

**Town of Southeast  
Zoning Board of Appeals  
Minutes of May 20, 2019**

Timothy Froessel, Chairman	Present
Paul Vink, Vice Chairman	Present
Roderick Cassidy	Present
Greg Wunner	Present
John McNeill	Present
Steve Corozine	Present
Andres Gil	Present
Willis Stephens, Jr., Town Attorney	Joined Meeting after Agenda Item 2
Victoria Desidero, Secretary	Present
Cathy Chiudina, Assistant Secretary	Excused

**Work Session:**

**Regular Session:**

**1. Robert Nikaj / Nikaj Estates LLC  
784-790 Route 312, Tax Map ID 46.-3-8**

Continued Public Hearing to review an application for a Use Variance to utilize an existing building for apartments and increase the number of dwelling units by 5 to allow a total of 28 dwelling units on the property where there are currently 23 dwelling units in an R-160 Zone. Robert Nikaj of Station-Glo, New England was sworn in and the mailings were verified to be in order.

**Chairman Froessel:** Is Mr. Nikaj here? It looks like Mr. Nikaj is not here. We will bypass his application and if he shows up, we will take him last. Otherwise, everyone else is up.

**2. Dennis Santucci  
5 Shady Lane, Tax Map ID 47.-3-9**

Public Hearing to review an application for an Appeal of the Determination of the Building Inspector dated March 22, 2019 where it was determined that the height of the proposed fence at 6 ft. exceeds the permitted 3 ft.

**Boardmember Gil:** Mr. President, I'd like to recuse myself for the same reasons previously stated.

**Chairman Froessel:** Very good. OK, so we met last month. I said we were going to do a written resolution, which we've done. I will read our resolution into the record and we'll take a vote. It's a "*Resolution of the Appeal of Dennis and Kimberly Santucci from the Building Inspector's March 22, 2019 Determination. WHEREAS, on March 27, 2019, Dennis & Kimberly Santucci appealed Building Inspector Michael Levine's March 22, 2019 determination that denied their application to build an approximately three (3) foot high wood fence on top of an existing stone wall in the front yard setback because the total combined height of the existing stone wall and the proposed wood fence on top of the stone would exceed the three (3) foot maximum fence height permitted by the Town of Southeast Zoning Code in the front yard setback as measured from the lowest point of grade on either side of the wall; WHEREAS, the Zoning Board of Appeals previously resolved, on August 15, 2016, that certain fences on the*

*property of Dennis & Kimberly Santucci between their property and the Heinecke property to the north and the Skalaski property to the south should be measured as the vertical distance between: (1) the top edge of the fence, and (2) the base of the stone wall at either (a) the lowest grade on either side of the stone wall as it existed before the construction of the stone wall and prior to the addition of any fill not lawfully placed pursuant to Chapter 69 of the Town Code, or (b) the lowest grade of any fill placed lawfully pursuant to Chapter 69 of the Town Code or by Special Permit duly issued by the Planning Board; and WHEREAS, a public hearing was held before the Zoning Board of Appeals on the aforementioned appeal on April 15, 2019; and WHEREAS, upon review of all submissions and testimony before the Zoning Board of Appeals in connection with the applications for interpretation, and upon the Board taking notice of: (1) the original building permit application filed by Dennis and Kimberley Santucci for, among other things, the stone wall at issue (a copy of which is annexed hereto as Exhibit "A"), and (2) Section 1806.1 of the 2010 New York State Building Code, which imposes specific design criteria for the construction of retaining walls; and WHEREAS, upon review of all submissions and testimony before the Zoning Board of Appeals in connection with the application, it is the Board's intention to memorialize its interpretation in this matter. NOW, THEREFORE, BE IT RESOLVED, that the Building Inspector Michael Levine's March 22, 2019 determination that the stone walls constructed by Dennis & Kimberly Santucci in their front yard setback that are the subject of this appeal are not retaining walls within the meaning of the Town Code is AFFIRMED; and be it further RESOLVED, that Building Inspector Michael Levine's March 22, 2019 determination that measured the height of the proposed fence by combining the height of the existing stone wall in the front yard setback and the height of the proposed wooden fence on the top of the existing stone wall in the front yard setback from the lowest point of grade on either side of the wall is AFFIRMED, as the Zoning Board of Appeals' August 15, 2016 interpretation was intended to clarify that if the lowest grade on either side of a wall or fence was raised by the lawful placement of fill material, the measurement should be made from the legally raised grade, as opposed to measuring from the original grade before the addition of lawfully placed fill, in order to avoid penalizing property owners that had legally placed fill material and prevent property owners from circumventing the fence height limitations by illegally placing fill; and be it further RESOLVED, that any other requests for interpretation or questions raised in these proceedings are deemed by the ZBA to be hypothetical, or moot based upon the resolutions adopted herein.*

**Boardmember Vink:** I'll make a motion to pass the action as written.

**Mr. Liguori:** Can we ask a question?

**Chairman Froessel:** The Public Hearing is closed Mike (Liguori).

**Mr. Liguori:** Well, it's not a Public Hearing and we're the applicants.

**Chairman Froessel:** I closed the Public Hearing last month. Go ahead; what do you want to say?

**Mr. Liguori:** OK, I have a question about how do you reconcile the amendment to the Building Code, the New York State Building Code, that says that retaining walls do not need to be designed if they're under 4 ft.?

**Chairman Froessel:** I have three answers to that question Mike (Liguori): 1) It was a 2010 Code that applied when that wall was built.

**Mr. Liguori:** I'm not arguing about what Code was applied when the wall was built...

**Chairman Froessel:** OK.

**Mr. Liguori:** I'm arguing... I'm asking about the current Code; how do you ignore the fact that that Code was amended?

**Chairman Froessel:** The Code was not amended, because as it was pointed out to me when the 2015 Code was adopted in New York State in October 2016, New York State did not adopt Chapter 1 of that Code verbatim. It was amended and it does not include the language you cited the last time. And even if it did apply, Mr. Santucci testified last time that he went down 30 inches for a footing on that wall; 30 inches plus 3 ft. is 5-1/2 ft. The provision you cited was 4 ft. measured from the bottom of the footing so it does support...

**Mr. Liguori:** So, it does support 5 ft. walls now?

**Chairman Froessel:** Doesn't apply.

**Mr. Liguori:** And, how about the comment about the fill being illegally placed? We don't have illegally placed fill.

**Boardmember Vink:** It makes no difference to this resolution.

**Mr. Liguori:** But it's referenced in this resolution about how do you measure with...

**Boardmember Vink:** That's a clarification of the August 2016 resolution, but it has no impact on this resolution. It's not involved in this resolution.

**Mr. Liguori:** So then... you... but at the end of this resolution, if you vote to adopt it, you're measuring from the front of the wall not behind the wall, is that correct?

