

ZONING BOARD MEETING
TUESDAY—DECEMBER 28, 2021
ZONING BOARD OF APPEALS
7:00 PM—ZOOM

Present: James Brewster, Chairperson
Aleta Kinne, Vice Chairperson
Melanie Pandich, Board Member
Scott Smith, Board Member
Jon White, Board Member
Webb Sisson, Alternate Board Member

Also Present: Nicholas Cortese, Attorney
Gavin Stiles, Ordinance Officer
Kari Strabo, Zoning Secretary

James Brewster: All right everybody, it's 7:02, I'm going to start the Town of Chenango Zoning Board of Appeals meeting. First of all, let's get a roll call for the Board Members please, Kari.

Kari Strabo: Mr. Sisson; present, Mr. White; present, Mr. Smith; present, Mrs. Pandich; present, Mrs. Kinne; present, Mr. Brewster; present

James Brewster: So, we have a quorum to conduct the meeting tonight, all members are present and our alternate. First order of business is to do the minutes approval from November. Board Members, do we have any questions, comments, changes to those minutes? They were complete in my opinion.

Aleta Kinne: Complete.

James Brewster: Ok, then I'll seek a motion to accept the minutes as they're published at this time.

Scott Smith: So moved, Mr. Chairman.

Jon White: I'll second it, Mr. Chairman.

James Brewster: Motion and second to approve the minutes from November 2021, let's do a roll call.

Kari Strabo:	Jon White, Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye
	Melanie Pandich, Board Member	Voted: Aye
	Aleta Kinne, Vice Chairperson	Voted: Aye
	James Brewster, Chairperson	Voted: Aye

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

Ayes – 5 Nays – 0

James Brewster: Next order of business is our New Business section. We have two new applications to consider and send on to the Planning Board and to schedule for our January meeting. The first one we'll discuss tonight is 2021-V016, Mr. Don Edwards of 20 Wightman Drive has an application into us for a double area variance to construct a carport exceeding the maximum size from 200' to 351'

and with less than required side yard setback from 10' to 2' in a Residential Zone. Board Members, do we have any comments, any discussion on this? If not, I'll seek the motion to move it on through.

Webb Sisson: The project's already complete.

James Brewster: The carport's built?

Webb Sisson: Has been built.

James Brewster: Ok.

Jon White: I did notice, Mr. Chairman, that on the short EAF form, question number one wasn't answered and number six, is 'yes' their answer to question number six?

James Brewster: Ok. So, is the applicant here tonight?

Cindy Edwards: Yes, we're here.

Aleta Kinne: Also, number three, usually they put in something there, less than an acre or...

James Brewster: Ok, so number one needs to be addressed, number six a question about what 'yes' means, and what was your question, Aleta?

Aleta Kinne: Number three. The acreage, we usually have something there you know, less than one acre.

James Brewster: Ok. All right, so we'll have to make sure that the applicant will have to readdress these questions before the next meeting before we have the public hearing so we can address it at the public hearing.

Aleta Kinne: I guess, could Gavin kind of fill us in on where Ordinance stands on it if it's already finished?

Gavin Stiles: This is an 'after the fact.' It's my understanding that they were misled, perhaps, by a contractor that all this paperwork was in place and in fact it was not, and this is an after the fact. It's built to answer the question directly, it's built and we are trying to help these people that were seemingly misled by a contractor.

Aleta Kinne: Thank you.

James Brewster: Ok, well we'll have to address it then. So, going back to the questions on the EAF...

Nicholas Cortese: Jim, question one can be answered as 'no' now. That just asks whether it deals with the adoption of a local law. Clearly it doesn't, it's a land use application so that can be marked as 'no' and then we would just need the applicants' opinion on question six because they did check both boxes.

James Brewster: Ok.

Cindy Edwards: Do you want us to do that now? What was question number six?

Nicholas Cortese: 'Is the proposed action consistent with the predominant character of the existing built or natural landscape?' So, basically what that question is asking is there other stuff like this in your neighborhood?

Cindy Edwards: I don't know. There are garages. Are you asking if there are other carports on the street?

Nicholas Cortese: Sure, yeah.

Cindy Edwards: Not that I noticed, no. Just double garages which we don't have.

Nicholas Cortese: Ok, so, generally speaking you live on a residential street with houses that have garages and cars parked in the driveway, right?

Cindy Edwards: Exactly, yes.

