

ZONING BOARD MEETING  
TUESDAY—MARCH 29, 2022  
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

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

James Brewster: It's 7:00 so I'll call the Town of Chenango Zoning Board of Appeals meeting to order, and Ms. Kari, can we have a roll call please of the Board Members?

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

James Brewster: Ok all members are present therefore we have a quorum and therefore can continue on with the agenda. Next on the business item is for the approval of the minutes from the February 22<sup>nd</sup> meeting. Does anybody have any comments, questions, corrections for those minutes?

Jon White: No, I'm good.

Aleta Kinne: They look good.

James Brewster: Ok. If everybody is satisfied I will seek a motion to approve those minutes.

Scott Smith: So moved, Mr. Chairman.

Melanie Pandich: Seconded.

James Brewster: May we have a roll call on the minutes, 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	Voted: Aye
	James Brewster, Chairperson	Voted: Aye

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

Ayes – 5      Nays – 0

James Brewster: Minutes are carried and may be posted as soon as possible. All right, we have some new business tonight. We have an application before us, 2022-V02, from Rivian Automotive, and the

subject property is 29 Prescott Road, tax map of 128.08-2-34. This will be an application for a triple area variance to install six electric vehicle charging stations now or soon, and three at a later date with less than required front setback from 30' down to 17'6", less than required side setback from 10' to 9', and less than required acreage from 6 acres to .17 acres in a PDD-C zone and they're submitting a short environmental assessment form for us to consider. Does anybody else before I ask my questions have anything for this application?

Jon White: It looks good to me on completeness, anyways.

Aleta Kinne: I thought it looked pretty complete.

James Brewster: My first question is for Nick, have you identified any attorney client conflicts with this application and I presume you'll look into it?

Nick Cortese: No, we haven't.

James Brewster: Ok. Will this application be required for a site plan review?

Gavin Stiles: I would think yes, that would be the direction I would go.

Nick Cortese: Yeah, I mean it's not a residential use so this will be site plan and variances.

James Brewster: Ok. I just wanted to ask these questions because with this whole new town law that came through on electrical charging stations I just wanted to make sure that everything was going to be looked at for that chapter 74-B and who was going to do that. I assume it comes out of Gavin's office but answer me or straighten me out if you would.

Nick Cortese: You'll have to forgive me, was the electric vehicle charging station law actually enacted?

James Brewster: It's in the Town Code online, I'm assuming things don't go there unless they're enacted.

Nick Cortese: Ok.

James Brewster: I'm pretty sure it was.

Nick Cortese: Gavin, what's the story on that? I know I drafted one like two and a half years ago, I just didn't know what happened with it afterwards.

Gavin Stiles: The story is that it might be antiquated, but I can't speak to it.

Nick Cortese: Well, suffice it to say whatever laws that the Town has that do apply to the project will apply to the project. I think that that's fairly self-evident.

James Brewster: Yes, ok. That exhausts my questions for now so if everybody's ok with moving this application through to the next phases through the Planning Board for referral and onto our April meeting for a public hearing, I'll take that motion any time.

Aleta Kinne: I so move that we accept that application and set the date for a public hearing.

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

James Brewster: Ok, motion made by Mrs. Kinne, seconded by Mr. White, roll call please Kari.



address the Board and to address the specific area variance questions that we take into consideration. Mr. Jonassen, let me get the timer going here and if you can address those questions for the Board and then we'll go to anyone in the public and I'll continue on after that. Ok, go ahead, question number one if you can see that there, and just to the best of your ability answer those questions as you see fit.

John Jonassen:

Absolutely. Thank you for the opportunity to address the Board, and just a quick introduction, my name is John Jonassen, my wife Kelly Jonassen is also on the call. We moved to beautiful Stacy Dr in March 2019, definitely fell in love with the community and plan on staying around for a long time and improving the property. So, number one (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 would ask the Board to consider, it's a professionally built tasteful structure. We're going to use it to house some trailers, ATVs, things we have on the property and we wanted to build it in a way, on 95 Willis Road, which is in the Town of Chenango, the owner of that property was allowed to put two very large pole barns on his property. They are pretty close to the road, they definitely look good but you can see them from the road so we wanted to approach this a little bit differently. We wanted to put them as far back on the property as possible in an area that's completely surrounded by trees. Once the foliage is on the trees, the pole barn should be very difficult to see but again, it's professionally built. It'll be neutral colors, it'll be a very nice looking structure on the property and again just cleaning it up. We had a shed on the side of the house that was kind of an eyesore. We had it moved out so it actually cleans up that side of the house too. So, overall we see this as improving the property values and really done in a tasteful way.

Number two (Can you achieve the goal of your project by some other method that will not require a variance?) We're going to build a pole barn, we're allowed to build one within 1500 square feet, the variance with respect to number two gives us the ability to put everything that is being stored outside within that structure and we believe that's a better look for the property. Number three (Is your variance request substantial?) As far as the substantial piece of it, the pole barn if it was 1500 square feet it would still be 56 feet in depth, it would be 26.5 feet wide so allowing the additional 740 square feet, it basically allows us to have three garage width versus two. Again, the purpose of that is just to be able to put all everything that's being stored outside inside of that pole barn.

