

ZONING BOARD MEETING
TUESDAY- JUNE 23, 2020
ZONING BOARD
7:00 P.M. - TOWN HALL -1529 NYS RTE 12
BINGHAMTON, NEW YORK 13901

PRESENT: James Brewster, Chairperson
Aleta Kinne, Board Member
Melanie Pandich, Board Member
Scott Smith, Board Member
Joe Aston, Board Member
Thomas Eldridge, Alternate

ALSO PRESENT: Nicholas Cortese, Esq. – Town Attorney
Frank Carl, Councilperson
John Freer, Ordinance Officer
Donna Webster, Stenographer of the Zoning Board

Mr. Brewster: It's Seven o'clock; at this time we'll call the June meeting of the town of Chenango Zoning Board of Appeals to order. Because of the nature of the virtual meeting, I'll need the roll call of the board members called at this time, please. And everyone just say present, here, or whatnot.

Ms. Webster: Mr. Brewster; present, Ms. Kinne; present, Ms. Pandich; present, Mr. Smith; present, Mr. Aston; present, Mr. Eldridge; present.

Mr. Brewster: Thank you. Okay, we have a quorum and in fact, we have the entire board here, so let's continue on. I must read this message here.

I, James Brewster, Chairman of the Zoning Board of Appeals have confirmed with Counsel that this meeting is being held in accordance with the Governor's Executive Orders 202.1 and 202.15, which were extended by Executive Orders. 202.38 and 202.39, respectively.

As relevant here, these Executive Orders suspend provisions of the Open Meetings Law to the extent necessary to allow any public body to meet and take any action authorized by law without permitting in public in-person access to meetings. They also authorize municipal board meetings and public hearings before such municipal boards to be held remotely by conference call or a similar service.

This meeting is being held remotely via ZOOM virtual meeting software. The public has the ability to view or listen to this meeting live via the ZOOM app, web browser and by telephone. This meeting is being recorded and will be transcribed at a later date.

Our first order of business on the calendar tonight is the approval of minutes from the May 26th meeting. Board members, do we have any changes, corrections, or updates to discuss? Okay. None being heard; I'll accept a motion to approve the minutes from May 26 as currently written.

Motion to approve the March 31, 2020 Zoning Board minutes as currently written – motion made by Joe Aston, seconded by Scott Smith and carried by the following:

Ayes – 5 Nays – 0 Absent – 0

Mr. Brewster: The meeting minutes from May 26, 2020 are approved. Next, we have no new business on the calendar, so we'll get right to our first public hearing. I'll open the public hearing now for case number 2020 V-05, which has to deal with an application at 1426 Upper Front Street in a commercial development district for an area variance for Walgreens. I'll briefly read the public hearing notice in part, and then the full document will be on file.

Take notice that a public hearing will be held by the Zoning Board of Appeals of the Town of Chenango on June 23rd, 2020 at 7:00 PM on the application of FIDC 86, LLC, Julio Williams regarding property located at 1426 Upper Front Street, Town of Chenango, tax map 112.09-5-1, and located in the Commercial Development District. The application is for an area variance for a reduction in the minimum road frontage of 100', required in the said district, to 6.69'. The environmental significance of the requested variance will be reviewed by said Board and said hearing. Second paragraph just goes over what I read in the beginning of the meeting about virtual meetings and zone, and third paragraph, the last paragraph, states members of the public wishing to comment orally on the application during the public hearing, you'll be recognized by the Chairman through the ZOOM interface. Written comments may also be submitted prior to, or during the hearing by emailing Donna.Webster@townofchenango.com or prior to the hearing by mailing comments to the Town of Chenango.

Okay. Before we get into the five factors, I thought I would mix it up a little bit tonight and go through the correspondence before we hear from anybody in the public and then, the applicant. So I first want to start off with comments from the Ordinance Department. John, what does the Ordinance Department have to say about this application?

Mr. Freer: The ordinance department doesn't have any concern with the road frontage for this project because they will be entering and exiting Bishop Road, not Front Street. So how the property ends up coming into a corner ends up with a tiny little piece on Front Street. So I don't feel that it would be a concern at all for this project.

Mr. Brewster: Thank you. We received a letter from our Planning Board dated June 9th; Dear Chairman and all board members at their meeting on Monday, June 8th, 2020, the planning board considered the request of JFIDC 96, LLC - Julio Williams application for an area variance for less than required road frontage 100' to 6.69' in the Commercial Development zone and a Short EAF. The Planning Board referred this application to the Zoning Board of Appeals with a favorable advisory.

Mr. Urda submitted a comprehensive engineering report. The referenced application is for site plan approval to subdivide a portion of the referenced parcel and development of a proposed new 2,502 square foot commercial store/pharmacy with drive up window in a

Commercial Development zone. The variance is for less than a required road frontage from 100' to 6.69'. It goes on listing all of the package information received and the dates received. The engineers offer the following comments:

1. Parking is at a rate of one stall for 150 square feet. 17 stalls are required 18 are provided. The applicant shall assure that they, or the owner, provide and maintain exterior ADA accessible parking spaces, aisles, access routes, markings, slopes, and signage in accordance with ICC/ANSI, A117.1, 2009 (or latest revision) and the 2015 Building Code of the State of New York, Chapter 11 (or latest revision).

Note: The ADA symbols need to be updated to the New York State standards for parking and signage.

2. The project is within the existing 100-year flood plain, as well as the 'preliminary' 1% flood plain per FEMA mapping. The applicant has addressed this by designing at the appropriate elevation and completed a flood impact study that is sufficient to support their flood plain development permit application and process with the code office.

3. The project is partially within an Aquifer Protection District Zone 1, (Wellhead Protection Area and Zone 2 Aquifer Recharge Area). The plan is in compliance with both zones and shall continue to be.

4. Setbacks are adequate. (Please note the front setback of 35 feet on the three road sides, not just Front Street. The Carmichael side is labeled as side/rear).

5. Sight lighting appears okay.

6. Signage: A sign symbol appears to be shown, not labeled, at the west edge of the parcel. And when he says that, I'm assuming it's from the site plan. Please provide signed details and dimension on the site plan.

7. He mentions 239 Review; which we have, and I'll get to that.

8. Pending approval: Consider connecting the sidewalk proposed on Bishop Road to the crossing area on site. Coordinate with the Building Department/Code office for building permits and sign permits. Coordinate with water and sewer departments for lateral connection criteria and timing, as well as water meter and backflow preventer requirements. And coordinate with the Highway Department.