Nicholas Cortese: Right, so I mean, I would say that a fair answer to that question would be that it is consistent with the build landscape.

Cindy Edwards: Yes.

James Brewster: And, both boxes are checked so we just need to clarify that. So, number six you want to be 'yes'?

Cindy Edwards: Yes.

James Brewster: Ok. Is everybody good with that on the Board?

Board: Yes.

James Brewster: Ok. We'll make a note of that as 'yes' and then number three was non-applicable for the acres, just as a ballpark do you have any idea?

Webb Sisson: It's less than half an acre.

James Brewster: Yeah, I was going to say, 200 by 351 square feet, is it even a tenth of an acre?

Nicholas Cortese: Obviously as you guys know the only time that the answer to that question really ends up being relevant for SEQR purposes is if it's over an acre of land disturbance and we're way, way, way under that.

James Brewster: Right, so we can make a note that it's less than an acre is that's all right with everybody. We don't have to get terribly specific unless they want to come back to us. Aleta, you good with that?

Aleta Kinne: Yes.

James Brewster: All right, less than one acre then. Any other comments or questions on this application? Ok, and if anyone agrees that we should move it through to the Planning Board and onto our next meeting I will seek that motion now.

Aleta Kinne: I'll move forward, Jim.

Jon White: I'll second it, Mr. Chairman.

James Brewster: All right, motion made and seconded..

Nicholas Cortese: The other component to that motion would be to set a public hearing for the January meeting.

James Brewster: Right, fine thank you. I guess I didn't state that. So, to recap the motion, the motion's been made and seconded to move the application onto the Planning Board's January meeting and on to our end of the month January meeting as a public hearing. Kari with a roll call please.

Kari Strabo: Jon White, Board Member Voted: Aye
 Scott Smith, Board Member Voted: Aye
 Melanie Pandich, Board Member Voted: Aye

Aleta Kinne, Vice Chairperson
James Brewster, Chairperson

Voted: Aye
Voted: Aye

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

Ayes – 5 Nays – 0

- James Brewster: Ok. The next application we have to consider tonight is 2021-V017, Luke Tokarz at 667 Brooks Rd, application or an area variance to construct an accessory structure exceeding the maximum size from 1500' to 17,856' in an Agricultural Zone and a short EAF. Do we have any comments on that application at this time?
- Jon White: Actually I have two, Mr. Chairman. One, number one wasn't answered again on the short EAF form but I also noticed that he had requested to schedule an appointment for site review. Do we have to honor that or if they put that in on the form is that something that we have to abide by? Is there a legality to it or is this just a good faith request?
- Nicholas Cortese: That would be the Planning Board, Jon. The short explanation of this is that Mr. Tokarz has a sandbag business up on that property and he got a use variance a long time ago to be able to do that business and Gavin and I had an extensive discussion on what to do about his desire to build the new building and we figured have him apply for the area variance for this because if for whatever reason someone doesn't want to use that property as a commercial business in the future but still had this building on it they wouldn't have to come in and apply for a variance to make it a conforming building. But, because he's adding a building to his commercial site, and Gavin correct me if I'm wrong, he does have to come back for a site plan amendment, right?
- Gavin Stiles: I believe so.
- Nicholas Cortese: Ok. That's that the explanation there.
- Jon White: Ok. So that still falls under our guidelines though when we go to do as ZBA members we go to do a site review he would like us to still set up an appointment to go meet with him?
- Nicholas Cortese: We don't have to do that as the ZBA. That's all Planning Board.
- Jon White: So that doesn't even result to anything for us.
- Nicholas Cortese: No.
- Jon White: Ok.
- James Brewster: That's a good point, I was going to make a phone call. Anything further on this application and I see that he's online so we'll compile anything else and we can go over number one like we did with the previous applicant. Is there anything else from anybody? No, ok then let's drop down real quick to that number one in the EAF. Does the proposed action involve legislative adoption on local law ordinance, administrative rule or regulation? What do we think on that?
- Aleta Kinne: The same as the other one, isn't it?
- Nicholas Cortese: Exactly, yes.
- James Brewster: So that's a no. Is everybody comfortable with 'no'?
- Jon White: I'd be comfortable with that.

James Brewster: Ok, then we'll note that as 'no.' So, if there's no further questions or comments for the application I'll seek that motion to move it on to the Planning Board meeting in January and to schedule it at our meeting in January as a public hearing.

Melanie Pandich: Mr. Chairman, I'll make that motion.