Number four (Will the granting of this variance have an adverse effect, or impact, on the physical or environmental conditions in the neighborhood or district?) Again the structure will be professionally built and we believe the 740 additional square feet will have no material impact on drainage on our 4.2-acre property.

Number five (Is the difficulty encountered by your proposed project/request for relief self-created?) We do agree that the alleged difficulty was self-created. I would just ask the Board to consider the positive factor of proposed project being an improvement to the neighborhood and result in an overall increase in property value and tax base created by the improvement. And that is it for me.

James Brewster:

So, thank you for that. Just to keep everyone in the loop here what's going on, as a Board we will consider the comments after we close the public hearing so what I'd like to do now is continue on and invite anyone from the public to speak on behalf of or not on behalf of this application.

Tom Pollak: The 1500 square feet was a 26x56, I didn't see anywhere where the dimensions of the finished structure is it using a 26x86 square footage? Can somebody tell me if that's correct?

John Jonassen: The proposed structure with the variance is 40 feet wide. So, when I referenced the 1500 square feet, that doesn't require a variance request, so if we built that it would be 26.5' wide by 56' in depth, and what we propose to do is build a structure that's a little wider so it would be 40 feet wide by the same 56 feet in depth.

Tom Pollak: Is this strictly for personal use or is there a commercial intention on this property?

John Jonassen: Strictly personal use. I work for Security Mutual so I'm in the insurance industry. We have no intention of ever using it for any type of commercial use and we do plan on staying so it's not a situation where we'd be selling in a couple years and somebody would come in and use it for different purposes. It is our forever house.

Tom Pollak: From where we are over on Sky View, we get a look at your house at night with all the lights. It's very attractive. Is this new building going to be behind the house or off to the left side of it as you look at it from the front of your house?

John Jonassen: Great question. It'll be 280 feet behind the back end of the house so it won't be very visible because there's literally a tree buffer all the way around it. Our lot is 4.2 acres but it's quite narrow so it'll be set back intentionally quite far so really from the street you might be able to get a little shot of it but it's set back very, very far as opposed to 95 Willis Road where you can see those pole barn structures clearly as you drive by. And again, we were able to get rid of that unsightly shed on the side of the house and we plan on further landscaping that and cleaning that up on the side of the house.

Tom Pollak: What colors are you going to make the structure?

John Jonassen: I'm going to do a black contemporary standing seam metal roof on the house so I want to do the same exact look on the pole barn so it'll be a black roof and it'll be a kind of a slate colored siding which I eventually plan on doing to the house as well so it'll match what the house will look like in the future.

Tom Pollak: Thank you very much.

John Jonassen: Thank you, great questions.

James Brewster: Ok, thank you Mr. Pollak. Anybody else who raised their hand?

John Jonassen: Looks like Tom has a question.

Tom Huson: I'm Tom, we're next door neighbors to John and Kelly. I have several questions that maybe the Board can answer or John can answer. As John knows, the light that they put out front on the pole is pretty intense. Years ago, there was an issue where somebody wanted streetlights on this road and it got shot down. Our concern is the lighting that John intends to put on the shed, one concern is lighting. I think, by Code, you're required to put a light on the peak of the building itself. We would request or suggest that you have a light that shines down only and doesn't project out, so not to be the same thing that's at the end of the driveway because that

light in the driveway does shine into our house in the winter time when all the leaves are off the trees.

John Jonassen: Yeah, that's a great point Tom and if you want I can have the electric company come out and they had put a shield on the side of that light.

Tom Huson: They said that's the best they can do, John.

John Jonassen: Is it? Ok.

Tom Huson: I'd also like to throw this out to the Board too, I'd like to know what kind of screening you may have in mind, John, or the Board might have to require some type of screening like Arborvitae, hedgerow, or something that is green all year long so that blocks noise and whatever light might be there. One issue there is we do have a pool out back and privacy is an issue so that's why I bring that up. The building setback that you described in your letter, John, was 25 foot from the lot line, is that the edge of the building or the road you will have around the building? I heard through the grapevine that you're going to have a 100-foot turnaround out there to some degree, I was just wondering if there's going to be a driveway around the building, is that considered in the part of the 25-foot setback or what? After your variance is met, these types of things I'm asking, are those the type of things that go to the Planning Board or not? That's a question for the Zoning Board here.

Nick Cortese: There is no site plan review here, this is an accessory structure so the Planning Board will not review this.

Tom Huson: Again, my biggest concern is probably the lighting and the screening, how you're going to keep this building not visible, so to speak.

James Brewster: Thank you for taking the time to address the Board, and again we will revisit that in our discussion to the best of our ability and within the parameters of what we look at as far as variances go. Anyone else? I see a hand from Mr. Slattery.