The design engineer communicated with me early on prior to submittal. As long as the signage update comes through per code, he has no engineering objections to the project site plan. He has no objections to the variance request as they have road frontage on two other streets.

And the County has offered us a review of General Municipal Law, 239. The Planning Department at the County level has reviewed the above cited case and has not identified any significant county-wide or intercommunity impacts associated with the proposed project. However, we have the following comments: Project site is located almost entirely within the existing FEMA special flood hazard area and entirely within the preliminary FEMA special flood hazard area, the Town Planning Board and Zoning Board of Appeals

should exercise, caution in approving a project located within the Special Flood Hazard Area. The applicant should be informed of the risks of placing the project within the Special Flood Hazard Area. The next one is about references, the Town Planning Board and the site design should be revised in accordance with the enclosed comments from the New York State DOT and Binghamton Metropolitan Transportation study. Okay. That's summarizes that. We do not have any additional written correspondence from the public.

Mr. Cortese: I should just note for the record and everybody's information to the extent that you don't know, the site plan was approved by the Planning Board for this already.

Mr. Brewster: Okay, thanks. So we do not have any written correspondence from the public. Is anyone here tonight who would like to speak on the matter of this project on Front Street; the Walgreens, going on 1426 Upper Front Street?

Julio Williams: Good evening. Members of the Board and staff, I'm Julio Williams, Engineer with Cocca Development representing the applicant. I'm here to answer any questions that you may have pertaining to the variance or the plan in general. I believe the Chairman summarized what the project has been through thus far, as far as being reviewed by the different boards and the township engineer. And yes, if you have any questions I will be happy to answer them.

Mr. Brewster: Thanks. And yes, we will actually have to address five factors that we consider for area variances here in New York. We will get to that in just a minute. I just want to give one more last call for anyone in the public, citizens, or residents to comment on this application and then we'll move forward and I'll get to those questions with you.

Mr. Cortese: Donna, we have a small number of members of the public here, it appears, so I would just suggest to unmute all and we'll give everybody about 10 seconds to speak up; maybe something like that.

Ms. Webster: Robin, can you unmute and Heather, could you unmute please?

Mr. Aston: I'm not sure that members of the community are aware that the cell tower is not part of that (the Cocca Development application).

Mr. Cortese: That location is just for the Walgreens. So if the comments don't pertain to the Walgreen's application, then they are inappropriate in this context.

Robin: We're fully aware of that.

Heather: We're aware of that too.

Mr. Brewster: Thanks, last call for Walgreens. We're going to begin with Mr. Williams; Mr. Williams, we have your application and it was a good summary, everything was presented to us, and you had your site plan approved. You do need to go over just briefly some specifics of these five factors that go into an area variance and I'll go over them one by one with you. And Nick, our attorney, may chime in and back me up on any confusion because of some of the wording. The first one is your application for the variance. Can you talk about whether or not it will produce an undesirable change to the character of the

neighborhood? Tell us about the size of the building in brief, and any kind of obstructions; are there any visual obstructions to the roadways, et cetera?

Mr. Williams: Currently, it's a 2 ½ acre parcel at the intersection of Upper Front Street and Bishop Road. That parcel is currently in use. It's got two uses on it. One is auto parts retail and the other is outdoor accessory sales. So what this project is doing is that it's subdividing the parcel. Since those two uses will remain as they are, our project will take that corner portion of a parcel and develop a new Walgreens 2,500 square foot building on it. We believe it'll be an improvement to the area. Currently it's an open unused area at that intersection. We're proposing a new Walgreens with a drive through with new parking and landscaping and site lighting. We are excited that it is one of the first ones as far as architecturally Walgreens that are being built in the country of this Cooper model. So essentially we believe it will be an improvement. In our opinion it will not introduce any obstructions or any unwanted consequences after construction of the building. Hope that answers your question.

Mr. Brewster: It's fine. Board members, any follow up questions to that particular point? Okay. Number two, in choosing this property, requesting the variance, was there any other way that you could have oriented the site structure site plan, to not require a variance to your knowledge?

Mr. Williams: To our knowledge, no.

Mr. Brewster: Do any Board members have any questions on that particular point? Okay. Question number three asks us to determine whether or not the request for your variance is substantial. And again, I'll default to my Attorney who maybe wants to paint a better picture in this case of what substantial might be for Mr. Williams.

Mr. Cortese: Well, the substantiality of an area variance is basically you start with what the zoning code requires or allows as a minimum. Then you just look at the extent to which you're asking that that'd be varied. If it is a lot, like more than 50% let's say, more often than not, that's a substantial variance. But it's a non-determinative factor, just like all the other factors that you're considering.

Mr. Brewster: I do want to point that out and I'll just reiterate that Mr. Williams. Of these five factors, no single one of them can determine the outcome either way. It's just a weighting thing for us to collect information. So, in this case, you've asked to go from the requirement of 100' down to 6', and so we will probably just agree on that is substantial. So that's fine.

So board members, any follow up to that? Okay. Factor number four; this has actually come out in some of the discussion from the Engineer, but please describe any adverse or impactful conditions on the physical or environmental nature of the area in the neighborhood of the district. It was brought up in both the County and by the Engineer regarding that you're building in a flood plain. Please talk about that and how you perhaps have mitigated or not able to mitigate, those issues and any other environmental or physical issues, drainage or landscaping.

Mr. Williams: Sure. With respect to being in a flood plain, we conducted a flood study to analyze what the impacts of the new building would be on the base flood elevation and the study concluded that there would be no impact from the construction of this project. The main

thing that we did to mitigate being in the flood plain, was to have the finished floor elevation of the building be 18 inches, if I'm not mistaken, above the base flood elevation. So in theory if the area were to experience a hundred year flood, water would not enter the building. So as far as that's concerned we were comfortable with what the design shows as far as being in the flood zone. Drainage wise, the plans were designed in accordance with the ordinance. We're okay with that as far as that is concerned and landscaping as well. We we're providing some trees and shrubbery as well as some green areas as well. Overall we believe it will be an enhancement and as far as environmental factors are concerned, we don't believe that the project will be bringing a negative impact to the township.

