

Planning Board meeting

December 5, 2018 Minutes

Chairman Kozakiewicz called the meeting to order at 7:00pm.

Roll call:

Al Kozakiewicz — present

Fred Franko -- present

Kim Hart — present

Mike Voght — present

Peter Kiernan — present

Lynne Delesky — present

Rick Gilmour — present

Members of the public in attendance: Darin Battisti, Mike Kaminski, Jr., Mike Kaminski, Sr.

Rick Gilmour moved to approve November 7, 2018 minutes. Peter Kiernan seconded the motion. All were in favor.

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.

Al Kozakiewicz: First thing I'll ask: Is there anyone here to represent Mr. Schuyler? [Darin Battisti is representing Mr. Schuyler] OK. So, we're here to have a public hearing and vote on

two a Site Plan Reviews: One that was tabled at our last meeting [P2018-06] which is Mr. Schuyler and the other one is for Davies Properties, LLC [P2018-08]. OK. So, let's start off where we left off on the last meeting [2018-11-07] which was the Schuyler motion that was tabled. We discussed it internally. I know that there were a number of questions. Now that there is representation here, maybe you could explain to the Board what you want to do? And, just for everyone's — because I go through this at every meeting — why you are here. You may be wondering what this is all about. A Site Plan Review is required is require whenever a nonconforming — so, this is a structure that already violates like a setback or total percentage of property [coverage] or anything of that nature, anytime an application is made to do a modification. And, the reason is that we don't want to let a bad situation get worse. So, it requires this process. So, why don't you tell us what you want to do?

Darin Battisti: It's a camp. There's a deck going into the front of the camp. If you are looking at the camp, it would be the left side of the front of the camp. There was a set of stairs and little deck landing going in that door originally. And now there's a deck out back. He just wants to connect the two along side the camp with a four foot walkway: go from the front deck to the back deck.

Peter Kiernan: I remember one question we had was: The existing decks, like on the front of the — well then, towards the lake and towards the road. Are they all according to these measurements as is, or are you extending the deck out front, to meet...? [speaker was interrupted]

Darin Battisti: No, the deck is the same as it was originally.

Peter Kiernan: So, that deck in the front is there now or that's been there?

Darin Battisti: It's framed up. It's not finished yet. The contractor hasn't finished it yet. It's all framed up.

Rick Gilmour: So this is a renovation, more or less, on that deck?

Al Kozakiewicz: Yes, I think [speaker was interrupted]

Darin Battisti: It's an addition — what he wants. It's the deck that's framed in on the front was there originally.

Rick Gilmour: That's exactly what I was talking about.

Darin Battisti: And that's — according to the Code Enforcer — that's fine. He just wants to connect that one with the back deck with a four-foot walkway.

Rick Gilmour: Right.

Lynne Delesky: Was the deck in the back that size?

Darin Battisti: There never was a deck in the back before.

Lynne Delesky: So, the deck in the back is all new then?

Darin Battisti: Yes.

Mike Voght: The stairs near the road frontage: They were there all this time?

Darin Battisti: Yes.

Mike Voght: Because the three rods for the roadway is what I'm concerned about, because it is tight in there already and I don't really want to make it more tighter than — you know, with the snow and everything else — there's no place to put it.

Darin Battisti: Yes, the stairs were always butt from the road up.

Mike Voght: That's the biggest thing that really concerns. You're taking away from your 25 foot right-of-way from the road.

Lynne Delesky: Just to clarify. The back is away from the road, correct?

Darin Battisti: Yes. The back: Yes.

Lynne Delesky: So, the front: we're talking about right by the road. The back is the back of the house. OK.

Darin Battisti: Yes.

Peter Kiernan: So, with that, I guess I'm still not clear. So, now we're talking about the back of the house. Was that deck there all the way across or was that added?

Darin Battisti: That's new. The deck in the back was never there before.

Peter Kiernan: OK. And that six foot deck on the front — that six-foot deck on the front — was that there?

Darin Battisti: That was there.

Peter Kiernan: OK.

Rick Gilmour: So, basically he said that he was concerned about elderly people [speaker was interrupted]

Darin Battisti: Yes, his mother is older. And, now she's walking with a cane or a walker, depending on...