Aleta Kinne: I'll second it.

James Brewster: Motion made by Mrs. Pandich, seconded by Mrs. Kinne, roll call please Kari.

Kari Strabo:	Jon White, Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye
	Melanie Pandich, Board Member	Voted: Aye
	Aleta Kinne, Vice Chairperson	Voted: Aye
	James Brewster, Chairperson	Voted: Aye

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

Ayes – 5 Nays – 0

James Brewster: Ok. These applications have been moved appropriately to our meeting as public hearings. All right. That brings us to the public hearing section of tonight's meeting. For that we have application 2021-V015 and at 7:19 I'll open the public hearing for application 2021-V015.

TOWN OF CHENANGO ZONING BOARD OF APPEALS NOTICE OF PUBLIC HEARING

TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Town of Chenango on December 28, 2021 at 7:00 p.m. upon the application of Reuben Finch regarding property he owns with an address of 60 Kelly Road in the Town of Chenango, Tax Map No. 094.01-1-43, and located in an Agricultural District. The application is for two area variances to (1) to construct a detached garage with a front yard setback of 20 feet, which is less than minimum front yard setback of 30 feet allowed in said District; and (2) to locate said garage ahead of the front line of the principal structure on said property. The environmental significance of the requested variance, if any, will be reviewed by the Board at said hearing.

TAKE FURTHER NOTICE that, as authorized by N.Y. Laws of 2021, chapter 417, part E, the ZBA **will not be meeting in-person**. Rather, said public hearing will be held via Zoom virtual meeting software, and will be recorded and transcribed at a later date.

INSTRUCTIONS FOR ACCESS TO THE VIRTUAL PUBLIC HEARING: All persons wishing to appear at the hearing may do so via computer, tablet or smartphone by utilizing the following **Link: <https://us02web.zoom.us/j/89394720409>, Meeting ID: 893 9472 0409, and Password 500543**. Members of the public may also call in to the Zoom meeting by dialing **1-646-558-8656** and entering the Meeting ID and Password above, when prompted.

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 also be submitted prior to or during the hearing by e-mailing ordinance2@townofchenango.com, or prior to the hearing by mailing comments to the attention of the Town of Chenango Ordinance Office, 1529 NY Rte. 12, Binghamton, NY 13901.

Dated: December 20, 2021

James Brewster, Chairperson
Town of Chenango ZBA

James Brewster: As I was reading that I came across something that...

Aleta Kinne: Yeah.

Nicholas Cortese: There's a few corrections that are going to have to be made here.

Aleta Kinne: Yeah but first of all the application says Residential Zone and he read Agricultural.

Nicholas Cortese: There were places in the application where it was referred to as a residential property and an agricultural property so agricultural is what made it into the notice but this is actually located in a Residential Zone.

James Brewster: Ok, which brings us to Mr. Finch. Are you on?

Reuben Finch: I am on.

James Brewster: Ok, great. Thanks for being here. So, Nick, do you want to explain what you explained in your email to Mr. Finch about this?

Nicholas Cortese: Yeah. So, Mr. Finch, I think that you got that email from Kari the other day, right, about the fact that you don't really need the extra area variance to put the garage in front of your house? Did you get that?

Reuben Finch: I did not.

Nicholas Cortese: Ok. So, basically, because your property is located in a Residential Zone there's an odd quirk in the Town of Chenango Zoning Code where in a Residential Zone there is no restriction on building a garage in front of your house. In an Agricultural Zone, there is such a restriction. I don't know why it's written like that but it is written like that. So, the only variance you actually need this evening is the setback variance. You don't actually need the garage in front of the house variance and so the email that Kari sent you was basically asking if you would consent to the withdrawal of the 'in front of the house' portion of your application so the ZBA doesn't need to pass upon it and dismiss it or deny it. So, I think I'd ask you that now if you feel comfortable withdrawing that portion of your application and just focusing on the variance that you do actually need.

Reuben Finch: Yes. I'm agreeable with that.

Nicholas Cortese: Ok, so let the record note that Mr. Finch is withdrawing here orally the portion of his variance application that requested that the garage be allowed in front of the house because in a Residential Zone that is allowed as of right so all we're focusing on tonight is just the setback variance. Obviously, this was misstated in the public hearing notice because we didn't come to realize this error until early last week and the notice was out way before that. So that's where we stand, Board Members. If you have any additional questions I'm happy to answer it but the idea behind this is just to expedite and just to focus on what we ought to be focusing on and not an extraneous variance that doesn't need to be placed on this property.