Mr. Brewster: You will be increasing the impervious area in that development. It is very impervious in that area, but I was curious just to make sure that you designed an adequate drainage systems, so, you know, the local type runoff wouldn't affect your neighbors or the properties, and the homes especially to the East of you behind the store.

Mr. Williams: Sure. So overall the site was designed to keep water flowing the way that it was before the development. So essentially the water flows towards Carmichael Road and then to the South before it eventually makes its way to the river. So we kept that drainage pattern. We didn't change that. And there's also a small water quality basin at the project close to the intersection of Bishop Road and Carmichael. And the function of that is to help detain water and not allow it to leave the site at a flow rate, that's in excess of what the township requires. So as far as drainage is concerned, we're keeping things the way that they are as far as a direction is concerned. We have some measures in place to make sure that the flow is not excessive leaving the site.

Mr. Brewster: Okay, thank you. Board members, any follow up to that on the environmental question?

Ms. Kinne: Yes. Mr. Chairman. When we did a different property on Front Street, which bordered the back, it was also three streets, but the back was on Trafford Road. They put up some greenery trees along Trafford Road to screen so residents weren't looking at the back side of the building. I was wondering if they would consider along Carmichael Road, doing a little screening along there.

Mr. Williams: Well it seems that great minds think alike. At the Planning Board meeting, the same comment was raised, and we're okay with adding trees to the plan that was submitted along Carmichael Road. We are currently revising the plans to show additional trees on Carmichael.

Mr. Cortese: Ms. Kinne, just for your information, the Planning Board did make that a condition of their site plan approval.

Ms. Kinne: Thank you.

Mr. Brewster: Board members, anything else?

Mr. Smith: Yes. Mr. Chairman. I was looking for verification and this question is probably elsewhere, but as far as I see it there won't be any road going from a driveway on to Carmichael for where the garbage can be taken away. Is that correct?

Mr. Williams: So there is currently a dumpster at, I want to say the south side of the building on the east side of the building. So Walgreens will schedule a pickup with a local pickup company to have that picked up, but access to that will be gained from Bishops Road and that shouldn't be a problem to meet that.

Mr. Smith: Thank you.

Mr. Brewster: Okay, thanks everyone. The last point we have to cover here is regarding hardship being self-created or not, for this variance request. Typically I've seen that applicants going into these do know that they are going into an area that needs one. So usually it is a self-created hardship. However, in this case where the lay of the land is the road frontage and is unusual with the plot there. Just comment on a little bit more about that, or perhaps Nick can clarify that one.

Mr. Cortese: So self-created hardships are not really contextual. It's just based on whether or not the applicant knew at the time that they either acquired the property or leased the property or intended to develop the property that they needed a variance. The only instances in which a hardship would not be self-created as a matter of law is instances where, let's say, for example, you were to purchase a piece of property, you wanted to do something on it, and then you had no reasonable expectation that the zoning would change, but it changed. That wouldn't be a self-created hardship in that instance, because you didn't have any expectation that the zoning would change. So if you go into an area, knowing the zoning is a certain way and you want to do something that varies from the zoning, hardship is, as a matter of law, generally speaking self-created.

Mr. Brewster: Then I guess Mr. Williams; we'll just kind of perhaps agree that is self-created. And again, these are just cumulative factors, not one deciding everything. So if you're good with that and my board members are good with that, we'll go with that.

Mr. Williams: We're okay with that.

Mr. Brewster: Okay folks, that closes the fact finding part of the hearing. I've read all of the correspondence. Do any board members have any further or wrap up questions?

Board: Nope.

Mr. Brewster: At this time then I will close the public hearing on 2020-V05. And what we'll do Mr. Williams, if you hang on there, we will hear our next public hearing and we go through and we'll have to...

Ms. Webster: Mr. Brewster, sorry. Robin had her hand up. I think she had a question. Robin, you need to unmute.

Robin: That area with Walgreens going in, it's going to be more busy, more people going in and out in that area. It's a lot of traffic and it's hard to get in and out of some of the businesses. What it's going to happen when people are going to be trying to come in and out of there. And there could be more accidents. It's going to be harder to get onto Front Street or out of Front Street.

Mr. Brewster: Yes, those are certainly valid points. Unfortunately for the Zoning Board, we're considering the variance, which is just that 100' to 6'. That's more of a question I believe geared towards planning and a traffic type of study. I guess I could paraphrase that for you, and just ask Mr. Williams, if there were any traffic studies done to just show that there was an increase or that it would not be detrimental and/or John can respond to that after Mr. Williams addresses that question.

Mr. Williams: We did not conduct a traffic study. We did engage with the DOT about the project, and they expressed no concern that the project would introduce any negative impacts to the existing traffic pattern. One benefit that comes from this project is that the access is along Bishop Road, not on Front Street. So that helps alleviate any strain that would be presented to traffic that's on Front Street.

Mr. Brewster: Okay, so that would have been addressed in Engineering and in the County, the Department of Transportation for the State, the County Health Department, and Metropolitan Transportation study. So there have been eyes on that element of this project. We have no negative feedback on that and including the fact that the Town Planning did approve their sites. So, we're just looking at the validity of granting the site variance for the size of the parcel and the frontage setback. So with that, just one more check for any hands there, Mrs. Webster.

Ms. Webster: There are no more.

Mr. Brewster: Now the public hearing is officially closed for the 2020-V05. Again, as I was saying Mr. Williams, we will go onto our next public hearing and then, we'll come back and we'll address the environmental review that we have to do for New York State. Then we'll have a vote and we'll do our voting for both at the end. So hang in there. Thanks for your time. Okay. Let me shuffle some paperwork here and we'll move on to the next application. The next application is project number 2020-V06 for 10 Daniel Drive. I will briefly read the public hearing notice:

Take notice that a public hearing will be held by the Zoning Board of Appeals of the Town of Chenango on June 23, 2020, at 7:00 PM. Upon the application of Marvin L. Conover regarding property located at 10 Daniel Drive in the Town of Chenango, Tax Map # 078.15-2-9 and located in a residential district, the application is for an area variance to construct a 144 SF accessory structure (storage shed), which exceeds the maximum of 125 SF for such structures. The environmental significance of the request to variance, if any, will be reviewed by said Board at said hearing. This notice goes on to discuss the fact that we have to do this by ZOOM, which I've covered at the beginning of the meeting and members of the public wishing to comment orally on the application during the public hearing will be recognized by the Chairman through the ZOOM interface. Written comments may be submitted prior to or during the meeting to, Donna.Webster@townofchenango.com or by mailing comments into the Town of Chenango Ordinance office at 1529 New York Route 12, Binghamton, New York 13901.