**Chairman Froessel:** The lowest grade.

**Boardmember Vink:** The lowest grade, either side.

**Mr. Santucci:** So, the legally placed fill is irrelevant?

**Chairman Froessel:** It would be relevant if that were the low side of the grade, you would get the benefit of what was added legally to decrease the height of whatever fence or wall you had.

**Mr. Liguori:** But, if I'm on the...

**Chairman Froessel:** It doesn't make a high side or low side.

**Mr. Liguori:** I'm asking, what side do you measure on, the high side?

**Chairman Froessel:** Measure it from the lowest grade.

**Mr. Liguori:** The low side, but in the clarification, you made reference to the fact that you're intending to provide a clarification of what happened in 2016 and you make reference to...

**Chairman Froessel:** We said what this 2016 resolution was intended to clarify.

**Mr. Liguori:** Understood, understood. It was intended to clarify that if you did not have illegally placed fill, if you had fill that was placed not in violation of Chapter 69 you would measure from that height, not the front of the wall; not the lowest point of grade.

**Chairman Froessel:** Are we going to argue this all night or are we going to vote?

**Mr. Santucci:** You just said... Mr. Froessel, why the hostility with this application?

**Chairman Froessel:** I have no hostility about your application. We said last time we were going to close the Public Hearing, we'd do a resolution, and we'd vote.

**Mr. Liguori:** No, I'm just asking. I want it clarified so that when I walk out of here, I know what side of the...

**Chairman Froessel:** The lowest grade.

**Mr. Liguori:** So, the low side of the wall?

**Chairman Froessel:** Yes.

**Mr. Santucci:** So, the legally placed fill is irrelevant?

**Boardmember Vink:** Yes.

**Chairman Froessel:** Yes.

**Mr. Santucci:** It does not matter, with any application, if you create a retaining wall you're always going to go to the lowest grade.

**Chairman Froessel:** If there's lawfully placed fill on what is the lowest grade on either side of the wall then it matters. On yours it's not the lowest side.

**Mr. Santucci:** No matter when in the future you're always going to be taking it from the lowest point of grade? So, any retaining wall as far as the Town Code doesn't apply, period.

**Chairman Froessel:** I don't understand the question.

**Mr. Santucci:** You just said you're going to take it from the lowest point of grade, no matter what the retaining wall does and what it doesn't do. So, in the future, no matter what retaining walls on anyone's property... it has to measure from the lowest point of grade. So, theoretically you'll almost never be able to put a fence on top of a wall, which would be a very big safety concern.

**Chairman Froessel:** Well, outside of a front setback I would say it is quite possible that someone could do it and someone could also apply for a variance.

**Mr. Liguori:** So, if someone goes to build a fence on the grade, right, if we make an application for a Building Permit to build a fence behind the wall...

**Mr. Santucci:** An inch behind the wall.

**Mr. Liguori:** An inch behind the wall.

**Chairman Froessel:** I'm not dealing in hypotheticals.

**Mr. Liguori:** No (inaudible)

**Chairman Froessel:** Make an application to Michael Levine and he'll deal with it.

**Mr. Liguori:** It's relevant, but fine.

**Chairman Froessel:** Shall we vote?

**Secretary Desidero:** I need a...

**Chairman Froessel:** Do we have a second?

**Boardmember Cassidy:** I'll second it.

**Ms. Desidero:** OK, so I have...

**Chairman Froessel:** OK, we'll go in order on the sheet here.

**Upon Roll Call Vote:**

ZBA Member Gil	RECUSED
ZBA Member Cassidy	___In Favor___
ZBA Member Corozine	___In favor___
ZBA Member McNeill	___As Written Opposed___
ZBA Member Wunner	___Opposed___
Vice Chairman Vink	___In favor___
Chairman Froessel	___In favor___

The motion passed by a Roll Call Vote of 4 to 2.

**3. Thomas Hall  
7 Maple Way, Tax Map ID 56.12-1-26**

Public Hearing to review an application for an addition to an existing dwelling requiring an east side setback variance of 15.82 ft. where 20 ft. is required and 4.18 ft. is existing and a rear setback variance of 1.5 ft. where 35 is required and 33.5 ft. is proposed.

Thomas Hall was sworn in.

**Chairman Froessel:** Why don't you fill us in on what you want to do.

**Mr. Hall:** I want to add a family room or dining room or whatever you want to call it at this point. It would be a multipurpose room on the back of my house, coming off my kitchen. The entrance going from the kitchen into that room would be approximately 6 ft. wide. It would be a large entrance and the egress would be onto my existing deck. It took a while to figure out, the mosquito season lasts from now until November when my deck that I had on the back of

my house, if I do the math it's probably about 27 ft. by 14 ft. I have a small house; it's about 800 sq. ft. and adding this room onto the back of it would actually, it would change the house dramatically on the inside as far as utility is concerned. As far as the outside it would use a piece of that deck that really just doesn't get used. The height of the extension would be the same height as the house. I've got...I live on a hill. The neighbor above me wouldn't be noticing anything because I didn't want it higher and I'm basically closing in the house and the neighbor below me doesn't have any real view in my direction because there are trees that are there. I did contact all my neighbors in addition to sending them the certified mail and they were all comfortable with it. The size of the addition is, exterior it's 18 ft. by 16 ft. and the peak on that roof will match the peak on the existing roof. And a few years ago, I had gotten a variance for a garage. Everything else fell inside that variance; all the work I've done since then. If you look, this one goes a few feet out on one end and a few inches out on the other end so that's why I had to file for a second variance.

**Chairman Froessel:** OK, when did you get the first variance, do you recall?

**Mr. Hall:** If I had to guess, I'm going to say 2007 or 2008 and no I did not build a garage.

**Chairman Froessel:** OK.

**Mr. Hall:** But I got to the ZBA the first time and I'm back.

**Boardmember Cassidy:** Because you enjoyed it so much.

**Mr. Hall:** I had all the paperwork handed in on time, things worked out well.

**Chairman Froessel:** This one doesn't stand out to me.

**Boardmember Vink:** I don't particularly remember this one.

**Chairman Froessel:** So, it looks like your east side setback is just for the pre-existing non-conforming dimension on that particular side of the property.

**Mr. Hall:** Is it the east side setback or the west side setback; no, you're right.

**Chairman Froessel:** According to the denial letter, it is east.

**Mr. Hall:** It is east side, you're right. I'm trying to figure it out in my head and on the south I'm a little bit close by a couple of feet and that's it. I looked at a lot of rooms before I decided to make this one and 18 ft. was the number. You build it once.

**Boardmember Vink:** You're expanding the area that is currently the deck? The deck is how big?

**Mr. Hall:** I'm not expanding the deck, I'm on the deck, sort of, kind of.

**Boardmember Vink:** OK.

**Mr. Hall:** The deck...the remaining piece of deck that will come off the west side will be approximately 10 ft. deep by 14 ft. and where the 18 ft.; so, it will go 4 ft. past that. I'm still trying to decide what's going to be...whether I'm going to have a landing there and a sliding door all the way so I don't use more deck space or where exactly it's going to be.