Aleta Kinne: Can you tell me where I can see that because what I have doesn't say that?

Nicholas Cortese: Right so if you go to the Town's website and go to the Zoning Code and look at the tables of regulations on the Town's website..

- Aleta Kinne: I have it in front of me. I feel on this particular application it doesn't matter because he has no other choice than to put it in front but for future I just, we've been doing this for quite a while, these variances to allow them to be in front. According to the Comprehensive Plan on the regulations that I've gone by, I don't see what you're saying.
- Nicholas Cortese: Ok. So let's start with the Residential table of regulations. So, if you go about halfway through the table of regulations you'll see those three columns that say 'accessory use.' Under Residential the first one says 'front' and it says that accessory uses have to be behind the principal use except as specified in subsection three under permitted uses accessory. So, if we go back to the beginning of the column you see subdivision three accessory; one detached garage not to exceed 1500' et cetera et cetera, so the Residential table of regulations creates an exception that allows a garage as of right to be located in front of the principal use under the residential regulations. Basically, it's like behind principal use except as specified in number three and number three says one detached garage not to exceed 1500'. In this instance it doesn't exceed 1500' so that is the exception to that behind the principal use rule. Now if you go to the Agricultural table of regulations and look in that same area where it says accessory, it just says straight up under front, behind principal use with no exceptions. So, in an Agricultural District, based on the way that the regulations are currently written, all accessory structures have to be located behind the principal structure in an Agricultural District. In a Residential District all accessory structures have to be located behind the principal structure except in the event that somebody's building a detached garage or a carport. It is a strange quirk, I don't really understand it, but that's how the Zoning Code reads.
- Aleta Kinne: It's never been brought up before.
- Nicholas Cortese: The variances that we've been doing for the garages in front of the principal use consistently this year have been all in the Agricultural District and that's why this has never come up. This is, I think, the first one we've had asked for this year that's in a Residential District and that's why the analysis is different.
- Aleta Kinne: Ok, that's not the way I read it and I don't think it was planned to be that way when they did the Comprehensive Plan and the regulations but what you said is what it says, subsection three under permitted uses and that doesn't say anything about in front, in back, or upside down. Thank you.
- Nicholas Cortese: You're welcome.
- Aleta Kinne: I just don't think it mattered in this case anyways because he couldn't put it behind the residence no how, it'd fall down the bank.
- James Brewster: Ok, everybody satisfied with that, in addition to Aleta? It sounds like she is. I'm good.
- Jon White: I'm good.
- James Brewster: Ok. So here's how the public hearings work, Mr. Finch. We're going to allow the public here, anybody in the public, to comment on this application for or against and then I'll present you with five questions to answer regarding the application and then I'll read letters from various agencies, we'll close the public hearing and then the Board will discuss it. With that, here we go. Is there anybody here tonight in the public that would like to comment for or against this application? And I actually don't see too many folks here tonight, just one other person aside

from all the applicants. Public speaking going once, going twice, ok we'll move onto the next part. Mr. Finch, here we go. I'm going to share my screen here.

Reuben Finch: You want me to read them?

James Brewster: Well just answer them in your own words. They're there for your reference, those are the five and I'll scroll down when you get to number five.

Reuben Finch: 'Will the granting of this variance, and your proposed project, produce an undesirable change in the character of the neighborhood, or be a detriment to nearby properties?' I say no to number one.

'Can you achieve the goal of your project by some other method that will not require a variance?' No to number two.

James Brewster: Ok, is there a reason, I think I should step you through that a little bit. Are there certain reasons why, is it the lay of the land?

Reuben Finch: It's basically the lay of the land for the garage. The garage is going to be at grade with the road and as far back as I have it all of a sudden right at the back of the garage it drops down and that's where a portion of the septic field is.

James Brewster: Ok, so you have a topological issue there.

Reuben Finch: Yes.

James Brewster: That's what you're saying and again, just for clarity, we are only discussing now the setback part as we went through the whole discussion beforehand. You have the floor again, go ahead.

Reuben Finch: Ok. 'Is your variance request substantial? (Is it going to be a big change from what existing zoning allows?)' It's a ten-foot change and the front corner of the garage is going to be 37.5 feet from the edge of the road.