Kevin Slattery: I'm Kevin Slattery and this is my wife Debbie, we live at 54 Stacy up the hill two houses. The only issue that I have and I don't think it'll have a visual impact from my house, it may, I'm not sure, I can see some of the equipment over there from my backyard but obviously that's yellow and it's going to stick out. My concern, like Tom's previous, is light. We have a pool in the backyard and we like our privacy. We lived in the city of Binghamton on the west side our entire lives and it took everything we had to get up into this gorgeous neighborhood and light's a concern. We kind of like the space and the privacy that we have and I don't want to make any hard times for John, I'm not looking to make any enemies but I also want to kind of protect the biggest investment we have. The light is my only concern and if John can address that he can, for lack of a better term, contain it then I wouldn't have an issue beyond that. Just wanted to express that opinion.

John Jonassen: I appreciate that. Would you like me to respond to that now or should I wait?

James Brewster: We'll continue on with the waiting and we'll get to you when we have our questions which probably just kind of regurgitate a few of these and have some of our own. Mr. Slattery, thank you, I just want to make sure your all set.

Kevin Slattery: I am. Thank you for your time.

James Brewster: Ok. Anyone else?

Nick Cortese: We have one phone caller, we should check with them. (Caller stayed muted)

Tom Huson: I was just wondering, with these questions tonight, how are they satisfied? Are we notified? Is all that taken up with John and the questions as far as the general public, how are they satisfied, the questions that were brought up tonight?

James Brewster: That's actually an excellent question. As far as requirements for privacy and screening and setbacks and lighting et cetera that was brought up, in our discussion we'll be discussing the relevance of those as to the terms of the variance and how they apply to specifically granting the variance and Nick will have to help me out on this, I think a lot of this either has to go back to Ordinance because we're one of the first phases for the approval and the things we have to look at but then this kicks them onto discussing for the building permit and other permitting factors that go into that. I believe I'm correct on that, right Nick?

Nick Cortese: Yeah as far as the variance is concerned, screening, lighting, buffering, certainly everybody understands the concerns of the neighbors as far as that is concerned but none of that is particularly relevant to the granting of an area variance. They do play into the factors of impact on neighborhood character and so on and so forth and could very be that the applicants have plans in place for all that which we'll find out anyways in a little bit. At the end of the day if the variance is granted, they just have to comply with the Town Code's building requirements and whatever other requirements are imposed by the Code Enforcement Officer then they're allowed to do it. But, in terms of folks' concerns about the things you've spoke about this evening, that weighs into there's five statutory factors that New York State law requires the ZBA to consider when considering an area variance and your concerns tonight speak to some of those so there will be more discussion had about that.

James Brewster: Ok. So there are some things that I need to go over from correspondence that has come in both from Town departments and the County departments and also we did get a correspondence from the public. Without further ado we're going to go to Gavin in the Ordinance Department for his comments on this application.

Gavin Stiles: My comments would be that this would require a permit and I think just to briefly speak to the previous statements, unless they're going to light this thing up like something in New York City, this is not a commercial development. We normally have illumination drawings done for commercial stuff but in a residential environment we're not typically looking at lumens and the measurement of light unless this thing is going to get lit up like something that NASA would have. I'm not entirely sure why this would be an issue. As far as the Ordinance Department is concerned, if the Board determines that it's good to go then we would need a building permit and we will do what we do. I'm not entirely sure why these other concerns are coming up, this is not a commercial endeavor.

James Brewster: Ok. Thanks, Gavin.

- Aleta Kinne: Mr. Chairman, I have a question for you, just to clean up some verbiage. When you read the announcement in the beginning you said "garage/pole barn," they are two different codes. I believe that we should refer to this just as a pole barn.
- Nick Cortese: I think that, Aleta, when we've permitted these types of structures and we've done many of them they're always presented to us as a pole barn or detached garage and they are always used for the same thing. I think that over the course of the last year or so this is probably the sixth or seventh one of these that we've done and the applications all look the same. They always say 'pole barn' but we permit them under the detached garage statute because that's the intent and purpose of their use.
- Aleta Kinne: Ok, thank you.
- James Brewster: So, the Town engineer sent us a favorable referral with comments that a 239 review was not required and he had no engineering objections. The Planning Board sent back a favorable referral with no additional comments. Our Town drainage coordinator determined this was a nonapplicable situation for him to comment on so he has no comments. Broome County Planning confirmed with the Town engineer and their response back to us was 'A 239 review is not applicable for this situation,' and that covered the Health Department, DPW, New York State, DOT and the BMTS. Lastly, we had a public comment from Steven Cobb by email letter which was attached to the application. In essence, his comments were favorable for granting of the variance and I quote: "John Jonassen has shared his plans for an area variance to construct a pole barn behind his home and as a neighbor across the street from his property, I have no objections to the proposal." So that concludes all of the administrative paperwork that I have to submit to the record. We've had public comment, we've had commentary by the applicant and at this time I'm prepared to close the public hearing and we'll move onto our environmental discussion and then finally move on further into the agenda as Board Members to discuss the application and determine if we can determine a Resolution to this. Sound ok with everybody? I see a hand raised, Mrs. Jonassen.
- Kelly Jonassen: Just to the Slatteries and Tom and Linda's concern about the lighting, we had thought of that and we're definitely planning on putting something nonobtrusive back there. We definitely know that could be an issue, just so you know that's something that we're definitely thinking about and considering. There's not going to be a superbowl going on in the back yard and it's not going to be lit up like a Christmas tree so I just want you to know we are considering everyone who's going to be seeing it and that's all.
- James Brewster: Thank you. I see another hand.
- Tom Pollak: We just got a call from one of our neighbors here on Sky View, she's the call that wasn't able to get in, Elaine Thomas over on Sky View. She had another question, she only called us to say she couldn't get into the hearing. Could we just hold this over for a few minutes so we can find out what her question is?
- James Brewster: I'm ok with that.
- Tom Pollak: Our neighbor's going to come over and we'll sit her down and she can ask her question, I think that's the best way to do it.