Rick Gilmour: And, I had a question as to — you know — she can walk right through he house. Why does she need a deck?

Darin Battisti: The other meeting [ZBA 2018-11-20 for Z2018-13] I came to: the way that it is, she'd have to go up the steps and turn to go up and turn to get into the camp.

Rick Gilmour: She's going to have to do that anyway. She is going to be in the camp. She's not going to be just visiting and walking on the deck. So, you know, she's going to be in the camp spending so time, she can walk right out to this deck, which is a very small little deck. I mean its like [speaker was interrupted]

Darin Battisti: It's like three steps down, where if [speaker was interrupted]

Rick Gilmour: In the house, there's three steps?

Darin Battisti: Yes.

Rick Gilmour: Oh, there is?

Darin Battisti: Yes. Where the two are connected, it just goes right around the back and into the kitchen.

Kim Hart: So, that's how she'd go in now, if the deck was there?

Darin Battisti: Yes.

Rick Gilmour: Well, she'd have to go into the back, because there's not going to be any stairs to the front deck.

Darin Battisti: Yes. No. There is going to be stairs.

Rick Gilmour: There's going to be stairs?

Darin Battisti: To the front deck.

Rick Gilmour: So, the stairs that are shown on that diagram: I thought those were stairs that were there, that aren't going to be there now. There are going to be stairs there?

Darin Battisti: There were stairs there.

Rick Gilmour: Right.

Darin Battisti: And, there are going to be again, yes.

Rick Gilmour: Oh, and how are they going to come down and how are they going to come down — in the same exact spot — in front of the window there? Because it looks like a really odd setup to me.

Darin Battisti: The deck isn't on the front of the camp. If you stand on the road, looking at the camp, it's on the left side — left front corner — and the stairs went from the road side up to the deck.

Rick Gilmour: But, when they come down, there's a window that's in front that they're going to — the stairs are going to have to come down in front of the window, I assume.

Darin Battisti: No, there's no window. There's a window on the side of the front porch.

Rick Gilmour: In the front — it doesn't matter. It doesn't matter. It doesn't matter. I felt — I felt personally that this was like a wish list thing. That, you know, he's added all these extra decks. And, there's other decks in the back there that is going up to an outbuilding, and stairs to go to that. And, all this adds to the square footage of the house that is already over. It's nonconforming. So, this extra thing is just something else that I think that — I personally think that isn't really needed. Now, I did

not see the inside of the house, so I don't know — you know, if you were talking about an elderly person that has to navigate steps — you know, that might be a different story, but, you know, the way I saw it anyway, she has to go up steps to get into the house to begin with —

Darin Battisti: Right.

Rick Gilmour: At the back corner there. So, you know, I personally felt that this wasn't something that was needed for this.

Darin Battisti: Right.

Lynne Delesky: Are there going to be steps at the back deck — of the back deck?

Darin Battisti: I don't believe so. No, as long as you can connect the two.

Lynne Delesky: So, how would the person get in? How would you get into the house, then?

Darin Battisti: Right now?

Lynne Delesky: Well, with this proposal. They would have to go up the steps — the new steps I the front?

Darin Battisti: Right.

Rick Gilmour: If somebody was going to enter that house and they were elderly, I would think they would go up, like, two steps versus coming out the front steps. If you are going to put front steps on, that would be a lot steeper — a lot more steps. The person would enter from the back side.

Darin Battisti: It's easier for her to walk up that steps than up that driveway.

Rick Gilmour: Well, you can drive right up the driveway. You can drive right to the back steps.

Darin Battisti: Well, you can't drive right to it, but you can get close.

Rick Gilmour: Really? I thought you could drive right to it. I would think — if I was an elderly person, I would drive my car or get into the back, and taken two or three steps to get — versus going up steps that I think are going to be ten steps to get up to a very small deck.

Darin Battisti: Right.