**Chairman Froessel:** Is there anyone in the audience that has any comments or questions about this application? No? Is there a neighbor behind you?

**Mr. Hall:** The neighbor behind me has a very, very large yard. I'm going to guess their property is probably a double lot, ok, because if you know the neighborhood at all, there were roads cut in and out because it was a bungalow community back when it was there. They simply put up a very large fence to fence their yard so they will see the top of the structure. They're not going to see much more than that and the other neighbor that kitty-corner to me is...she'll see it but it's not going to be much different. Like I said, the height of the room matches the house angle for angle. It's not going to be pushing out or anything. I made sure it's all going to look good.

**Boardmember McNeill:** Are you putting a foundation in for this or you're building off of...

**Mr. Hall:** When I discovered how much it was going to cost to do a foundation and that part of my house only has a crawl space, I decided to go with footings. Originally, when I had expanded my deck, I had it written in that under Code it would be suited to expand my house onto. The 2x2 spread footing and 10-inch side and stuff like that so now I'm just going to continue that along and I'm going to add whatever the architect tells me I need to add and I'm going to push it out onto that. There's new septic. My septic tank collapsed so while it was out, I said let's do a septic repair and they put the bigger tank out in the yard. There aren't going to be more people in the house but the house is up to Code for what the new tank was.

**Chairman Froessel:** Anyone need to go look at this or are we comfortable voting on it this evening? Anyone on the Board have any further questions for the applicant? OK, so what we'll do is close the Public Hearing and take a vote on your application, but before I do that do you have any final words you'd like to add in support of your application?

**Mr. Hall:** Not really; I thought about doing this for a number of years and the toughest part with having one of those early houses is your dining room and your living room are the same room. It's that type of thing and just to give the house better flow because once they changed these houses to 4-season houses from 3-season houses back in the 50s and stuff like that, some of them had work done to them; a bunch didn't. So, I'm just trying to do an improvement on the house that doesn't change its character in the neighborhood. I have seen a few of those and this is not going to be one of those. So, classic 2-bedroom, 1-bath house except now it will have the living room and it will have a dining room.

**Chairman Froessel:** OK. Do you feel you've been given a fair and adequate opportunity to present your application?

**Mr. Hall:** I do.

**Chairman Froessel:** OK, we will close the Public Hearing. I don't know that we need a lot of deliberation on this one, it's kind of straightforward.

**Boardmember Vink:** We've had applications in this area.

**Chairman Froessel:** For those that may not know it's an area of smaller homes on small lots and we've had a number of applications over the years from people that live in the area. I'll entertain any motion that anyone would care to make on this application.

The motion to grant the applicant a 16 ft. variance from the east side yard setback and a 2 ft. variance from the rear setback was introduced by Boardmember Vink, seconded by Boardmember Cassidy. The Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the variance.  
No, I believe this change would be entirely in keeping with the character of the neighborhood and would be of no detriment whatsoever to the nearby properties.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.  
No, one of these variances is merely approving what's already existing; it was a pre-existing condition. The other one is so minor I don't think it makes any difference when we look at the settings of the houses behind them. It doesn't seem to have an impact and I don't think there's a method given the size of the lot for improvement without a variance.
3. Whether the requested variance is substantial.

The side setback is substantial but it's a pre-existing condition so I don't think that applies and the rear setback is not substantial.

4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.  
There is no evidence that suggests that and I think it will not.
5. Whether or not the alleged difficulty was self-created.  
I do not believe it was; it was created by the zoning conditions in the area.

Roll Call Vote:

G. Wunner	In Favor
J. McNeill	In Favor
P. Vink	In Favor
R. Cassidy	In Favor
S. Corozine	In Favor
A. Gil	In Favor
T. Froessel	In Favor

The motion to grant the variances as stated in the motion passed by a vote of 7 to 0.

**4. GTY NY Leasing, Inc. (Mobil Gas Station)  
978 Route 22, Tax Map ID 68.5-2-25**

Public Hearing to review an application for the following:

1. Sign Area Variance of 6 sq. ft. where 30 sq. ft. is permitted and 36 sq. ft. is proposed;
2. Sign Height Variance of 3 ft. where 15 ft. is permitted and 18 ft. is proposed;
3. Freestanding Sign Variance to allow an additional 3 freestanding signs where 1 is permitted and a total of 4 are proposed;

Elizabeth Holloway was sworn in.

**Chairman Froessel:** OK, why don't you go ahead and explain your application to us.

**Ms. Holloway:** Ummm, so we're here to expand a variance for signage from 30 sq. ft. to 36 sq. ft. Also, for a variance...sorry I'm new at this, I've never been to a meeting before. Also, there's a freestanding sign limit of one freestanding sign, we're looking to have four on the property.

**Chairman Froessel:** I have to say from your application I have a hard time figuring out what the signs are.

**Ms. Holloway:** OK.

**Chairman Froessel:** And I'm assuming there's a sign that's going to be on this aluminum truss-looking thing.

**Ms. Holloway:** Yes, if you go to the last page...did the picture not come through?

**Chairman Froessel:** The last page...

**Ms. Holloway:** It'll look like that.

**Chairman Froessel:** That's this?

**Ms. Holloway:** Yes, it's sleeved over the truss.

**Chairman Froessel:** OK.

**Ms. Holloway:** So, the truss is inside and the plastic piece slides over it.

**Chairman Froessel:** OK, so that's one of your freestanding signs?

**Ms. Holloway:** Yes sir.

**Chairman Froessel:** And there's going to be another one?

**Ms. Holloway:** There's going to be the smaller one that looks like this. That will just be anchored to the canopy column.

**Chairman Froessel:** OK, I see. This picture shows two of these; one here and one in the distance behind it. This one's in the foreground.

**Ms. Holloway:** This is was just a sample picture just to show you guys what it would look like already installed because I know sometimes the actual dynamic of it doesn't really look like much; it's just black and white.

**Chairman Froessel:** You're just doing one of those then?

**Ms. Holloway:** One of those and then two of the smaller ones, yes.

**Chairman Froessel:** And by the smaller one, you just mean one that has the word "synergy" on it?

**Ms. Holloway:** Yes, it's just what we call a straight blade. It's 4 sq. ft. and it mounts to the canopy column above the dispenser.

**Chairman Froessel:** OK, and is this the sign that's going to exceed the 30 sq. ft.

**Ms. Holloway:** Yes sir, it's just this portion here; the LED price sign.

**Chairman Froessel:** OK, now there's currently a freestanding sign there.

**Ms. Holloway:** Yes sir, it's there now. We're not going to be touching the Mobil portion at all, just the pricer going from a manual pricer to an LED digital price sign. This way the dealer, it's considered more safety for the dealer, they too have to go out and actually climb a ladder and change suction cups. They can just do it remotely from the store.