Scott Smith: Jim, it appears that the lady coming over is going to be the closest one to the actual building of the garage, at least on our map.

Tom Pollak: Yeah, I'd say that's pretty much correct.

John Jonassen: I would just add from her perspective she'll see the side of the structure through some pretty dense trees so the side she sees is actually the side that's 56 feet long so it's really irrelevant from her view if it's 26 and a half feet wide or 40 feet wide it will look exactly the same from her perspective.

James Brewster: I believe we have her. You have the floor when you're ready.

Elaine Thomas: Hi, this will really affect my property. All the trees coming down on my property and it's on a hill I don't know how he can do this. But, I have total visibility of it and my next door neighbor Jeanine, she said it's big enough to affect her property too, with floods. She already has water, a ton of water. It's going to affect both of us. We're directly behind his back yard, I'm directly behind him. It's totally going to affect me and I didn't think we could do something that huge on a hill. I don't know how he's going to do this. It will affect my property I know it will. I just got it today but I was on the call and I was mute so that's why I ran over here. I can't imagine how they're going to make it look nice, for me especially but I totally can see it. It is visible and I don't think we should do it in this area, like we all said it's peaceful, it's private here and it won't be. I just hope that there's a solution to this other than building it because it's already destructive looking in my view. I'm just exhausted from even thinking about this once I got the notice. I had no idea a big pole barn was going to go there, it doesn't belong there. That's just my opinion, I live behind there so it's really going to affect Jeanine there also. She sent an email when I did and I was muted in my phone call so I couldn't say what I had to say. I think it's out of zone, we have a zone here that keeps it private and nice up here so I hope that somehow we can still keep that privacy. And, it's just going to be a big building which I can totally see. I will be able to see it without a doubt, huge. He may have trees for other people but for me I'm right there. I'm just upset, I've been here for years. It's the most peaceful beautiful neighborhood, love the people but people come in and want to destroy and build and I don't understand it. Maybe a garage I get it, but a huge pole barn? I'm just really upset. I'm upset by what they're doing, it was beautiful and it's my total view in my back yard, watching all the trees falling. My limbs on my trees are now breaking, I can't understand why he thinks he's making it look better is beyond me. It's just going to be a mess and that's my opinion and I'm done. I don't know what else to say, it just isn't right. I thought we had zoning up here to protect us and I don't feel that way now. I could've thought it better through if I didn't just get this in the mail and I got it and then I'll be on the call and then I couldn't talk to you guys, I was the caller.

James Brewster: Thank you for taking the time to run over.

Elaine Thomas: It's really important to me, I've lived here for years and if they're going to be here years and building stuff up around, they always have these huge lights everywhere, you know that's going to be a light issue again. I had a beautiful, private back yard and it's a mess. It really was beautiful here. I wanted to stay here too but we'll see how that goes.

James Brewster: Thank you. With that, last call before I close the public hearing and we go onto the SEQR environmental.

Linda Huson: I didn't speak yet, this is Linda. I just wanted to address Mr. Stiles on his saying that the lighting is not an issue, it is not a commercial property. That is true, we've lived here for 38 years and I agree with the person that just spoke, it's a gorgeous area up here and part of that is that it is in the country, not in the city where there's lights all over the place. The light that was put at the front of the house shines directly into my bedroom. Yes it was taken care of, sort of, by the electric company to the best of their ability. If that same kind of light is put in the back and we're in the back of our yard in our pool in the yard or wherever and there's a light over there it's going to be glaring like the moon in the middle of the woods. The lighting is a concern, and I don't care about the size, the size doesn't bother me if it's big or small but the lighting and everything else, the noise and all that, and view and privacy is a big concern and I hope that between her and me saying that about the lighting that you don't disregard that as not important because it's not a commercial property. The lighting is important in a yard that is dark as dark in the nighttime.

Gavin Stiles: Ok, so if you want to address me that's fine. The building doesn't exist yet, is there a presupposition that there will be a tremendous amount of lighting? I'm not clear, the building doesn't exist yet, so why do we presuppose that there will be a tremendous amount of lighting? I'm not clear.