Mike Voght: If we took the steps off the front like you have here shown in this picture, where the window is. And, we took those steps and went even with the deck and took your — and come up into the deck — to the side here to the left — and came in, that wouldn't take your 25 foot road frontage. You follow that? Yes, this is what I'm talking about right here. You're 25 feet right here to the corner of the house — the whole front. If we took these steps and took them right off and kept right straight with the foundation — put your steps this way in and over, then this would be all deck. Then, that way you're not taking your 25 foot from road frontage. You know what I mean? You're taking away from your highway right now, the way it is here. That way, if you cut this off, you have — you know — whatever the footage would be square. And then, bring your steps in this way. I just don't like losing the road frontage. You know what I mean? It's already tight in there. You're going to make it even tighter — even more — you know, with snow removal and stuff.

Darin Battisti: So, put the steps here.

Mike Voght: Yes. You put the steps in, but even with the foundation.

Darin Battisti: Right, from starting here.

Mike Voght: Yes. What I draw, with the line across.

Darin Battisti: Along side the camp.

Mike Voght: Exactly. You're up, in. And then, that way your whole frontage is all open — your road frontage.

Darin Battisti: Right. Yes.

Mike Voght: This way, somebody can't hit it with a car or whatever. You know what I mean? By the time you park a car or whatever, it's already tight and you got — you know what I mean, with your road coming?

Darin Battisti: Yes. I don't see a problem with that. So, you make the steps here and you got a little, like a little landing going on.

Mike Voght: Right. And, everything else here is straight across. Al [Kozakiewicz, chair], do you see what I'm talking about?

Al Kozakiewicz: Basically, you're talking about turning the stairs 90 degrees. And, where would you put them?

Mike Voght: I would put the — instead of the stairs coming this way in the front, we'd square this off and put your stairs right into the deck. And then, that would be all open.

Al Kozakiewicz: Yes.

Rick Gilmour: It's not that big — I mean, six foot. And, that wouldn't leave much of a deck. That would mean a three foot deck. So, what would be the point?

Peter Kiernan: Those stairs weren't there before?

Darin Battisti: They were there.

Peter Kiernan: Those stairs were there?

Darin Battisti: They were there.

Al Kozakiewicz: Yes, I know you are poking at me. I'll tell you, I spoke with Sarah Brancatella who is an attorney with the Association of Towns in the — whatever — three weeks or whatever — you met her down at Schoharie. But, in the three weeks since we tabled this motion — and the upshot is — I know you guys don't want to hear it, but, yes ADA's Title II applies to us. It applies to zoning. And, ultimately what it says — she's given me other resources we can go after if we need to — and I'm looking at you directly, I guess, instead of to everybody because you [inaudible]

Rick Gilmour: I poked you.

Al Kozakiewicz: You poked me just a minute ago. Don't put that in the notes. So, I have other resources I can go look at, but essentially it comes down to what I had feared — or what I had suspected — feared isn't the right word — at the last meeting. And, that is that the burden is on us to prove that granting a variance would be a major blow to the purpose of the zoning ordinance. And, the example I gave is: in a city, there's a twelve foot wide sidewalk and somebody wants to put a wheelchair ramp and it goes to the curb. It clearly would be out of the question, because it destroys the use of the sidewalk, even if it is the

applicant's property. But granting them, you know, an encroachment of a foot or two feet into the setback wouldn't be a burden. You'd have a hard time proving that would destroy the purpose of your zoning ordinance. And, the second thing is that you are required to provide the relief that's the least restrictive to the applicant.

Rick Gilmour: But, the applicant is not the person we are talking about.

Al Kozakiewicz: It doesn't have to be.

Rick Gilmour: OK.

Al Kozakiewicz: And, you are not allowed to ask for proof of disability either. And, I know you didn't want to hear that.

Rick Gilmour: Wow.

Al Kozakiewicz: But that's the law as it is. That means that it sounds like you've got a way to kind of address this without really delving into the whole ADA thing and sort of trading off the encroachment on the road as a trade-off to do the rest of this. And, I think that's a very reasonable way to approach it, and I'm happy with that approach. Any other comments?

Peter Kiernan: My whole issue is not taking out any more space this way than was already there.

Al Kozakiewicz: Right.