**Chairman Froessel:** I think that's the way of the future, it seems to be.

**Ms. Holloway:** Unfortunately.

**Boardmember Vink:** And the prices change every 10 seconds.

**Chairman Froessel:** Yeah, exactly.

**Ms. Holloway:** I don't have control of that. Price isn't so bad now though.

**Boardmember Cassidy:** Is there another Mobil on 22 in the Town of Southeast?

**Chairman Froessel:** Well it used to be the Hess.

**Boardmember Cassidy:** But there is another one up there.

**Boardmember Corozine:** Yes.

**Chairman Froessel:** It's the one that used to be the Hess station.

**Ms. Holloway:** And also, I don't know if you have any Exxons in your town but it's Exxon Mobil so if you have Exxon in your town that's going to be the new image at Exxon too. So, just down the line if...

**Boardmember Corozine:** So, Exxon is going to rebrand as well?

**Ms. Holloway:** No, they're going to stay but Exxon Mobil, they're all owned by the same, so eventually they're all going to be going with the same design; just food for thought down the line.

**Boardmember Cassidy:** With the same 'synergy'.

**Ms. Holloway:** Yes.

**Boardmember Corozine:** The signs have already been done?

**Ms. Holloway:** I believe they've already been done, yes.

**Boardmember Wunner:** This sign is going to be the same size as the old one, footprint?

**Ms. Holloway:** Yes, using the same cabinet; just putting new faces in.

**Boardmember Wunner:** OK.



**Chairman Froessel:** Is there anyone in the audience that has any comments or questions about this application? No? OK.

**Boardmember Vink:** There really isn't any sightline problem there. Is there a reason why we need the height variance? Is it just because that's what's existing?

**Ms. Holloway:** I believe because that's what's existing, yes. The taller wave...I call it the upside-down L to make it easier for people; the wave is 11 ft. I believe in height. I think that's why I had to go for the height as well.

**Boardmember Cassidy:** And that's going to be affixed to the canopy?

**Ms. Holloway:** No, that one will be anchor bolted with 4 anchor bolts into the concrete slab next to the dispenser island. The shorter one is what is anchored to the canopy column with anchor bolts.

**Boardmember Corozine:** The three signs that were denied, I see there are a total of four signs that are mentioned by the inspector; three were denied because of quantity. Does that match the signs that are on the property today or is that a change?

**Ms. Holloway:** No, we're installing these so these are the additional signage. Right now, all they have is this freestanding sign. So, we have one freestanding and we are adding or you are considering these three canopy columns, freestanding as well, so we're going to a total of four.

**Boardmember Corozine:** OK.

**Chairman Froessel:** What's the purpose of the additional signs? Is it just branding or...?

**Ms. Holloway:** It's their new branding image, yes. Inevitably if the dealer or station is entitled to get these there is a larger rebate that helps the store run, helps keep the store stocked from Exxon Mobil.

**Boardmember Cassidy:** Is there any lettering on the canopy?

**Ms. Holloway:** I don't believe...there is. I believe it says Mobil on the canopy now. I don't have any pictures of the canopy.

**Boardmember Cassidy:** When is a sign not a sign?

**Chairman Froessel:** I'm thinking back to the Valero.

**Boardmember McNeill:** That one was just a color-scheme though, it didn't have the words on it.

**Chairman Froessel:** Yes, it didn't have the words on it so it wasn't a sign variance, it was just the colors.

**Ms. Holloway:** I'm not sure if the has it, it may just be the Mobil strip: the blue, two-thirds blue, one-third white. I don't have a picture. I could look but your sign says no cell phones so...

**Boardmember Cassidy:** I don't know if we constitute court. This is not a court so there is not a cell phone rule.

**Chairman Froessel:** That rule is a little more loosely enforced here.

**Boardmember Cassidy:** The only reason I ask is because if it has lettering on it and it is signage...

**Chairman Froessel:** I mean I'm just thinking back to the Valero application and we kind of busted their chops because they came in and they wanted lot of extra signs and we only gave him a very small portion of what he was looking for.

**Boardmember Vink:** Right, we gave him this one because it made sense but even that one, we made him cut down.

**Chairman Froessel:** Yes, exactly. It seems to me this would be a good opportunity to take 3 ft. off of that one. I don't have a problem with swapping out the additional bumpers, they happen to make sense but a business standpoint and as far as the branding goes, I drove

through Ridgefield last weekend and there was a Mobil station there and they didn't have a lot of branding going on.

**Ms. Holloway:** Can I make a proposal?

**Chairman Froessel:** Sure.

**Ms. Holloway:** If I nix this, the larger one, could I just go with three of the smaller ones and at least get some sort of branding in? That would give you three smaller, even though they're still considered signage, but it would give you smaller square footage to consider, instead of ruling totally out on it?

**Boardmember Gil:** I'm sorry, you're talking three of these?

**Ms. Holloway:** No, three of the littler one.

**Boardmember Cassidy:** That hang off the top of the canopy.

**Ms. Holloway:** Yes, and nix the larger one.

**Boardmember Cassidy:** Get rid of the L and keep the three little signs?

**Ms. Holloway:** It would be three at this point because there are three dispensers.

**Chairman Froessel:** How would you feel about taking 3 ft. off your existing freestanding Mobil sign?

**Ms. Holloway:** Oh boy.

**Boardmember Gil:** I would just recommend; I mean I work right across the street from here and that sign is pretty low compared to most Mobil signs. I believe it's right at the height of the canopy itself. It's not overly large.

**Boardmember Cassidy:** Is the canopy up?

**Boardmember Gil:** Yeah, it's up.

**Boardmember Cassidy:** I mean because I pass it often.

**Boardmember Gil:** It's not overly cumbersome is what I'm trying to say, it already doesn't stick out like the Valero one.

**Ms. Holloway:** It's not BAM in your face.

**Boardmember Gil:** It's not really. This is my observation for the record. You said there were financial impacts to the Mobil stations if they didn't have...

**Ms. Holloway:** If they can't get either of the signage that goes over the pumps, they won't meet Exxon Mobil brand standards and they won't get their funding to keep the store up and running. That funding also goes for maintenance on the property. It goes for maintenance within the store, maintenance on the canopy if there are any damages or repairs; that's all money that's put back into the station.

**Boardmember Gil:** And that's for the 'synergy' ones?

**Ms. Holloway:** Yes, that's for the ones anchored to the canopy columns.

**Chairman Froessel:** They still get the money for the gas they sell though.

**Ms. Holloway:** They don't get as much as you think they do.

**Chairman Froessel:** Yeah, I think more of the money is made on the Twinkies and soda.

**Ms. Holloway:** Pretty much.

**Chairman Froessel:** Before we go any further, does anyone feel the need to go and look at this before we vote?

**Boardmember Cassidy:** I am thinking I should, apparently, I didn't even know there was a canopy there.

**Boardmember Vink:** Actually, I would. I think I would like to go with these pictures and just take a look. My recollection of that sign is that it's higher than obviously Andres thinks.