I will open the public hearing for 2020-V06 at this time. And again, I will read the correspondence that we have. Mr. Conover, I see you there. Well you've seen how we do it, so we'll be going over those five factors again, which I believe you did address to some degree in your in your application. So that's great. We'll go over those, but first, let me read the from the Town of Chenango Planning Board; they held their meeting on June 8,

2020 concerning the request of Marvin Conover for said area variance application, and the Planning Board referred the application to the Zoning Board of Appeals, with a favorable advisory. The Town Engineer, Mr. Urda for the area variance, recommendations; the increase is minimal in nature and not injurious to the surrounding area. We have no engineering objections. I did receive a signed and completed a drainage coordinator review, and the drainage review in this case was not applicable. County Planning Department has reviewed this case. The Planning Department has reviewed the above cited case and has determined that the project is not subject to GMU Section 239-1 and because the project site is not located within 500 feet of the State and County interests covered under the law. So the County 239 is not applicable to your project. And lastly, we go this time to John and Ordinance for the Ordinance Department's comments on this project.

Mr. Freer: The ordinance office has no concerns with the area variance. The owners should be aware that a building permit would be necessary prior to construction.

Mr. Brewster: Thank you, John. Members of the public; is anyone here to speak for or against, or just comment in general on this this project at 10 Daniel Drive? Maybe we want to do that unmuting again.

Mr. Cortese; Do folks have the ability to unmute themselves?

Ms. Webster: Some I think do and some it says to ask to unmute.

Mr. Cortese: Ok, so Mr. Williams can. To me, it looks like people can unmute themselves. So yeah, if you want to unmute yourselves and you want to comment, this would be a good time.

Robin/Heather: No comment.

Ms. Webster: I see no hands.

Mr. Brewster: It looks like we don't have any comment from the public. So we'll go on to those five factors Mr. Conover. We'll talk a little bit about that. Have you addressed the same things that we asked Mr. Williams there? For the first factor, just go on what you did briefly mention in your application about if it produced an undesirable change to the character of the neighborhood or cause a detriment. Again, we did not receive any written commentary either from your neighbors regarding either for or against, so feel free to address that.

Mr. Conover: I didn't hear anything from my neighbors either, so I didn't see where it would be a problem with anybody. It's in my backyard kind of out of sight. So I don't see where there would be a problem with that.

Mr. Brewster: Board members, any questions pertaining to that question? Moving on to number two; in your choice of putting the shed on your property, was there any reason why you needed to go above the square footage requirement?

Mr. Conover: Well, at the time I chose a 12' X 12', I didn't know I had to have a variance and I wanted that much space to be able to put the things I needed to store in there and that's the space I needed. So that's what I went with.

Mr. Brewster: Question number three; Mr. Conover do you find that this is a substantial change or a substantial request for the zoning for your variance there?

Mr. Conover: I don't think there is anything substantially changing and it's probably an improvement. It's going to be a good looking shed, and I don't want to ruin my property. So I think it's going to be okay.

Mr. Brewster: Yeah. Starting at 125 SF and you're asking for 144. So that doesn't seem all that large to you. Does it?

Mr. Conover: Garage is getting smaller, so I need something bigger.

Mr. Brewster: Understood. By putting your shed on your property there, do you think it's going to cause any changes to your land, any environmental issues, drainage erosion, or anything like that?

Mr. Conover: I don't think so. I just I didn't want to put it under certain trees because I'm afraid to ruin my roof and I put it where I thought it would be the best for me and anybody else for that matter.

Mr. Brewster: And like you said, nobody's come to you upset or anything.

Mr. Brewster: And then the last one is the self-created one and I think as a matter of law we heard before from Nick that even though at the time you were unaware that there was a requirement of the square footage, there is one, and then you had to get a variance. So we will call that one, self-created. And again, it's like I said before, this is just weighing some factors to help us weigh the decision. That's all. One "no" will not hurt you just by itself.

Mr. Conover: Sounds good.

Mr. Brewster: Do you have anything else, any final comments there to wrap up?

Mr. Conover: I hope everything is copacetic and I didn't do anything drastically wrong and I'll go ahead with the project if you say okay.

Mr. Brewster: Board members, any wrap up questions there in the public hearing? Scott, do you have something? No. Okay. I thought you were raising your hand. Sorry. Okay. We've gone through the five factors. We've interviewed Mr. Conover and went through everything at this time. I will close the public hearing for 2020- V06. That said, we will go back to looking at our environmental review for 2020-V05. So Nick, if you'd like to take us through that.

Mr. Cortese: Sure. So we're talking again now about the Walgreen's application, right?

Mr. Brewster: That's correct.

Mr. Cortese: So this is an unlisted action and you do have in your packets, Part One of the Short EAF that was submitted. Now we will go through Part Two and Three of the EAF where I'll

ask you your favorite 11 questions and hear enthusiastic responses from you on all of these. Then we'll make a determination at the end, so please say yes or no to the following questions. No means no, or small impact may occur. Yes means moderate to large impact may occur and a yes to any of these questions may require the applicant to produce an environmental impact statement. No, to all of these questions mean that he, the applicant, does not need to produce a large environmental report like that. So with that:

Will the proposed actions create a material conflict and then adopted land use planners, zoning regulations? Yes or No.

Board: No.

Mr. Cortese: Will the proposed action have an impact on the environmental characteristics that cause the establishment of a critical environmental area?

Board: No.

Mr. Cortese: Will the proposed action result in an adverse change in the existing level of traffic or affect the infrastructure for mass transit, biking, or walkway?

Board: No.

Mr. Cortese: Will, the proposed action cause an increase in the use of energy and does it fail to incorporate reasonably available energy conservation or renewable energy opportunities?

Board: No.

Mr. Cortese: Will, the proposed action impact existing public private water supplies, public private wastewater treatment utilities?

Board: No.

Mr. Cortese: Will the proposed action impair the character or quality of important historic archeological, architectural or aesthetic resources?

Board: No.

Mr. Cortese: Will, the proposed action result in an adverse change to natural resources like wetlands, water bodies, groundwater, et cetera?

Board: No.

Mr. Cortese: Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

Board: No.