Peter Kiernan: This was there and this was there. If neither one of them was there, you know ADA aside, it's not taking out any more space width wise.

Al Kozakiewicz: And, I agree with you a hundred percent on that, but what —

Peter Kiernan: This helps.

Al Kozakiewicz: Yes, this actually improves the whole property quite a bit. So, there's no question, it's a net gain and we would like that.

Rick Gilmour: Can I ask you one question, one thing? That back deck, now, that was added recently, because it looked new?

Darin Battisti: Yes.

Rick Gilmour: So, did they have a permit for that?

Darin Battisti: Yes, from the Code Enforcement [Officer].

Rick Gilmour: So, they had a permit. And that was — when was that, recently — I mean?

Darin Battisti: When did they get the permit?

Rick Gilmour: Yes, do you have any idea — do you which — in the last year or two?

Darin Battisti: Oh, within the last year.

Rick Gilmour: In the last year?

Darin Battisti: Yes.

Rick Gilmour: So, they must have come before the —

Al Kozakiewicz: And, I don't remember it. And, I'm not remembering it based on the name. And, the fact that I can't recall — maybe you remember it. I would recall somebody being

represented by somebody else. In the case of Schuyler, they live in Alexandria Virginia. So, they wouldn't necessarily be down here, to be in front of the board. So, that's kind of a thing that would make me — now, maybe we did approve this?

[The secretary had no record of this for cases starting in 2018.]

Al Kozakiewicz: I don't either. And, I would think he'd have to, because it encroaches on the twenty foot — oh, wait a minute — wait, wait, wait. Does this part here: is this twenty feet go to the edge of the house? I see what looks like a caret here that looks like it makes it goes to the edge of the deck. My point is, if it is twenty feet to the edge of the deck, that would have been OK. He should have been able to grant that, because it doesn't encroach on any other setbacks, like the road or anything else. If it is twenty feet to the house, I don't know how he could have granted it without coming — oh, it might have been the Zoning Board of Appeals. That — because.

Rick Gilmour: I'm talking about the square footage and everything. The square footage is over.

Lynne Delesky: The lot, the coverage, you mean?

Rick Gilmour: Yes. The percentage coverage.

Lynne Delesky: The percentage coverage.

Rick Gilmour: So, so, if we allowed — if we granted him to put a deck on the back, just only three or four years ago, whenever — however many years ago — you know — then, all of sudden now, we granted him that, and he's over then. Now, we're granting him another thing: he's still over.

Al Kozakiewicz: Two things. One thing — whatever. That would not have been our concern. That would have been Zoning Board of Appeals because that's an area variance. So, we would not normally look at that anyway.

Peter Kiernan: If he got a building permit, wouldn't it never have come this far anyway?

Al Kozakiewicz: Ah, no, if he got a building permit, it could have been at the time because it didn't require a Site Plan Review. It was strictly an area variance — it would have been ZBA, then we would have had nothing to do with it. In fact, it may have — I don't want to speculate though.

Peter Kiernan: Well, it sounds like there's a trade-off between getting the stairs away from the frontage there — the twenty-five foot frontage — that's a plus.

Al Kozakiewicz: Yes, I think so.

Peter Kiernan: And, there is — the deck's just going over the driveway, right? I mean, it's —

Rick Gilmour: If you put a catwalk deck in, how are you going to put the stairs in too? I mean, I don't see how you could do that, if you're bringing the stairs on that side, don't you think?

Al Kozakiewicz: Well, how high is it off the ground, the deck?

Darin Battisti: The road side — it's up there a ways.

Rick Gilmour: Six to eight feet.

Darin Battisti: Somewhere around there, I'd guess. And, the back, it's only —

Rick Gilmour: Fred [Franko], what do you think about that? If you put the stairs on the side, you could go in right through the deck and then the catwalk — how [inaudible] did they approve that?

Fred Franko: Well, I mean, I have a good deal of reluctance in terms of granting this primarily because it is sort of drastically making the situation, you know, more non-compliant. And, I've definitely got some problems with the setback. But, I actually really don't know. What's your rise up at the top of that stair?

Darin Battisti: Excuse me?

Fred Franko: How high off the ground is the deck at that point?