**Chairman Froessel:** I'd actually like to kind of eyeball that myself. There's a longstanding policy on this Board that predates me being the Chairman where if anyone on the Board feels

the need to go out and look at something before, we vote on it, we'll adjourn the application and give them the opportunity to go and take a look.

**Ms. Holloway:** OK.

**Chairman Froessel:** It sounds like that's the way we are going this evening. So, why don't we do that? We'll adjourn. When do we meet next month?

**Ms. Desidero:** Next month we meet on June 17.

**Chairman Froessel:** June 17 right back here.

**Ms. Holloway:** OK.

**Chairman Froessel:** And we'll all get out there and take a look so we have a better frame of reference.

**Ms. Holloway:** Do we have to do the mailings and everything all over?

**Chairman Froessel:** No, you do not.

**Ms. Holloway:** Thank you sir.

**Ms. Desidero:** You just need to come back to the meeting.

**Chairman Froessel:** In the meantime, I would ask you to possibly consider what concessions you might make. I mean you've already offered possibly getting rid of the one larger sign and doing the smaller ones. Here is some thought about the height of the sign.

**Ms. Holloway:** The height of the...

**Chairman Froessel:** The tall freestanding sign, yes, the Mobil sign.

**Ms. Holloway:** OK, that one is already there. We're not touching it at all. We're re-facing the pricer cabinet, so we're not removing the sign at all, we're not touching the Mobil; we're just re-facing the cabinet that's there. That box is going to stay, we're just taking the lenses out and putting new lenses in.

**Chairman Froessel:** I understand that but as it is, it's 3 ft. higher than what the Code is and you want some other things so you might have to give on some other things. So, just suggesting as a means of a horse trade, something to consider.

**Ms. Holloway:** OK, I can bring it back to my client.

**Chairman Froessel:** So, we'll see you next month then.

**Ms. Holloway:** OK, great, thank you so much guys.

## **5. Sharon and Frank Madden**

### **36 Vail's Lakeshore Drive, Tax Map ID 79.-1-40.-88**

Public Hearing to review an application for an addition to an existing dwelling that requires the following variances:

1. Front Setback variance of 31.46 ft. where 50 ft. is required and 18.54 ft. is existing;
2. Rear Setback variance of 40 ft. where 50 ft. is required and 10 ft. is proposed;
3. South Side Setback variance of 9.8 ft. where 25 ft. is required and 15.2 ft. is existing;
4. Total Side Setback variance of 20.8 ft. where 70 ft. is required and 49.5 ft. is proposed.

Richard Vail, architect, was sworn in.

**Chairman Froessel:** You know it's a Vail's Grove application when Mr. Vail comes in. Why don't you fill us in.

**Richard Vail, Architect:** Frank and Sharon are proposing a one-story addition, a bedroom, above the north side of the house. It will be about 340 sq. ft. and in addition to that they want to bump out...they have kind of a standard kitchen, so it would be a footprint change on the east side of the house. It would be about 60 sq. ft. to expand the kitchen. There's an existing deck that we'll be modifying and reconstructing but it will be the same footprint. The green

area there is the stairs so it may mean reconstructing it in the final assessment but it would be the same exact footprint of the existing deck.

**Chairman Froessel:** Is there a stairway for the deck now?

**Mr. Vail:** There's one set on the east side and that's where the addition will be.

**Chairman Froessel:** I figured that but thought I'd ask.

**Mr. Vail:** We have the approval from the Co-op.

**Boardmember Corozine:** How close would this put you to the neighbor in the rear?

**Mr. Vail:** 10 ft. is where we would end up.

**Boardmember Corozine:** 10 ft. from the rear neighbor's property line?

**Mr. Vail:** Right, and then preferably...it's a pretty steep climb up so it kind of comes up so they're looking kind of past and I don't think even the roof would block anyone's view towards the lake or anything.

**Boardmember Corozine:** I believe there are railroad ties in the back, would they have to be moved at all?

**Mr. Vail:** Yeah there'd be some...we'll probably remove probably about 2 ft. So, we are proposing a little retaining wall about 2 ft. high, which is shown here.

**Boardmember Corozine:** So, you have to move the retainer that's already there?

**Mr. Vail:** Yes, yeah, we'd probably would be rebuilding that.

**Boardmember Corozine:** And you'd be pushing that back.

**Mr. Vail:** Yes, right just back there. Just enough to get the addition at grade.

**Boardmember Corozine:** I noticed that you had propane tanks back there.

**Mr. Vail:** Yes, those are existing tanks, we'll be leaving those, they'll stay, no change there.

**Chairman Froessel:** What's the current setback in the rear? It looks like 11 something?

**Mr. Vail:** Yes, 11.63 ft. is the existing.

**Chairman Froessel:** OK, so you're going to take about a foot and a half off that?

**Mr. Vail:** Right.

**Chairman Froessel:** What's the current total side setback? I see there's 15.2 on one side.

**Mr. Vail:** On the side where the addition is it's at 36.47 ft. and then the...

**Chairman Froessel:** Well that's what it will be, but I'm asking what's existing now. Would it be the 56.47 ft. that's shown on there?

**Mr. Vail:** You mean for the total side yard? The 56.47 ft. is to the existing corner of the house.

**Chairman Froessel:** So, you're going from 71.67 ft. on the total to 49.20. I don't know if I've ever seen a house in Vail's Grove that actually satisfied the total side setback criteria.

**Mr. Vail:** It does have a fair amount of space on the side.

**Chairman Froessel:** And it logical if you're going to expand it, that's the direction to go in obviously.

**Mr. Vail:** Right.

**Chairman Froessel:** Is there anyone in the audience that has any comments or questions about this application? No? OK. Anyone feel the need to go and see this one? No? OK, I don't either. If no one has any further questions of the applicant is everyone comfortable with taking a vote this evening? OK? OK. All right, then we will close the Public Hearing. Do you have any final thoughts you'd like to add in support of the application?

**Mr. Vail:** No, other than I think this fits the neighborhood and we are keeping it low scale and it's a great spot for it.

**Chairman Froessel:** OK, do you feel you've been given a fair and adequate opportunity to present your application?

**Mr. Vail:** I do.

**Chairman Froessel:** OK, Thank you. OK, we'll close the Public Hearing. I don't think we need to have a lot of deliberation. I'll entertain any motion that anyone would care to make on this application. I'll make a motion.