Linda Huson: Because a streetlight was put up at the beginning of their driveway that faces their house which also faces our house and shines right into my bedroom in my bed. I have to keep the blinds closed. I'm just hoping that the lighting, and I know you have to put lighting and that's all right but I just hope it's done and I think Kelly addressed that, it's going to be done in a way that's not going to be affecting but I hope that is a big concern because it's going to be in the middle of the woods and a light in the middle of the woods is a light and you will see it both from Sky View and Stacy for probably many houses.

Gavin Stiles: That's fair but we're talking about a structure that's not even there yet and presupposing that there's going to be a tremendous amount of light and we're not there.

Linda Huson: I'm not presupposing, I'm asking that that be very much addressed in the construction of this building, that's all. I don't know where else to do that if there's going to be another forum where we can bring that up, ok, but I don't know where else to do it besides at this meeting. Like I said I don't have a problem with the size, that's fine.

Gavin Stiles: We can handle the lumens and the lighting. It's within our purview to do that.

Linda Huson: Thank you.

Gavin Stiles: Sure.

James Brewster: Ok, thank you everybody for taking the time. I think at this time, Board Members, are we ready to close the public hearing?

Jon White: Yes.

James Brewster: Ok, then at 7:55 PM I will close the public hearing on this application and we'll move onto the SEQR Nick, correct?

Nick Cortese: If you want, we don't need to do it yet if you don't want to. You can continue on and have Board discussion and ask further questions of the applicant but if you'd like to do SEQR now I'm happy to do that. Whatever you choose.

James Brewster: Board, what do you think? We may glean some things if we ask.

Jon White: I'd like to ask some questions and have a little bit of Board discussion with this before we go into SEQR.

James Brewster: I agree.

Scott Smith: I agree.

James Brewster: All right. We will continue now into the application discussion and it sounds like Jon, you're ready with some questions. You may have the floor.

Jon White: Ok. Well, some of the questions I got is the site plan was kind of a fuzzy site plan. There was really no driveway separation from property lines. How big of a parking area? Something's been said of a hundred-foot turnaround. That is, from the site review, there's quite a large area that's disrupted. One of my biggest concerns would be, especially affecting downhill neighbors is this driveway becomes now runoff. This could create a problem for downhill neighboring properties. Is this going to be paved? And even, with the lighting that some of the neighbors addressed, what are we really doing with all that because that was very vague in the site plan so I guess the Jonassens really need to answer these questions and I guess we can do one by one questions of what are you going to do for the driveway itself? Is it going to be paved, is it going to be gravel?

John Jonassen: Great question, and I had actually reached out previously to the building code office and had their express permission to proceed with what I've proceeded with. The driveway they told me it needs to be ten feet off of the property line and that's where it'll be and they said the pole barn structure, it'll have to be offset 25 feet off of the property line and it'll be set at least that far off. The driveway, it's being professionally done by Byler Excavating. Initially it'll have highway fabric underneath it, six inches of gravel on the top, Byler is very experienced with draining and getting that all perfect so it's something that they're addressing but again I had reached out to the building code office and they told me that what I planned on doing. I gave them the dimensions of what I'd be doing, it was also on the short Environmental Assessment, it's a third of an acre that's physically disturbed and that includes the driveway and it also includes that parking area. There will be a section of 100 feet in front of the pole barn structure for a turnaround but again that whole area is within a third of an acre and I did run that by the building code office before I proceeded.

Jon White: You still didn't answer my question. Is it going to be paved with blacktop or oil and stone?

John Jonassen: At this time it'll be six inches of gravel. I could certainly look at paving it in the future but it's not paving it is not planned at the moment.

Jon White: Ok. What is your intentions for the building plans, lighting the building up, powering up the building? You are quite far away from your house so getting power out there is going to be a little bit of an issue. What has your contractor proposed doing to that?

John Jonassen: Good question and just to address, we do have NYSEG put in a light on the pole in the front of the property and that's just a safety concern for my wife. I travel a lot for business, that front of the house.

Jon White: I'm talking about not the light in front of your house, it has nothing to do with the project. The project itself is the building and how are you going to put power into the building and what was your intentions of the lighting of the building, the building itself, nothing else around the house.

John Jonassen: There will be power to the building so that's affirmative and the plan for the lights is pretty minimum and I have no issue in pointing any lights out there, if I put some motion detection lights out there, pointing those down. We certainly don't have any plans to put in any bright sodium light or anything that would create an issue for any neighbors.

Jon White: Ok. That would be the questions I had for now so I'm good with things. Anybody else can have the floor.

James Brewster: Any other Board Members?

Aleta Kinne: About the trees, have you got to clear cut a large area?

John Jonassen: That's already been done per my discussion with the building code office. The trees that they took down, that's the extent of it right there.

Aleta Kinne: So the rest stay.