'Will the granting of this variance have an adverse effect, or impact, on the physical or environmental conditions in the neighborhood or district?' I say no to that.

'Is the difficulty encountered by your proposed project/request for relief self-created?' I say no to that too.

James Brewster: Nearly all of the time it is self-created because the zoning is the way it is and you understand it to be the way it is but you still need a variance and again, none of these are self-eliminating; in this particular area variance request they're all just factors that we need to address as a Board and for you to address that we just all take into consideration but a negative or detrimental answer, if you will, to any one of them is not necessarily going to rule out passage of the variance or whatnot, just to be clear on that. That's why you just answer them as best you can. Is there anything else you'd like to add?

Reuben Finch: No, I think that's it. The setback is 30 feet and now it's back to 20 feet but the front, the forward most portion of the garage which would be the righthand corner is going to be 37.5 feet from the edge of the road. My property doesn't start for 10.5 feet from the road.

James Brewster: Thank you very much for your comments there, Mr. Finch. Board Members, are there any questions for Mr. Finch related to the five factors?

Aleta Kinne: I feel he has no other choice for what he's doing because of the layout of the land.

Jon White: I would agree with Aleta on that because it is kind of a tough site to even build on with how fast it drops off and even behind where he wants to put the garage it gets even steeper there. He would have to put the garage where he does in order to make the property useful.

James Brewster: I'm going to stop the discussion on the matter that's for the next segment once we close the public hearing. Any last questions for him before I get into reading the letters? Ok, thank you all we can have further discussion but moving on, the series of letters we receive from various agencies are in. I'll start off Urda Engineering who is our Town Engineer has stated that 'We have no engineering objections to the variance request.' The Town of Chenango Planning Board met on this last month and they have returned to us a favorable advisory for this application. The Broome County Planning Department has reviewed and stated that they have not identified any significant countywide or intercommunity impacts associated with the proposed project. They passed it onto the Health Department and the Health Department has stated that 'No, we had approved a set of engineered plans for a new septic system on this property earlier this year. The system location indicated on the provided map matches what we have approved. The engineer plans submitted to us at the time included the location of this proposed garage and we've found no issues with it interfering with the septic system.' The drainage coordinator for the Town of Chenango has sent an approval along to us as well. That is it for the letters from agencies and with that, unless there's any more questions, at this time I will close the public hearing. One last bit for questions.

Nicholas Cortese: You want to take Gavin's comments, Jim?

James Brewster: Yes, thank you. Gavin, what has Ordinance got to say?

Gavin Stiles: We'll need a building permit and more importantly, we'll need a principal structure before this accessory structure can exist.

James Brewster: Excellent points.

Gavin Stiles: Any questions about that?

James Brewster: Mr. Finch, you all set for that?

Reuben Finch: All set.

James Brewster: All right then. With that and those comments I will close the public hearing at 7:39 PM and move onto the discussion by the Board Members. We've already heard a little bit of discussion by Mr. White and Mrs. Kinne. Does anybody else have further discussion on the application, remember we're just talking about the required front yard setback dropping from 30' to 20' and the other part has been withdrawn. To that end, as a result of that, because it's that particular setback only now, the action under SEQR is a type II according to Nick's email we received Monday and therefore a type II action we do not have to go through parts two or part three declaration. Now we can move onto any further discussion on this application? And just to recap there's a topography issue. No, ok.

Jon White: I said what I had to say earlier at the wrong time, I apologize for that.

Aleta Kinne: Me too. I stand with what I said.

James Brewster: Ok. And it is on the record, folks. If that's the case and we don't have any further discussion or questions we should probably toss it over to Nick to take us through the Resolution.

Nicholas Cortese: Ok, you guys want to run through the fact finding real quick here so I can get the Resolution language finalized? I think that everything's pretty much set in terms of the discussion tonight, I think that everybody has a pretty clear understanding of this one. So, the requested variance will or will not produce an undesirable change in the character of the neighborhood?

Board: Will not.

Nicholas Cortese: The benefit sought by the applicant can or cannot be achieved by another method? I think there was some discussion on that.

Board: Cannot.

Nicholas Cortese: It is or isn't substantial?

Board: Is not.

Nicholas Cortese: Requested variance would or would not have an adverse impact on the physical or environmental conditions?

Board: Would not.

Nicholas Cortese: It is or is not self-created?

Aleta Kinne: Could be.

Scott Smith: I guess it is because he bought the property knowing that it wasn't flat, level.

Board: Is.