Darin Battisti: From the road?

Fred Franko: Yes.

Darin Battisti: Like he said, six or eight feet.

Al Kozakiewicz: Yes, I mean, I don't know. [multiple simultaneous speakers] I don't do this for a living, but going with a ten inch rise — which maybe is too high — and then a twelve foot run, it's like 96 inches. A run to get —

Fred Franko: Yes, I think that's probably pretty steep for stairs, as a matter of fact.

[inaudible multiple simultaneous speakers]

Al Kozakiewicz: But on the other hand, having said that, that's the property owners problem to solve. We don't have to solve it for them and we don't have to have them demonstrate that they have the solution that will work. They just have to work within the constraints that have been placed on. And, they agree to.

Rick Gilmour: Motion?

Al Kozakiewicz: One may make a motion at any time. Oh, you know, let's — well, don't we normally do that after the motion?

Rick Gilmour: No, at the end of discussion.

Al Kozakiewicz: [inaudible] So, the criteria. So, we're going by the criteria by the "old zoning ordinance" which is the existing one until next month. So, any effect on natural resources, such as water, any effect on water quality, sedimentation? I'm not going to read all this stuff. I don't even know what eutrophication is.

[The secretary explained eutrophication to the board.]

Rick Gilmour: I don't think that applies to this.

Al Kozakiewicz: No, and again, as land is a natural resource, any effect on topography, erosion, flood plains, blah, blah, blah. I don't think so. I'll just — let me answer the questions. Any effect on air quality? I don't think so. Any effect on noise? I don't think so. Is there any critical resource area? No, there's nothing unique about the ecology there. Any effect on fish and wildlife? I don't think so. Aesthetics? That would be scenic vistas and natural or man-made travel corridors. No. Any historic aspects to this site? I don't believe so. Any effect on geology, slope, soil, or ground water? I don't believe so. Any effect on adjoining and nearby land uses? I don't believe so. Effect on adequacy of site facilities? I don't think it impacts them at all. It's not like you're going to have more sewage because there is a walkway on the outside. Any effect on governmental services? No. And, does it raise any problems with governmental review considerations? No, I don't believe so. And, no one disagrees with me?

No board member disagreed.

Al Kozakiewicz: So, that being said...

Rick Gilmour: I, personally, would make the motion to deny this application.

Fred Franko: I've got just one other quick question: Does this have to go to the APA?

Al Kozakiewicz: Yes. [multiple simultaneous speakers] It's also got to go to the ZBA.

Darin Battisti: The Zoning Board? It did last month.

Al Kozakiewicz: They did it with out us seeing it? That's interesting. Normally, they're like: Yes, I don't want to see anything until —

Darin Battisti: No, they did it.

Al Kozakiewicz: And, they accepted it?

Darin Battisti: Yes.

Rick Gilmour: The Zoning Board of Appeals accepted it?

Al Kozakiewicz: Yes, according to the applicant.

Rick Gilmour: Well, I just made a motion, so, let me go with that.

Al Kozakiewicz: Well, I think, and you can correct me if I'm wrong, James [Long, Acting Secretary], I don't know if that motion is in the right form.

[The secretary explained to the board that motions can be made either to accept or to deny.]

Al Kozakiewicz: Second? Hearing none, would someone like to make a motion to accept the application?

Mike Voght: I would, only with the stairs being moved off of the front and the stairs would start even with the foundation on the front of it, with the stairs going into your deck, not taking away from your 25 foot road frontage — your three rods.

The secretary asked for clarification on the conditions.

Al Kozakiewicz: Maybe you can — let me explain it to you.

Mike Voght: Can I show you what I drew?

Al Kozakiewicz: Basically, take the stairs — turn them 90 degrees. Embed them entirely within the area of the deck and don't extend past the foundation, thereby actually lessening the encroachment in the roadway right-of-way.

Mike Voght: Yes.

The secretary said this would be called Mike Voght's motion.

Rick Gilmour: I don't see how that's going to work.

Al Kozakiewicz: Does anybody want to second Mike [Voght's] motion?

Fred Franko: I'll second it.