John Jonassen: The rest stay so there's a buffer in the front even from the front view of it. There's substantial amount of trees on Elaine's side, right now we don't have any foliage. Once we do you'll barely be able to see it back in there but again, neutral colors and when the leaves are down it won't have a red roof and be this big red barn, it'll be the slate sides and the black roof so even when there's no foliage it should blend in pretty well.

James Brewster: Board Members, any further line of questioning from any of you?

Jon White: No I'm good with the questions for now to give me some answers and insights on what they're looking to do for this project and then it give me a little more idea for us as a Board to discuss things.

James Brewster: Right, thanks Jon. Scott, anything?

Scott Smith: Jon actually covered what my concerns were.

James Brewster: Melanie?

Melanie Pandich: Jon covered my question about the driveway and lighting as well.

James Brewster: Ok. I'm trying to formulate any with regard to the actual variance. I think the other points were definitely excellent and so I've kind of ingested those, I guess I'm in the same boat, just making sure that we did get some answers, lighting, screening, privacy. So, I'm good with that. Let me just see the applicability in the actual variance part. It's a square footage variance. So, this just hit me, this is for Mr. Jonassen. So, we allow by code a 1500 square foot building which is pretty large, so why do we need to look into having you go to a 2240 square foot, what's the need for that?

John Jonassen: Great question. What it does is it give me that extra width to go to three garage doors and effectively put everything that we're currently storing outside on the property inside of the pole barn, just really clean it up, having nothing in storage outside so that would be the square footage I would need to accomplish that which is why I'm requesting the variance.

James Brewster: Ok, follow up to that, how many things and how many pieces of equipment or whatever do you have on the property now that you're going to put away, ballpark figure?

John Jonassen: I've got a 45-foot RV that'll go on the property, 24-foot car hauler trailer, I've got a number of ETVs, I'll have a pickup truck that I store in there, and then I've got a fairly large boat as well. It's a 28-foot boat.

James Brewster: Do you already have an attached garage to the house?

John Jonassen: We do and we loved the house when we moved in but it was a very, very small two-car garage so I'm actually only able to put one vehicle in it right now, when I've got other things that are stored in there.

James Brewster: I know you haven't been around too long but are there any other larger structures in the neighborhood, like garages or barns that you know of?

John Jonassen: Yeah, 95 Willis Rd are actually in the Town of Chenango as well and they have two very large pole barn structures on their property and they're very close to the road and you can see them and I think they look fine, they did a nice and tasteful job constructing them but again what I'm trying to do is put it in an area surrounded by trees that will have far less impact than 95 Willis Road in comparison.

James Brewster: Ok, thank you. That for sure does exhaust my questions now so we'll get the SEQR done, come back for any final discussion on the application and discuss moving forward amongst the Board Members again. So, Nick, are you prepared to take us through?

Nick Cortese: Sure. So, Board Members, you've been through this many times before. We are considering tonight an area variance for the size of a proposed pole barn, detached garage, 1500 square feet being varied to 2200 square feet and change. This is not a site plan review, this is a variance review. With that in mind, I'll ask you a series of questions and if you could please answer audibly 'yes' or 'no,' yes meaning moderate to large environmental impact, no means no or small environmental impact and based on your answers to these questions we'll either issue a positive or negative declaration under SEQR. A positive declaration means that the applicant is required to submit a very long and intensive environmental impact study on their garage and a negative declaration means that they don't have to do that. So, I will begin now with question number one--Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Board: No.

Nick Cortese: Number 2--Will the proposed action result in a change in the use or intensity of use of land?

Jon White: Small.

Melanie Pandich: I agree, small.

Scott Smith: I agree with the others, small. It's still a residence.

Nick Cortese: Correct. Number 3—Will the proposed action impair the character or quality of the existing community?

Jon White: I'm going with moderate on this one.

Aleta Kinne: Moderate for me.

Jon White: Because, we keep saying going into the backyard but you're invading about four houses of privacy too. So, we have to look at the aspect of it is going to moderately impact the surrounding property, the existing community.

Melanie Pandich: So, I think that it will impact them but I don't think that it moderately impacts the character of the neighborhood. The plan that he described has neutral colors, there are such structures like that in the neighborhood so while there might be some impact in terms of lighting and privacy, does it impact truly the character of the neighborhood? I would be hard to say more than even small.

Scott Smith: Agreed.

James Brewster: I'll have to agree with small for similar reasons but I don't think it rises quite to the level of moderate.

Aleta Kinne: I agree with Jon on the moderate from Sky View Drive.

Scott Smith: I think that we're looking at an increased sized building than code currently allows. Gavin has said the code office will keep an eye on the lighting. The Board, correct me if I'm wrong, but I don't think the Board can rule on changes to lighting so I would say it's small.

Nick Cortese: Scott, you're correct in that regard, yes. So that's three saying small impact, two saying moderate to large impact so that's small by a three-two. Is that correct, Jim?

James Brewster: I would concur, that's what I heard.

Nick Cortese: Ok, good discussion, valuable discussion certainly. Number 4—Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Board: No.