Mr. Brewster: Nick, I'm going to be picky here and just go small, which is the same thing as no, but I'm going to go on record of small.

Mr. Cortese: Will the proposed action, create a hazard to environmental resources or human health now?

Board: No.

Mr. Cortese: Okay. So you've answered a no or small impact may occur to all the questions that I've asked you in Part Two of the form. That being the case, my presumption is that you'd be making a motion for a negative declaration under SEQRA for this application. And that's where I will leave you to it.

Mr. Brewster: Board members hearing that, I will seek a motion that we issue a negative declaration for seeker on this application.

Motion to issue a negative declaration for SEQRA for Area Variance 2020-V05 – motion made by Aleta Kinne, seconded by Melanie Pandich and carried by the following roll call vote:

James Brewster, Chair	Voted	<u> Aye </u>
Aleta Kinne, Vice Chair	Voted	<u> Aye </u>
Melanie Pandich	Voted	<u> Aye </u>
Scott Smith	Voted	<u> Aye </u>
Joseph Aston	Voted	<u> Aye </u>
Thomas Eldridge, Alternate	Voted	<u> </u>

The motion was thereupon declared adopted by a roll-call vote of:

Ayes – 5 Nays – 0 Absent – 0

Mr. Brewster: So given that, we should continue. We should go onto the resolution.

Mr. Cortese: That's what I was going to say. At this point, we're down to the resolution, but I would, from my perspective, like a little bit of input from the Board on the fact finding. Just so I can make my final last edits to the resolution here.

Mr. Brewster: Okay folks on the Board, we'll go through the five factors again. So the requested variance will or will not produce an undesirable change in the character of the neighborhood; what would we say about that?

Mr. Aston: It will not.

Ms. Pandich: I don't believe so.

Mr. Brewster: Nick, would you, would you like some findings, actual commentary on why?

Mr. Cortese: It's entirely up to you? I mean, the record is pretty robustly developed as far as the questions that were asked and the responses that were given, if people have particular

things that they want to say about these particular findings of fact, that's fine. But it's not an absolute requirement. I mean, the whole record tells the story.

Mr. Brewster: Thank you. Okay, let me recap, since I got off track. That will be not produce an undesirable change for #1.

#2 the benefits sought by the applicant can or cannot be achieved by another method other than granting of the variance?

Board: Cannot.

Mr. Brewster: #3. The requested area variance is, or is not substantial?

Board: It is.

Mr. Smith: It is, but not necessarily the negative way.

Mr. Brewster: Sounds fine. #4, the requested variance would, or would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Board: Would not.

Mr. Brewster: Again, we developed the flooding and drainage which was the biggest, I think, engineering concern. We developed that in the record pretty well. #5. The hardship giving rise to the variance request is, or is not self-created. And I believe we said it is.

Board: It is.

Mr. Brewster: Therefore Nick, I believe you can read the resolution for it.

Speaker 6: So this is the resolution that you would be introducing tonight on application #2020-V05. It reads as follows:

In the Matter of the Application #: 2020-V05 of FIDC 86 LLC
For an area variance from the minimum road frontage allowed for a parcel
In the CD – Commercial Development District of 100 feet to 6.69 feet

WHEREAS, on May 5, 2020, FIDC 86 LLC (“Applicant”) duly filed an application for an area variance as the authorized agent of Danielle J. Skrabalak for property she owns within the Town, located at 1426 Upper Front Street in the CD – Commercial Development District and designated as Tax Map No. 112.09-5-1, wherein Applicant requested a reduction in the minimum road frontage allowed for a parcel in said District from 100 feet to 6.69 feet; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, the Town of Chenango ZBA determined on June 23, 2020 that the requested variance constitutes an Unlisted Action as defined under said regulations. The ZBA has considered the possible environmental impacts of the requested variance and has determined that it will not have a significant adverse impact on the environment, and the ZBA adopts a negative declaration with respect thereto; and

WHEREAS, after due notice by publication in the official newspaper of the Town of Chenango, the ZBA held a public hearing to consider said application on June 23, 2020, at which hearing all persons desiring to be heard in regard to said application were so heard; and

WHEREAS, the ZBA has duly reviewed and considered all documents submitted by the Applicant, as well as the reports and recommendations of the New York State Department of Transportation, Broome County Department of Planning and Economic Development, the Town of Chenango Planning Board, Engineer, Ordinance Officer and Drainage Coordinator, and has carefully considered all of the information presented and received at the public hearing on behalf of the Applicant and the public with respect to Applicant's application.

NOW, THEREFORE, BE IT RESOVED by the Zoning Board of Appeals of the Town of Chenango, Broome County, New York, as follows:

1. The requested variance **will not** produce an undesirable change in the character of the neighborhood or cause a detriment to nearby properties.
2. The benefit sought by the Applicant **cannot** be achieved by another method, other than the grant of an area variance.
3. The requested area variance **is** substantial.
4. The requested variance **would not** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The hardship giving rise to the variance request **is** self-created.
6. The entire record of this proceeding supports the conclusion that the benefit to the applicant conferred by the granting of an area variance **outweighs** any potential detriment to the health, safety and welfare of the neighborhood or community posed by such grant.
7. Therefore, the Applicant's application #2020-V05 for an area variance for a reduction in the minimum road frontage allowed for a parcel in said District from 100 feet to 6.69 feet is **granted**.
8. This Resolution shall take effect immediately.

At a meeting of the Zoning Board of Appeals of the Town of Chenango, held on June 23, 2020 via ZOOM virtual meeting software (**Meeting Link: <https://us02web.zoom.us/j/84729634221>, Meeting ID: 847 2963 4221, and Password 843627**) in accordance with the Governor's Executive Orders 202.1, 202.10 and 202.15, as extended by Executive Orders 202.38 and 202.39, the foregoing motion was made by Aleta Kinne and seconded by Scott Smith. The ZBA members voted as follows:

James Brewster, Chair Voted Aye

Aleta Kinne, Vice Chair Voted Aye

Melanie Pandich Voted Aye

Scott Smith Voted Aye

Joseph Aston Voted __Aye__

Thomas Eldridge, Alternate Voted _____

The motion was thereupon declared adopted by a roll-call vote of:

Ayes – 5 Nays – 0 Absent – 0

Mr. Brewster: Okay, that concludes that. We will now move on to 2020-V06 with our environmental review for 10 Daniel Drive. Go ahead and take us through there.