Roll call vote:

Mike Voght: Yes.

Lynne Delesky: Yes.

Fred Franko: Yes.

Al Kozakiewicz: Yes.

Rick Gilmour: No.

Kim Hart: Yes.

Peter Kiernan: Yes.

Al Kozakiewicz: OK. The motion is accepted and your Site Plan Review is granted.

Darin Battisti: Now, it goes to the APA, right?

The secretary explained the likely next steps to the applicant.

Darin Battisti: With the stairs, being move, is John [Duesler, Code Enforcement Officer] going to know that?

The secretary explained the process to the application.

Fred Franko: And, so you understand, I mean, you're basically going to have to have, as far as I can tell, a stair that starts in the middle and moves towards the front, to get in the front door, and then whatever you need to do to get to the back door, right? Because, you are not going to encroach anymore on the side.

Darin Battisti: Right.

Fred Franko: Four feet to get your stairs —

Al Kozakiewicz: Yes. Whatever you do, its got to stay within that footprint of what's on the drawing, minus the stairs that are drawn on the front here. So, as long as it stays within that footprint, all of us are satisfied.

Fred Franko: I'd also recommend for the APA, since I've dealt with them a couple times on other things, be sure that you document accurately what you are doing, where the property lines are, so on and so forth, because they won't even look at it until

they've got something that is accurately scaled and they can see it all at once and the whole nine yards are there: where the existing decks are; where you are adding new, and so on and so forth.

Darin Battisti: OK. Alright.

Fred Franko: That drawing is not going to tell them all they are going to need to know.

Darin Battisti: Right.

This first application hearing ended at 7:35 pm.

The Planning Board discussed statutes for Zoning Boards and the function of Planning Boards.

Application Number: P2018-08

Owner: Davies Lake Property LLC 1 Loudon Rd Unit 7 Fishkill NY 12524 of the property located at: 237 Garlock Road Caroga Lake NY 12032 and identified as parcel # **83.10-4-48** for a Site Plan Review of the Town of Caroga Zoning Ordinance.

Owner Desires to: Build a second story enclosed porch over the current first floor enclosed porch. Section 9.010 of the Zoning Ordinance refers in part to legal non-conforming uses and structures.

Al Kozakiewicz: Alright, so, who wants to represent Davies? You've heard my spiel before, so why don't you tell us what you want to do?

Mike Kaminski, Jr.: You guys, turn to your pictures. I took pictures. That's the lake front of the property. And, the reason we're here before the board is because we're within the lake

setbacks. So, the plan is to go up with a porch built exactly that same exact porch that you see on the bottom, but mimic the roof-line that's on the camp. So, it would be exactly like it is on the bottom. It would be all glass all the way around. It's just a porch. It's not a sleeping area. It's not anything like that. It's not changing the footprint of the structure. It's not going above the height of the structure. It will actually lower than the current height that's on there. The foundation has been approved by John Duesler. There's paperwork on there also. You go up the second story. We've also been to the APA. It's been approved through the APA. It's on there. John Duesler's initials on there. So, there's no paperwork needed through the APA. There not changing the footprint, nor going higher than the existing structure. That's basically it. It's just going to be a porch on top of another porch.

Rick Gilmour: So, it's going to be two porches? It's not going to be bedrooms?

Mike Kaminski, Jr.: No.

Rick Gilmour: I would have figured it would be bedrooms.

Mike Kaminski, Jr.: No. Strictly all be porches.

Peter Kiernan: There's a door up there? Was there a porch up there before?

Mike Kaminski, Jr.: There's a door up on the top and the family's always gone out on the roof and sunbathed.

Peter Kiernan: Just a door to the roof?

Mike Kaminski, Jr.: It is a multi-family unit.

Rick Gilmour: Oh, it is?

Mike Kaminski, Jr.: Say, there's five kids and they all have grand-kids and kids and more kids. So, the whole idea is to add a second porch. The older members of the family can have the downstairs porch to themselves and send the kids upstairs.

Rick Gilmour: This lower porch, enclosed porch, was built recently? Because I looked at a —

Mike Kaminski, Jr.: Yes. That's our build.