The motion to grant the applicant a 32 ft. variance from the front setback, a variance of 40 ft. from the rear setback requirement, a variance of 10 ft. from the south side setback, and variance of 21 ft. from the total side was introduced by Chairman Froessel, seconded by Boardmember Gil. The Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the variance.  
I don't think it will be an undesirable change. They are just expanding on a ranch style home to extend the area and it's perfectly in keeping with the existing and with other homes in the area. The Vail's Grove Co-Op also approved this and it's in character with the neighborhood.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.  
It really can't because of the size and the size and dimensions of the lot; pretty much anything the applicant would want to do there would need a variance...
3. Whether the requested variance is substantial.  
Arguably it's close but within the context of Vail's Grove I think you have to...Vail's Grove is an area where I think these things have to be considered sort of in a relative way and in the context of Vail's Grove, I don't think it is substantial.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.  
There's no evidence of that.
5. Whether or not the alleged difficulty was self-created.  
I don't think it is self-created It's really created again by the size and shape of the lot, which is typical of the lots in Vail's Grove.

Roll Call Vote:

G. Wunner	In Favor
J. McNeill	In Favor
P. Vink	In Favor
R. Cassidy	In Favor
S. Corozine	In Favor
A. Gil	In Favor
T. Froessel	In Favor

The motion to grant the variances as stated in the motion passed by a vote of 7 to 0.

**6. Joseph DiMauro**

**119 Vail's Lakeshore Drive, Tax Map ID 79.-1-40.-83**

Public Hearing to review an application for an addition to an existing dwelling that requires an east side setback variance of 15 ft. where 25 ft. is required and 10 ft. is proposed and total side setback variance of 50 ft. where 70 ft. is required and 20 ft. is proposed.

Richard Vail, architect, was sworn in.

**Mr. Vail:** What you are looking at there is a bit of an existing portico/roof that you can see in the pictures here and here. We're proposing to demolish that covered entrance and replace it with a slightly larger 340 sq. ft. area here and then it would be nice to have a pergola. This would be an open trellis basic structure with no covered roof, but it would be attached to the house. It would kind of run along the east side of the house. So, again this is the porch...essentially what exists there is kind of in rough shape and we're going to demolish it and replace it but more or less in the same footprint; slight larger in that we'd like it to come out roughly 18 in. forward of where the existing one is. So, it will come forward a little bit.

**Chairman Froessel:** And what you're proposing will also be covered?

**Mr. Vail:** Yes, that would be covered. I have an elevation.

**Chairman Froessel:** OK.

**Mr. Vail:** This would be the covered part and then this section is the open trellis. You can see it in this rendering too, it's covered and that's the open section.

**Chairman Froessel:** All right.

**Boardmember Cassidy:** So, renderings but no architectural models?

**Mr. Vail:** I'll work on that for next time.

**Chairman Froessel:** It's a really narrow parcel.

**Mr. Vail:** Yes, it is.

**Boardmember Cassidy:** Does it actually border the lake?

**Mr. Vail:** It does, yes. It's on the lake as you can see in this photo. This is where the entrance part would be and then the pergola.

**Chairman Froessel:** OK.

**Boardmember Vink:** You couldn't possibly build a house here without variances. The require setback is 70 and it's not 70 ft. across.

**Chairman Froessel:** It's not, it's impossible.

**Mr. Vail:** The setbacks are overlapping each other.

**Chairman Froessel:** It's literally impossible. So, you're really not decreasing any of the setbacks in that whole lot; it's just that the lot is so narrow.

**Mr. Vail:** Right.

**Chairman Froessel:** It looks like on the Ducet side...

**Boardmember Vink:** They're getting a little closer.

**Chairman Froessel:** A little closer but that's the 18 in. you're talking about.

**Mr. Vail:** Yeah.

**Chairman Froessel:** And I think increasing what you have now in total is by those 18 in.

**Boardmember Vink:** Right.

**Chairman Froessel:** I'm sure the answer is no, but is there anyone in the audience that has any comments or questions on this application? No? OK. I don't think there's any need to go look at this one.

**Boardmember Vink:** No.

**Chairman Froessel:** And I think it's pretty simple. Everyone OK with voting on this tonight? OK. Same magic question: any final words you'd like to offer in support of your application.

**Mr. Vail:** I think improves the house and is in keeping with the character of the neighborhood, it's low-scale.

**Chairman Froessel:** OK, do you feel you've been given a fair and adequate opportunity to present you application.

**Mr. Vail:** I do.

**Chairman Froessel:** Thank you. I'll entertain any motion anyone would care to make on this application.

The motion to grant the applicant a 15 ft. variance from the east side setback and a total setback variance total of 50ft. was introduced by Boardmember Cassidy, seconded by Boardmember Gil. The Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the variance.  
No, it's completely consistent with the neighborhood as it exists now and we've heard testimony that it will only improve the appearance.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.  
No not really, because it is such a small lot and this is a relatively small change to the structure.
3. Whether the requested variance in substantial.  
Although it appears to be, it really isn't because it is such a small lot and most of the property is already used.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.  
There's been no testimony to that effect.
5. Whether or not the alleged difficulty was self-created.  
I'd say yes, but only because they want to improve the look of the property.

Roll Call Vote:

G. Wunner	In Favor
J. McNeill	In Favor
P. Vink	In Favor
R. Cassidy	In Favor
S. Corozine	In Favor
A. Gil	In Favor
T. Froessel	In Favor

The motion to grant the variances as stated in the motion passed by a vote of 7 to 0.

**7. NYSEG Dingle Ridge Substation  
17 Branch Road, Tax Map ID 68.-2-8**

Public Hearing to review an application referred by the Planning Board for the following variances:

1. Lot Coverage: 51% provided when maximum is 45% permitted;
2. Open Space: 49% provided when minimum 55% required;
3. Height variance of 6 ft. for fence in front yard where 9 ft. is proposed and 3 ft. is permitted;
4. Height variance of 3 ft. for fence in the south side yard where 9 ft. is proposed and 6 ft. is permitted.

Mary Steblein was sworn in.

**Chairman Froessel:** OK, why don't you fill us in on your application?

**Ms. Steblein:** Dingle Ridge Substation is an existing electrical substation on Branch Road in the Special Route 6 District. The substation cannot provide the anticipated future demand in the area so NYSEG is proposing an expansion to the south and west of the existing substation. The proposed improvements will be constructed, the equipment and control house will be constructed adjacent to the existing equipment and control house that are at the substation, and then those other items would be decommissioned. The expansion of the yard would require new fencing around the south and east portions of the substation. The standard that NYSEG uses is an 8 ft. chain-link fence with a 1 ft. outrigger and 9 ft. total in height. We are going to exceed the 3 ft. height allowed in a front yard and the 6 ft. allowed in the side yards. There is existing fence there now that has been there since we put it up. The National Electrical Safety Code requires a 7 ft. minimum for the height and it also requires that to be ground. So, the request for a variance for the fence height would be to allow added safety and security measures as per NYSEG standards and National Standards. The other variance that we are requesting is for Lot Coverage and Open Space; as you know those two things are tied together. The Lot Coverage is permitted in this area at 45%, however this application would have 51% Lot Coverage. Consequently, the Open Space would be 49% proposed and 55% is what is required. So, within the substation, there are specific clearance requirements between pieces of equipment and then there's also the need for ground grid this equipment at the substation so there's a grounding grid underneath that yard and stone, which is impervious surface and causing this concern is a much better insulator and grounding material than grass would be.