Nick Cortese: Number 5 – Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway?

Board: No.

Nick Cortese: Number 6 – Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Board: No.

Nick Cortese: Number 7 – Will the proposed action impact existing:  
a. public/private water supplies?  
b. public/private wastewater treatment utilities?

Board: No to both.

Nick Cortese: Number 8 – Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources?

Board: No.

Nick Cortese: Number 9 – Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora, and fauna)?

Board: No.

Nick Cortese: Number 10 – Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems?

James Brewster: I’m going to default with what the drainage coordinator which was essentially nonapplicable so I guess I would go with no.

Nick Cortese: I think it’s important to note that if there’s real potential for flooding or drainage problems there would have to be some evidence of that reality which is not present before the Board right now.

James Brewster: Correct.

Scott Smith: Correct.

Nick Cortese: Number 11 – Will the proposed action create a hazard to environmental resources or human health?

Board: No.

Nick Cortese: Does everyone concur with that? Yes, no, maybe so?

Board: Yes.

Scott Smith: The enlarged building does not.

Nick Cortese: All right, you’ve answered ‘no or small impact’ for each of the 11 questions. Based on that, my presumption would be that you’d be making a motion for a negative declaration under SEQR. If that is in fact the case you are free to do so at any time.

Melanie Pandich: I move that we make a negative declaration to SEQR.

Scott Smith: I’ll second that.

James Brewster: Ok, motion made and seconded for a negative declaration with regard to SEQR. Kari, 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                      Voted: Aye  
James Brewster, Chairperson                      Voted: Aye

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

Ayes – 5                      Nays – 0

- James Brewster:                      Negative declaration has been carried, so now we'll move onto further discussion and then entertaining the potential motion for resolution, one way or the other. Board Members, we have before us the area variance for a size change in a building size. So, going through our factors the number one, do we see an undesirable change in the character of the neighborhood which we have kind of addressed under SEQR or be a detriment to nearby properties? Any thoughts on that with regard to formulating our thoughts for the resolution beyond what's already been kind of discussed?
- Jon White:                      My biggest thing truly is the drainage. I think if the driveway gets blacktopped there could be issues down the road for neighboring properties below. Roof lines shed water quicker, blacktop sheds water quicker. At least if it's gravel or barren grass, dirt, it will absorb water at a better rate than it would be if it was blacktop. That's a concern to me, I don't know how we'd go about it as a Board but I think it could fall into one of the five factors that we have to consider with this project.
- James Brewster:                      It does, but does it have relevance to the size of the building? I guess if we approve the variance and the building is created then yes.
- Jon White:                      True, because what I'm bringing up is more of a site plan more so than the size of the building.
- James Brewster:                      Correct, and Nick correct me if I'm wrong, but we are tasked with looking at the zoning and if the change in the size of the building is...
- Nick Cortese:                      Yeah, the driveway is not relevant to the size of the building and that's more of a site plan review type of consideration. We do have a drainage coordinator for a reason in these circumstances. Also, the applicant has said for what it's worth, he's not going to pave it. But, even if he built a 1500 square foot building which would just require a building permit, and no consideration by any Board in the Town of Chenango, he would be allowed to build whatever kind of driveway he wanted on that property.
- Jon White:                      Right.
- James Brewster:                      Right, so we wouldn't even need to be discussing this if he was at 1499 square feet.
- Nick Cortese:                      That's exactly right.
- Melanie Pandich:                      My opinion is that the increase of square footage that we're considering does not pose a detrimental effect to the neighborhood and it does not change the character of the neighborhood. It's 740 square foot additional. The other things we're talking about, I understand the importance of it to the neighbors and to the neighborhood but it doesn't pertain to that increase in square footage which is the variance.
- James Brewster:                      Correct.



Scott Smith: As Jim stated earlier, if it were a 1400 square foot building, we wouldn't talk about lighting, we wouldn't talk about driveway, we wouldn't talk about tree removal or roof or whatever. This is just the size of the building and if the size of the building doesn't bother anybody then that's what we talk about. That's all we have left.

James Brewster: Correct.

Scott Smith: With all due respect to the neighbors, that's what we have to look at.

James Brewster: Yes, we're under a very finite set of guidelines to what we can look at. Anything else for number one?

Nick Cortese: Can I just get a conclusion on will or will not when you guys are ready?

James Brewster: Yeah, since we're going through these we can just kind of knock that part off too.

Nick Cortese: I think you're doing a great job going through everything tonight, everybody honestly, but just do I don't need to run this back again if you could let me know I'll punch this in.

Melanie Pandich: Will not.

Board: Agreed.

James Brewster: Will not? Ok. Number one would be a 'will not.' Number two, can the project be done by some other method that will not require a variance? Did we get any information out of the applicant for that? It kind of goes into drainage I would say, or the location.

Jon White: He wanted to make the building 740 square feet bigger so he could have everything under cover, that was his desire to make the building big. So, otherwise if we deny this then the neighbors would possibly have to look at a trailer sitting outside because he wouldn't be able to keep everything under cover.