Rick Gilmour: The six by sixes — they looked like they were a couple years old.

Mike Kaminski, Jr.: Yes, that's our build.

Mike Kaminski, Sr.: Five years ago.

Mike Kaminski, Jr.: That didn't need to be changed, because the footprint was already there. All we did was enclose. The roof-line was there. The porch was there. The stairs. Everything was all currently and all we did was —

Rick Gilmour: But, John said that would hold up the next section?

Mike Kaminski, Jr.: In the paperwork that I submitted to you is the approval of the foundation in there, right from the building company. [inaudible]

Lynne Delesky: How will you access the top — the new porch?

Mike Kaminski, Jr.: Inside. Strictly inside.

Peter Kiernan: Through the door that's already there?

Lynne Delesky: Yes.

Mike Kaminski, Jr.: And that door is going to be moved, but yes. But, just like that. It'll still be an exterior door to access the porch. [inaudible]

Mike Voght: I just have one question. As you're looking at your drawing here — to the left — it looks like you have an exhaust pipe, for a pellet stove or something that comes out. Are you going to correct it? Move that or correct that?

Mike Kaminski, Jr.: That's just a bathroom vent.

Mike Voght: That's a bathroom vent instead of going straight up?

Mike Kaminski, Jr.: No, no, no. That's a like an electric exhaust vent for the bathroom.

Mike Voght: OK.

Mike Kaminski, Jr.: And obviously all we'll do is turn it to the side. That's all it is. The heating source, you really can't see, but it's on the opposite side of the house. They don't use it much. It's just a little propane unit that they have.

Rick Gilmour: We didn't get any communication from the neighbors?

There was no communication on either application.

[inaudible and multiple simultaneous speakers]

Rick Gilmour: Numerous trees all over the place, so they couldn't see anything.

Mike Kaminski, Jr.: And the plan has actually already been into John [Duesler]. I know I have to rebuild back there, but — denied strictly because of the water setback. Everything has been

approved as far as our building [inaudible] but we always build above and beyond what we have to do.

Al Kozakiewicz: What's it sitting out now? Is it on piers?

Mike Kaminski, Jr.: The whole entire house is on —

Al Kozakiewicz: No, no, no, just the addition — the porch?

Mike Kaminski, Jr.: Its on pier system. We run laminated beam carriers, with piers under it. It's not just like piers here and there.

Rick Gilmour: It's like four piers and there's a laminated —

Mike Kaminski, Jr.: There's three triple LVL. Like I said. You've seen the paperwork I've submitted. [inaudible]

The board discussed LVL.

Al Kozakiewicz: OK. For whatever its worth, I'm happy.

Al Kozakiewicz: I'll go through the top level. I'm not going to drill down to the third level. Any effect on water quality?

The board said no.

Al Kozakiewicz: On the land itself?

The board said no.

Al Kozakiewicz: Air quality?

The board said no.

Al Kozakiewicz: Noise?

The board said no.

Al Kozakiewicz: Is it in a critical resource area?

The board said no.

Al Kozakiewicz: Any effect on wildlife or fish?

The board said no.

Al Kozakiewicz: Any effect on scenic vistas or natural or man-made travel corridors?

The board said no.

Al Kozakiewicz: Any historic site considerations?

The board said no.

Al Kozakiewicz: Alright, we'll keep going. OK. Natural site factors, other site factors? No effect on geology, slopes, soil characteristics, nearby land uses, site facilities, any effect on government services, or government review. I don't believe so.

Mike Voght: I'll make the motion to approve it for all the information that's in this paperwork and from John [Duesler] and also the applicant. I see no problem with it.

Lynne Delesky: I'll second that.

Roll call vote:

Mike Voght: Yes.

Lynne Delesky: Yes.

Fred Franko: Yes

Al Kozakiewicz: Yes.

Rick Gilmour: Yes.

Kim Hart: Yes.

Peter Kiernan: Yes.

Al Kozakiewicz: OK. The motion carries. So, the same deal as I told the representative for Schuyler. You've been through this enough times.

The board then went on to discuss the new Zoning Ordinance.

The meeting adjourned at 7:58 PM.