because I'm not positive that this part of it is with this. Because I don't think that that deck came all the way [speaker was interrupted]

Peter Kiernan: When I look at it, I did see it [multiple simultaneous speakers]. I came out, I could see exactly what he wants to do. You know, and I'm not saying it's right or wrong except for the fact that's considered the — the edge of that deck is considered the outside edge of the structure, then he's not going to be able to do that.

Rick Gilmour: But then, we're still at: how did they get approval for the square footage?

Peter Kiernan: That's a whole different thing.

Rick Gilmour: Now, what they could do to change that is if they combine the lots that go behind. If they do indeed own that.

Al Kozakiewicz: Or, was that preexisting the initial repair?

Rick Gilmour: So, that's something we could hit them with, if you know [multiple simultaneous speakers]. If they were here, they would have told us that. So, that would have helped too.

Mike Voght: I'll make a motion that we adjourn.

Al Kozakiewicz: I'll seconded it. Done.

The meeting adjourned at 7:39 PM.

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