**Chairman Froessel:** What's the current Lot Coverage there, do you know?

**Ms. Steblein:** The current Lot Coverage is 33%.

**Chairman Froessel:** OK. Paul, do you have a recollection of ever having an application about this substation before?

**Boardmember Vink:** I do not.

**Chairman Froessel:** OK, it might be something else I'm thinking of.

**Ms. Steblein:** The Building Department confirmed that there had been no previous appeals.

**Chairman Froessel:** OK, then I must be thinking about something else.

**Boardmember Cassidy:** There's a cell tower there.

**Chairman Froessel:** OK, that might be it.

**Boardmember Gil:** Is there going to be a fence on all 4 sides? I heard you talking about 3 sides.

**Ms. Steblein:** Well, I specifically mentioned the east and south side because that's the area that the yard is expanding. So, because the yard is expanding, we need new fence to replace what's being taken out but it will be on all sides.

**Boardmember Gil:** The picture that you showed us, it kind of looks like there's no fence there at all.

**Ms. Steblein:** There's fence there, you just can't see it.

**Boardmember Gil:** You can't see it because of all the overgrown landscape?



**Ms. Steblein:** Yes.

**Boardmember Gil:** You will be cleaning this up?

**Ms. Steblein:** So, as part of the Planning Board process, we will be providing a landscape plan and there are requirements to provide screening on the two new sides of the fence.

**Boardmember Corozine:** Are you a NYSEG employee?

**Ms. Steblein:** I am not.

**Boardmember Corozine:** Who are you with?

**Ms. Steblein:** LaBella Associates.

**Boardmember Corozine:** You're the architect?

**Ms. Steblein:** Engineer.

**Boardmember Corozine:** OK.

**Chairman Froessel:** You're not increasing the height of any of the equipment that's there currently now, are you?

**Ms. Steblein:** I don't know, that's a good question.

**Boardmember Cassidy:** Let me ask a silly question: why does it have to be so big? I know you tell me you want more power; how far into the future is this going to take us? Are you going to have an application next year and the year after and the year after?

**Ms. Steblein:** No, the planning that's done for capital improvements would not be such that would have to be improved every year. I can't put an actual number to how long this will last because it depends on how things change in the area and the demand. This is certainly looking out into the future. We don't anticipate another application within the next few years. As to why it needs to be so big, I mean there's the existing substation now and we would be constructing the new equipment adjacent to it so that there would be no gap in service during construction and change over as we decommission the old equipment. We don't want to necessarily turn that into grass because it provides a surface for grounding and it provides a much better surface so that there is less shock potential.

**Boardmember Cassidy:** So, when the new units are put in or installed, the old ones will be decommissioned? So, half of it will be live and half of it will be dead or unused?

**Ms. Steblein:** Yes.

**Boardmember Cassidy:** And you're just going to leave the materials there being unused?

**Ms. Steblein:** I believe they will be removed.

Tammy Kelly was sworn in.

**Ms. Kelly:** Once the new station is energized, the old one will be decommissioned and removed so the existing building, all existing bus- work, transformer, and breakers will be removed from the site. The only items that will be there will be the new equipment, but the ground really ties in to the larger equipment so all calculations for the safety measures is based on the existing ground grid and the additional ground grid that's going to be installed as well.

**Boardmember Cassidy:** So, after the old stuff is removed do you have any intention of decreasing that?

**Ms. Kelly:** No, we're not able to decrease that as we need that ground grid to stay in place to cover and provide protection for the new equipment as well.

**Boardmember Gil:** So, what are the positive impacts that this project will provide to our community?

**Ms. Kelly:** You're going to have less...you are going to have greater potential for consistent power, less outages, fewer voltage drops. So, what's happening is we're removing one smaller transformer and putting in two larger to give more power to accommodate the growth in the area as well as eliminate any existing issues.

**Boardmember Gil:** And is this in answer to some of the recent storms we've had in the past couple of years.

**Ms. Kelly:** I can't answer that question unfortunately. I'm not involved in any of the storm-related, only in the capital improvements.

**Boardmember Cassidy:** More power doesn't mean your power won't go out; it just gives you greater capacity.

**Boardmember Gil:** I'd just like to know what the positive impacts are and knowing that the electricity in this area has been problematic over the past couple years with some of the storms that we've received and before we grant a variance I'd like to know if this is going to positively impact our community and if so, how. And, if we don't grant the variance will, there be a negative impact.

**Ms. Steblein:** We presented to the Planning Board and we could have repeated it here for your benefit, but currently if the transformers that are located at the site were to fail, 709 customers would be out for 10 hours so making these improvements would increase the reliability of the substation.

**Boardmember Gil:** OK, but we're using the term generally "increase" so you just gave us a specific number of 709 people would be out for 10 hours. OK, so if this were granted does that then mean that number would reduce? You're looking to reduce that number or eliminate that number completely?

**Ms. Steblein:** I could never say eliminate that number but certainly reduce.

**Boardmember Gil:** Reduce that number by 10%, 20%, 30%?

**Ms. Steblein:** The interconnections that this allows with the other substations is meant to significantly decrease the outage potential. I can't give you an exact number because I don't have the information on the other substations but this allows us to cover a greater area in the event that there is an outage so that you won't have that 10-hour outage. We're able to make the corrections to allow it to feed from another location.

**Boardmember Gil:** OK, so you said significantly though; does that mean it will be reduced by 50% or is it going to be only by 25%? I'm just trying to figure out here, you're seeking a variance and one of the questions was "are you going to be back here 2 years from now or a year from now seeking another variance." With that said if you're seeking a variance, is this the right size variance to actually have this reduce the outages and have a positive impact on the community or are we going to continue as a community with some of these same problems that we've been experiencing over the past couple of years only to end up back here in a few years from now after public outcry seeking another variance? So, I guess the question now becomes: is this the proper variance that needs to be sought so that we can have a positive impact in the community that addresses the community's needs or is this too small a variance? The question is: where are we at from a perspective of NYSEG to serve the public here in the Town of Southeast?

**Ms. Kelly:** From my understanding, and I'm not involved in the actual planning of the capital projects, but this is part of the 10-year plan that's gone through the Public Service Commission. Projects are done on a 10-year basis basically so it would be evaluated again in 10 years unless there is some sort of a boom in population that's not currently planned.

**Chairman Froessel:** It seems to be the intent here that you will be able to at least decrease the frequency of outages; they'll happen less frequently.