Mr. Cortese: Alright, ladies and gentlemen, you have Part One of the EAF in your packet for Application 2020-V06. This is an unlisted action as it is a square footage variance, as opposed to a setback variance. And so I'll take you through the questions once again.

1. Will the proposed actions create a material conflict and then adopted land use planners, zoning regulations?

Board: No.

Mr. Cortese: Will the proposed action have an impact on the environmental characteristics that cause the establishment of a critical environmental area?

Board: No.

Mr. Cortese: Will the proposed action result in an adverse change in the existing level of traffic or affect the infrastructure for mass transit, biking, or walkway?

Board: No.

Mr. Cortese: Will, the proposed action cause an increase in the use of energy and does it fail to incorporate reasonably available energy conservation or renewable energy opportunities?

Board: No.

Mr. Cortese: Will, the proposed action impact existing public private water supplies, public private wastewater treatment utilities?

Board: No.

Mr. Cortese: Will the proposed action impair the character or quality of important historic archeological, architectural or aesthetic resources?

Board: No.

Mr. Cortese: Will, the proposed action result in an adverse change to natural resources like wetlands, water bodies, groundwater, et cetera?

Board: No.

Mr. Cortese: Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

Board: No.

Mr. Cortese: Will the proposed action, create a hazard to environmental resources or human health now?

Board: No.

Mr. Cortese: Okay. So you've answered a no or small impact may occur to all the questions that I've asked you in Part Two of the form. That being the case, my presumption is that you'd be making a motion for a negative declaration under SEQRA for this application. And that's where I will leave you to it.

Mr. Brewster: Board members hearing that, I will seek a motion that we issue a negative declaration for seeker on this application.

Motion to issue a negative declaration for SEQRA for Area Variance 2020-V05 – motion made by Joe Aston, seconded by Aleta Kinne and carried by the following roll call vote:

James Brewster, Chair	Voted <u> Aye </u>
Aleta Kinne, Vice Chair	Voted <u> Aye </u>
Melanie Pandich	Voted <u> Aye </u>
Scott Smith	Voted <u> Aye </u>
Joseph Aston	Voted <u> Aye </u>
Thomas Eldridge, Alternate	Voted <u> </u>

The motion was thereupon declared adopted by a roll-call vote of:

Ayes – 5 Nays – 0 Absent – 0

Mr. Brewster: Now we'll go on to discussion, and then vote on this application. First again, we'll summarize the five factors. #1 folks, the requested variance will not produce an undesirable change in the character of the neighborhood, et cetera, et cetera?

Board: Will not.

Mr. Brewster #2. The benefits sought by the applicant can or cannot be achieved by another method other than the grant of the area variance?

Board: Cannot.

Mr. Brewster: #3. The requested area variance is, or is not substantial?

Board: It is not.

Mr. Brewster: I would say it's a pretty small change to the square footage. #4. The requested variance would or would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Board: Would not.

Mr. Brewster: #5. And the hardship giving rise to the variance request is, or is not self-created.

Board: It is.

Mr. Brewster: Yes. I agree. Nick, please go ahead and read again.

Mr. Cortese: Sure. So this resolution is very similar to the last one that we read. So I'll skip over some of the boiler plate stuff. And if anybody is really interested in reading the boilerplate stuff, it will be appended to the minutes. So don't worry about that. This is for Application # 2020-V06:

In the Matter of the Application #: 2020-V06 of Marvin L. Conover
For an area variance from the maximum square footage allowed for an accessory structure in the R – Residential District of 125 square feet to 144 square feet

WHEREAS, on May 14, 2020, Marvin L. Conover (“Applicant”) duly filed an application for an area variance for property he owns within the Town, located at 10 Daniel Drive in the R – Residential District and designated as Tax Map No. 078.15-2-9, wherein Applicant requested a variance from the maximum square footage allowed for an accessory structure in said District of 125 square feet to 144 square feet in order to accommodate the placement of a storage shed on said property; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, the Town of Chenango ZBA determined on June 23, 2020 that the requested variance constitutes an Unlisted Action as defined under said regulations. The ZBA has considered the possible environmental impacts of the requested variance and has determined that it will not have a significant adverse impact on the environment, and the ZBA adopts a negative declaration with respect thereto; and

WHEREAS, after due notice by publication in the official newspaper of the Town of Chenango, the ZBA held a public hearing to consider said application on June 23, 2020, at which hearing all persons desiring to be heard in regard to said application were so heard; and

WHEREAS, the ZBA has duly reviewed and considered all documents submitted by the Applicant, as well as the reports and recommendations of the New York State Department of Transportation, Broome County Department of Planning and Economic Development, the Town of Chenango Planning Board, Engineer, Ordinance Officer and Drainage Coordinator, and has carefully considered all of the information presented and received at the public hearing on behalf of the Applicant and the public with respect to Applicant’s application.

NOW, THEREFORE, BE IT RESOVED by the Zoning Board of Appeals of the Town of Chenango, Broome County, New York, as follows:

1. The requested variance **will not** produce an undesirable change in the character of the neighborhood or cause a detriment to nearby properties.

2. The benefit sought by the Applicant **cannot** be achieved by another method, other than the grant of an area variance.
3. The requested area variance **is not** substantial.
4. The requested variance **would not** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The hardship giving rise to the variance request **is** self-created.
6. The entire record of this proceeding supports the conclusion that the benefit to the applicant conferred by the granting of an area variance **outweighs** any potential detriment to the health, safety and welfare of the neighborhood or community posed by such grant.
7. Therefore, the Applicant's application #2020-V06 for an area variance from the maximum square footage allowed for an accessory structure in said District of 125 square feet to 144 square feet is **granted**.
8. This Resolution shall take effect immediately.