Nicholas Cortese: Ok, and then my presumption is that this motion would be to grant the variance, yes? Deny the variance? Which?

Board: Grant.

Nicholas Cortese: Ok, so I've got the fact finding filled in.

**ZONING BOARD OF APPEALS
Town of Chenango, Broome County, New York**

In the Matter of the Application #: 2021-V015 of Reuben Finch
for an area variance to construct a detached garage in the R – Residential District
with a front yard setback of 20 feet, which is less than the minimum
front yard setback of 30 feet in said District

RESOLUTION ON AREA VARIANCE APPLICATION #: 2021-V015

WHEREAS, on or about November 15, 2021, Reuben Finch ("Applicant") duly filed an application for an area variance for property he owns within the Town, located at 60 Kelly Road in the R – Residential District and designated as Tax Map No. 094.01-1-43, wherein Applicant requested a variance to construct a detached garage with a front yard setback of 20 feet, which is less than the minimum front yard setback of 30 feet in said District; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, the Town of Chenango ZBA determined on December 28, 2021 that the requested variance constitutes a Type II Action

as defined under said regulations and, thus, no formal review of the potential environmental impacts of said variance is required; 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 December 28, 2021 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, if any, 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 #: 2021-V015 for an area variance to construct detached garage with a front yard setback of 20 feet, which is less than the minimum front yard setback of 30 feet in the R – Residential District, is granted.
8. This Resolution shall take effect immediately.

At a regular meeting of the Zoning Board of Appeals of the Town of Chenango, held on December 28, 2021 via Zoom virtual meeting software, as authorized by N.Y. Laws of 2021, chapter 417, part E the foregoing motion was made by Jon White and seconded by Scott Smith. The ZBA members voted as follows:

James Brewster, Chair	Voted Aye
Aleta Kinne	Voted Aye
Melanie Pandich	Voted Aye
Scott Smith	Voted Aye
Jon White	Voted Aye

The motion was thereupon declared adopted by a roll-call vote of 5-0.

James Brewster: Ok, the Resolution has been adopted by unanimous vote and that brings us to the conclusion of our agenda tonight unless anybody has any other comments, business comments for the good of the order.

Aleta Kinne: I still need to discuss with Nick what we were discussing before. I have the agricultural paper in front of me, that's how I hit the wrong button and went off. I don't see on here, Nick, what you were referring to and I question it because, not that it had anything to do with tonight, we have done several variances like that in Residential because we've had gazebos, we've had pool houses that we've put in front with a variance and I just don't read it the same way but we can discuss it at another time or I can go into Ordinance and discuss it. And I have the Agricultural sheet before me now and number one says for accessories 'same as in R District. Customary Agricultural accessory buildings. One unoccupied recreational vehicle,' so I'm lost on what you were talking about before but we don't have to discuss it now. I don't want to hold everyone up. I need to see it on paper. I need to see this new way we're looking at the regulation before it does come up again. Gavin, are you following me at all?

Gavin Stiles: I'm listening. Nick and I discussed it at length and his logic made sense to me. There's a quirk in this thing and maybe things were done differently before but I like Nick's language and it makes sense to me. I was confused at the outset but it made sense after we spoke.

Nicholas Cortese: Aleta, if you want to shoot me an email I can give you a call tomorrow afternoon if you're available, we can talk a little bit more about it if you'd like.

Aleta Kinne: Ok. I appreciate it, Nick. Thank you.

James Brewster: Yeah, I'm good with taking that offline and ironing that out. I've got to read a little more into it as well but as for now I'm good on the interpretation, personally, so whatever you find summarize for us if we need it, if that's ok, Nick. You don't have to because you already explained it but if you and Aleta for some unknown reason come up with a different interpretation again after reading it for the millionth time, let us all know. That's the bottom line.

Nicholas Cortese: Yeah I can send a more specific breakdown of the interpretation to everybody but I feel very comfortable with what I stated earlier this evening.

James Brewster: Understood. All right, everybody, anything else? No? Ok. I'll seek a motion to adjourn the December meeting and Happy New Year to everyone and with that I'll see you in the New Year but I will accept that motion to adjourn.

Scott Smith: So moved, Mr. Chairman.

Melanie Pandich: I'll second it.

James Brewster: Thank you, we'll do a voice vote, all in favor?

Board: Aye. (7:51 PM)

Respectfully Submitted,



Kari Strabo, Sr. Clerk