**Ms. Kelly:** Duration.

**Chairman Froessel:** And duration, yes. Obviously, this transformer can't do anything if a pole or wire goes down in Putnam Lake.

**Boardmember Vink:** Or a tree that takes down a transformer or wire.

**Chairman Froessel:** We can't solve every problem we have here so...

**Boardmember Cassidy:** Actually, you could by burying the lines.

**Chairman Froessel:** I live in an area with buried lines.

**Boardmember Cassidy:** So, do I. My house line is buried.

**Chairman Froessel:** My whole neighborhood is buried and as a result, we lose power less frequently than everyone else and if we do lose it, we don't lose it for long. Is there anyone in the audience that has any comments or questions on this application? I guess not. I'll ask the Board members; does anyone feel the need to take a look at this?

**Boardmember Wunner:** It's an industrial area, it's not going to affect houses.

**Chairman Froessel:** Yeah, I don't feel the need to go look at it. I've kind of viewed it in the past, I know it's there, and I think the pictures and plans that we've been given I think describe it well, but if there is anyone that wants to go look at it...No? I guess not. Regarding the fencing: you said 7 ft. is required?

**Ms. Steblein:** The National Electrical Safety Code requires 7 ft. However, NYSEG and our parent company's standard is 8 ft. with a 1 ft. outrigger so 9 ft.

**Boardmember Gil:** I have one more question Mr. Chairman, with respect to this type of substation: how many substations like this are within the Town of Southeast?

**Ms. Steblein:** I believe this is the only one in Southeast.

**Ms. Desidero:** There are several.

**Boardmember Cassidy:** Putnam Lake.

**Boardmember Gil:** Putnam Lake is a substation throughout the entire Town of Southeast for electrical?

**Chairman Froessel:** If it's in Putnam Lake, it might be in Patterson.

**Boardmember Wunner:** You have Tilley Foster too, don't you?

**Ms. Kelly:** Yes.

**Ms. Desidero:** Yes, we've had several applications at the Planning Board from NYSEG; I think there is at least 3 in the Town of Southeast.

**Boardmember:** So, there are multiple applications before the Planning Board for these other substations also?

**Ms. Kelly:** Not currently.

**Ms. Desidero:** No, over time I meant. Since I've been here, I've seen a number, not currently.

**Boardmember Gil:** Are there any plans for the future to increase the substations?

**Ms. Kelly:** I'm not involved in any of those projects. In this area this is the only project I am involved in and working on. Our most recent projects in the vicinity have been Pawling and Dover Plans. I was not involved with those but I know that they were also done recently.

**Boardmember Corozine:** I'm sorry, you said you were building out on the south side toward Route 6, is that correct?

**Ms. Steblein:** We have extending to the south and the east.

**Boardmember Corozine:** OK, because I know between the substation and Route 6 there is like a drop or small ravine; how close are you getting to that?

**Ms. Steblein:** Close enough that a retaining wall is part of our application with the Planning Board.

**Chairman Froessel:** Are we comfortable voting on this tonight? Yes? OK. We will close the Public Hearing and take a vote tonight. Before I close the Public Hearing, do you have any final words you'd like to offer in support of your application?

**Ms. Steblein:** It's consistent with the current Use as an electrical substation as opposed to building a brand-new substation in an undeveloped parcel in the Town. All of the variances are tied into safety and security concerns.

**Chairman Froessel:** OK, do you feel you've been given a fair and adequate opportunity to present your application this evening?

**Ms. Steblein:** Yes.

**Chairman Froessel:** Thanks. With that, we will close the Public Hearing. If anyone has any motion they'd care to make I will entertain it. There are two variances involved: the Lot Coverage and Open Space requirement is one and the fence height is the other.

The motion to grant the applicant the requested variances of 51% for Lot Coverage, 49% Open Space, and a 3 ft. variance for a 9 ft. fence was introduced by Boardmember Vink, seconded by Chairman Froessel. The Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the variance.  
No, I don't believe there will be any change in the character of the neighborhood. This is a relatively small expansion of an existing Use and entirely in keeping with the Use.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.  
Given the safety concerns and the nature of the property, I do not believe that it could be achieved without a variance.
3. Whether the requested variance is substantial.  
No, I don't think so. We're talking about fairly small percentages on all of the required coverage, space, and height. They are pretty far off the property line in most of these areas.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.  
I don't believe there will be any and in fact, it will be a benefit to the Town to have a more secure, reliable power source.
5. Whether or not the alleged difficulty was self-created.  
I think storms as a rule created it.

Roll Call Vote:

G. Wunner	In Favor
J. McNeill	In Favor
P. Vink	In Favor
R. Cassidy	In Favor
S. Corozine	In Favor
A. Gil	In Favor
T. Froessel	In Favor

The motion to grant the variances as stated in the motion passed by a vote of 7 to 0.

**Chairman Froessel:** I guess Mr. Nikaj is not coming.

**Ms. Desidero:** I know he hired an engineer to try to address the questions that were raised by County Planning. I've spoken to the engineer a couple of times. I anticipated they would be here tonight and I didn't hear from them otherwise.

**Chairman Froessel:** He also needs to hire someone to talk about or talk about it himself, the financial limitations as he is applying for a Use variance and that's one of the criteria.

**Ms. Desidero:** Yes, and he has called a couple of times asking me questions and I've just reiterated what you have told him when he was here. My sense from the calls and things that went back and forth is that he may be working on it and maybe didn't realize he needed to notify us that he didn't want to come tonight. I do not know.

**Chairman Froessel:** He basically came here last time knowing nothing. In any event, we'll adjourn it and put it on for next month and ask him to please show up.

**Ms. Desidero:** I will be hearing from them, I am sure, so if they say they are not coming back I will just let you know.

**Chairman Froessel:** If he is not going to come, he needs to tell us in advance and ask for an adjournment.

**Ms. Desidero:** OK.

**Chairman Froessel:** The minutes from April, we only got them yesterday.

**Ms. Desidero:** Sorry about that, I was on vacation and Cathy got them out.

**Chairman Froessel:** That's OK. I don't know if everyone is comfortable voting on them or if we want to put that over if people want more time to read them, we can do that?

**Boardmember Cassidy:** I read them.

**Chairman Froessel:** I know that Steve (Corozine) offered a few comments.

**Ms. Desidero:** I made all of the changes in the one that's the official. The only ones that are not showing up in the document you have in your hand are yours because the copies were already made.

**Chairman Froessel:** OK, good.

The motion to approve the Meeting Minutes of April 15, 2019 meeting as corrected was introduced by Chairman Froessel, seconded by Boardmember Vink, and passed all in favor.

The motion to adjourn the meeting was introduced by Chairman Froessel, seconded by Boardmember Vink, and passed all in favor.

Respectfully submitted,

Cathy Chiudina

Revised Victoria Desidero 6/17/19