At a meeting of the Zoning Board of Appeals of the Town of Chenango, held on June 23, 2020 via ZOOM virtual meeting software (**Meeting Link: <https://us02web.zoom.us/j/84729634221>, Meeting ID: 847 2963 4221, and Password 843627**) in accordance with the Governor's Executive Orders 202.1, 202.10 and 202.15, as extended by Executive Orders 202.38 and 202.39, the foregoing motion was made by Melanie Pandich and seconded by Joe Aston. The ZBA members voted as follows:

James Brewster, Chair	Voted <u> Aye </u>
Aleta Kinne, Vice Chair	Voted <u> Aye </u>
Melanie Pandich	Voted <u> Aye </u>
Scott Smith	Voted <u> Aye </u>
Joseph Aston	Voted <u> Aye </u>
Thomas Eldridge, Alternate	Voted <u> </u>

The motion was thereupon declared adopted by a roll-call vote of:

Ayes – 5 Nays – 0 Absent – 0

Mr. Brewster: Case 2020-V06 is approved as well as V05 for the area variances. Congratulations. That brings us to the end of our public hearings and published agenda. I would like everyone to hang on for a little Board business. The public is welcome to stay as an open meeting or you can log off. It's your choice. But Board members, I did want to update you on some of the latest things we have coming forward regarding the cell tower application. I spoke with our new counsel today. She has just recently received a package of information, so she didn't really have time to skim it over. But when we talked; I needed

some counsel on dates because we have some time limits coming up. So what we've tentatively agreed to as far as her calendar goes and everything you know, we had been bantering around a special meeting for July 9th. That is a little bit shaky right now, but we agreed that we could have a meeting on the 16th of July. However, because we did not get any new business tonight, we have an open date for a regular meeting on the 28th of July. So at present the current tactic we would like to do, because it is such an involved case just from the volume of data and of course the environmental issues, is to have a special meeting on the 16th and doing the SEQR part of the application, which will take us a considerable amount of time to go through as it is a Part One of the EAF Form, which is more detailed than the short form. Then we would hold the public meeting at the regular meeting time of the 28th of July with the ultimate hope that we do not get delayed in going through with Phase 4 or 5, or whatever it needs to where municipalities will be able to have open public meetings again face to face, which I think is important to what we've tried to strive for going forward with this application. We can also go through the environmental issues on the 16th and perhaps even ask for additional information, but at least that preliminary part of it would be done. Then we can take the 28th to listen and have a comprehensive public hearing and finalize notes.

Mr. Carl: I noticed on the news just a few minutes ago that New York gave the Southern Tier the go ahead to go to Phase 4 on the 26th. So this Friday, this area is going to go to Phase 4. I'm not sure what that does to the public meetings and the number of people, but we are going that way on Friday.

Mr. Brewster: Well, that's optimistic. That's good news. I still think, after receiving counsel, I'd like to kind of go with my plan, if that's going to work for everybody.

Ms. Kinne: What day of the week is the 16th?

Mr. Brewster: It's a Thursday. She (new attorney) was open that day.

Ms. Kinne: I just wanted to make sure we weren't interfering with Planning Board. They meet on Mondays, so no problem.

Mr. Brewster: We wouldn't go up against a work session either. Joe, I know that you might be a little troublesome on Thursdays, right?

Mr. Aston: I'll just have to check. I have another obligation on Thursday nights, but it shouldn't be a problem.

Mr. Brewster: Well, I liked that plan. I liked what we went over with talking with the new attorney and by the way, I think Nick said this a while ago when we were talking about who may or may not come on, but the woman's name is Nadine Bell. For those of you that didn't know, she has extensive experience in both municipal law and commercial law, both sides of the fence on a case like this. She'll most likely provide a solid guidance, just given her background. So that's all I have on that front. And if we're good with that, I will solidify those dates and we can start the appropriate messaging as it comes about through our legal channels.

Mr. Carl: So Jim, if I can get those dates again, you said that conducting a meeting on the 16th, just for the purposes of trying to drive through the SEQR process, correct?

Mr. Brewster: Yes. And then for the next one, the regular meeting date is the 28th. So that would be the public hearing.

Ms. Kinne: So what about notices to the public?

Mr. Brewster: Well, we will have to notice our special meeting. I believe that's a requirement.

Mr. Freer: Yes.

Mr. Brewster: And then of course the standard notification for the regular meeting with public hearing.

Mr. Freer: Mr. Brewster, if I may. Do we need to send anything out for the special meeting for SEQR or just for the July 28th, the regular meeting that's open to the public?

Mr. Brewster: I'm under the impression we will have to notice the special meeting. I believe that's a requirement. I think you can help answer that one, Nick?

Mr. Cortese: Sure. Just for point of clarification, Coughlin and Gerhart is the attorney for the Town. So as I've stated in other meetings, we will continue to help on purely procedural stuff like meeting notices and anything that doesn't deal with the substance of the application. So in the first instance, it's important to know what the nature of your meeting will be on the 16th. If it's not a public hearing and purely for the purposes of doing the environmental review, then your legal obligation is to notice it as you would a special meeting, which is how you would notice any other ordinary meeting that's scheduled more than seven days in advance. To the extent that you want to do an additional notice will be entirely up to you. The public hearing in this instance by the Town's code requires 10 days advanced publication. So we'll need to be on top of that.

Mr. Brewster: Do we have an actual number for the regular notification? Is it like five days or ...?

Mr. Cortese: The run of the mill notice for legal notice is five days. And so that's just a good rule of thumb for all notices that are done generally. And you know, normal public hearings, like variance public hearings, just like the ones that we had tonight are all noticed on, on at least five days' notice. But this particular one for the cell tower, it expressly states in the Town Code that we need give at least 10 days' notice in the paper. So we have to keep our eyes on that.

Mr. Brewster: Okay.

Mr. Freer: Nick, so just for clarification too; on the special meeting, is there anything extra as far as we're okay with five days or do we need to hit the 10 days on that for the SEQR meeting as well?

Mr. Cortese: By law, if you're not holding the public hearing on this, I believe it's only a five day notice. I can check and confirm that, but I'm 99% positive that it's just an ordinary meeting notice for that. To the extent that you want to do more notice, than you ordinarily would because of the nature of this meeting, will be totally up to you.

Mr. Freer: I think that would be a good idea at this point. And then we can stay in contact as far as getting them out on time. Are you guys getting them to us so that we can get them out ahead of time?

Mr. Cortese: We don't really handle regular meeting notices. That usually comes from you guys. We handle public hearing notices though.

Mr. Freer: Okay. So we can do that in house.

Mr. Cortese: That's my understanding. And if that ends up not being the case, let us know.

Mr. Freer: That's fine. And then we'll rely on you guys as far as the regular meetings open to the public.

Mr. Cortese: The public hearing notice we'll prepare; yes.

Mr. Freer: Thank you.

Ms. Kinne: The postcards in the mail too, or just newspaper and website?

Mr. Cortese: We handle legal publication. There's no obligation, that postcards be sent. There is a kind of like a permissive discretionary thing and the Town's Code regarding the postcards being sent out to folks that live within 1500 feet of the tower. I believe that was done before, when we tried to hold a public hearing. I guess from just a practical standpoint, it seems like a good idea considering the interest in this particular issue. But I don't believe it's required. That'll be again, your determination to instruct the town staff, and what you want them to do.

Mr. Brewster: Yes. Let's do postcards. John, if you can hear me, we'll do the postcards. Now Aleta, did you mean for the SEQR meeting?

Mr. Cortese: I think she was talking about the public hearing. Am I wrong, Aleta? Are you talking about both meetings or just the public hearing?

Ms. Kinne: Well, I'm asking about both, but definitely the public hearing.

Mr. Cortese: It's up to you guys what you want to do with that.

Ms. Kinne: The public cannot take part in the SEQR right?

Mr. Brewster: No. They can write the board. They can attend and listen. Yes. There's no public participation.

Mr. Eldridge: I would agree with the postcards. I mean given the last meeting, there was the public hearing and the negative comments, from the people that live up there, towards us, not understanding how the process works, thinking that we're out to get them. I think some postcards from the town in their favor would be greatly appreciated.

Mr. Brewster: I agree.

Mr. Freer: I agree Mr. Eldridge, I think we need to hit that 10 days for the regular meeting. Beyond that, perhaps, and make sure that we have it listed on our website for the SEQR meeting so everybody's aware.

Mr. Brewster: Let's do cards for both.

Mr. Freer: You want to do the mailings for both Mr. Brewster?

Mr. Brewster: I'd like to, yes.

Mr. Freer: Alright.

Mr. Carl: If I may be a little budget conscious here, can we put both meetings on one card? And not do two separate mailings for the same thing? Donna...

Ms. Webster: I don't know. I mean if we did that, we'd have to have the public hearing notice within 10 days if we're going to put it on there, right?

Mr. Cortese: So, let me just read you what your code says about public hearing notification requirements for cell towers. And then you can take that and do what you will with it. This is 72 16 a. Prior to the approval of any application for a special use permit for a wireless telecommunication facility, a public hearing shall be held by the Board notice, which shall be published in the official newspaper of the Town no less than 10 calendar days prior to the scheduled date of the public hearing in order that the Town may notify nearby land owners. The applicants already provided the list of names of everybody that lives within 1500 feet. So basically it's saying that in order that the Town may notify nearby landowners; the applicant, at least three weeks prior to the date of the public hearing, shall be required to provide names and addresses of all land owners, whose property are located within 1500 feet of any line of a lot, blah, blah, blah, proposed cell tower. So basically the, the paper notice is mandatory. The specific notice to people within 1500 feet is permissive, but it sounds to me like you guys are going to do that. And this is the public hearing notice exclusively; this isn't other meetings that are associated with the cell tower that don't necessarily require the public hearing component. And I'm not suggesting that you should do this one way or the other. I'm just telling you what your own law says.

Mr. Brewster: Do we want to think this over, or what do we want to do?

Mr. Eldridge: Well either way, if we're going to put them on the same card...

Mr. Carl: Well, we have the list, right? We sent it out last time. Everybody was in 1500 feet. So that's all set. And if we have to do it three weeks in advance...

Mr. Cortese: No, that's not what you need to do. The applicant just needs to have provided you with the names of people three weeks before the public hearing. And that was done like months ago.

Mr. Carl: Okay.

Ms. Webster: Now it'll also be a matter of trying to get everything on one postcard. I mean it will be small print you know.

Mr. Freer: Thank you, Donna. And that's what I was just going to bring up. We're having trouble trying to get everything on the postcard for the required regular meeting. And then to add the special meeting we're going to have a whole mailing sheet. It's not going to fit. So just for clarification, if we can do the special meeting for the SEQR via the website, and then make sure that the postcards are out at a minimum of 10 days in advance. I think that would work okay, as long as everybody's comfortable with it.

Mr. Brewster: For the special meeting?

Mr. Freer: Well, the special meeting if we do that via the website; otherwise and like Frank had brought in as a monetary issue, like we're going to have two mailings.

Mr. Carl: It's not a big deal, John. The cost of postage and stuff is not a big deal. We're not sending that many. I just thought it was something we could do, but if it's a tough fit, mail them twice.

Mr. Freer: And Frank you've seen the cards, it's tight. And I think it's not going to all fit, and I think it's going to just get muddy.

Mr. Carl: That's fine. Two mailings are all right with me.

Mr. Freer: Okay and I'm comfortable with doing two mailings. So we'll do a mailing for the special meeting for the SEQR with ZOOM; and the 28th hopefully is going to be open to the public.

Mr. Cortese: At this point, it's uncertain whether or not a July 16th meeting date will be a public meeting or will be a ZOOM meeting. Currently ZOOM is authorized through July 7th, but not beyond. So we'll just have to see whether or not ZOOM remains a reality beyond there. We don't know the answer to that yet, though.

Mr. Freer: Okay. And Nick we need those at least five days in advance for the 16th?

Mr. Cortese: Yes, as a good rule of thumb.

Mr. Freer: Okay.

Ms. Kinne: Can you read me that in a motion and I'll make a motion that we do two mailings.

Mr. Cortese: It's an administrative function of the Town. I mean, you guys have had a discussion. It doesn't necessarily need to be subject to a motion, but if it makes you feel good, then you guys can do it.

Ms. Kinne: It's up to Mr. Brewster. I'd say.

Mr. Aston: I feel good about it.

Mr. Brewster: I feel good. Yeah. I'm okay, we made a decision administratively and ordinance staff will take care of that. I'll keep up on it, but John's got it.

Ms. Kinne: Sounds good.

Mr. Brewster: I'll coordinate with our special counsel to affirm those dates. And we'll hold firm on that since that's been the biggest question I've had in the last several days, and understood it's kind of a fluid and difficult in these times to pin things down. Anything else, Board members? Any questions on that? Hopefully I covered as much as I know. Alright, I will seek a motion to adjourn.

Mr. Aston: Motion to adjourn.

Inaudible: Second.

Mr. Brewster: All in favor.

Board: Aye.

Mr. Brewster: Any nays? Alright, thank you everybody. Have a good night.

Meeting adjourned at 8:25.

Respectfully Submitted,

Donna M. Webster
Stenographer of the Zoning Board