Melanie Pandich: And I think he effectively outlined the specific items he plans to put in that building and use that extra square footage to store, he did list a sizeable number of items that could be an eyesore if that additional square footage were not approved.

Scott Smith: Short of the Board going up and measuring each device that is going to be stored we have to take his word that this space is necessary and I do believe him so gain the size of the structure is the consideration so it can't be done without the variance.

Aleta Kinne: Unless he made his building according to code then we wouldn't have to be talking about this. He could achieve it by making his building according to code.

Melanie Pandich: Right, I think what we're saying is he wouldn't be able to store all the items in a sized building that adheres to the code. He needs that additional square footage to store the numerous items that he listed out.

Aleta Kinne: Yeah, I understand that but when you say could it be achieved by any other means, yeah he could build according to code.

Scott Smith: If every device to be stored were smaller then yes, he could do it to code, but they're not.

Nick Cortese: Right. The question asks is the benefit sought by the applicant, could it be achieved by any other method, and the benefit being sought by the applicant is to store his various recreational vehicles and boats and other things that I wish that I had in this large garage.

Aleta Kinne: Right.

Melanie Pandich: So, I would say could not.

Board: Could not.

James Brewster: I'll go along with that except I'm hung up on the fact that we are charged to provide the minimum variance necessary except we don't have at this stage of the game without measuring everything, we don't have that factual information. So, we'll go with the consensus on that, Nick, could not. Ok, so the substantiality of the request is now question number three.

Jon White: It is substantial. You're going from 1500 square feet and increasing it by 740 square feet. So, you're 50% larger so it is a substantial request.

Melanie Pandich: Just for consistency's sake and personally, I'm not trying to sway anyone else, I personally use the 50% rule in determining whether it's substantial or not and by rule I mean personally in my own head. So, this falls just the smidgenest underneath that so I personally would say is not but that's not to sway anyone else.

James Brewster: I think it's subjective anyways because mine's 30% so I would say it is substantial so for anybody listening these five factors are more of a guideline for us and not any one of them necessarily negates or requires us to vote one way or the other or 'no' in this case, compared to another type of variance where negative is a requirement to vote the other way. So, I just want to make sure people understand the difference in that these are guidelines for us in the big picture. Where are we going to go with this, substantial?

Board: Substantial.

Scott Smith: Nick, are there any guidelines for the Board to use percentage-wise?

Nick Cortese: No, it's not a mathematical formula, it's just all based on the individual proposal and the evidence that supports it. Obviously 1500 square feet is your baseline but substantiality is just kind of determined based on an examination of the whole project and what's going on there relative to what's already allowed by the zoning code. I like the 50% idea, I also like the 30% idea, it just depends on what your own personal notion is of substantiality and that's why there's five of you to discuss that and sus it all out.

Scott Smith: So, I'm the last one right? 740 feet bigger than what's allowed, 47% so I'll say yes a substantial increase.

James Brewster: I think I heard more 'substantials' than 'not substantials'.

Nick Cortese: I think I heard four 'substantial' there so we'll go ahead and adopt that finding, is that fair?

Aleta Kinne: Yes.

James Brewster: Ok, and moving onto number four, the granting of the variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district?

Melanie Pandich: Will not.

Scott Smith: So Nick again, to be clear, we're talking about the increase of the building, not the potential for other problems that could be or not be related to the actual building of the building? We're just talking about the size of the building to answer the question.

Nick Cortese: The application is for an increase in the size above 1500 square feet so I think that a good frame of reference is to think about the things that would be intended with a project such as this that is totally in compliance with the zoning code and then remove all of those things that would normally happen with a normal sized building that complies with the zoning code and think about what would be different about this project with it being 740 square feet larger as opposed to a project that would be 1500 square feet. And, if those differences create a negative impact that we're talking about now, then there's a conclusion to be had. If they don't, there's another but that's up to you guys to make those determinations, not me.

Melanie Pandich: My initial thought would be along the tree clearing lines but he said he's not clearing any additional trees, the trees have already been cleared that would be needed for this project so since he's not clearing additional trees, I don't see any other disruption environmentally that would be impacted by the additional 740 feet, so that's why I said 'does not.'

Scott Smith: I concur.

Jon White: It does not.

James Brewster: Right, and I'm assuming just because the base square footage change didn't change the height or we would've talked about it by now so I guess that's out; I can't think of anything that jumps out to me for the difference.

Jon White: Nick is right, he could build a 1500 square foot building and still clear an acre of property and manage to do that, and his legal right, whether the building was 1500 or larger so I just hope that he's a good neighbor and tries to tone down the lighting, control some water so he doesn't upset neighbors below him, maybe try to work with some of the other neighbors to give them a little privacy, privacy is in question, and go from there. But, onto the next question.

James Brewster: So our conclusion is a 'will not,' yes?

Board: Yes.

James Brewster: Ok, number five. Self-created?

Board: Yes.

James Brewster: There's really no other discussion on that.

Nick Cortese: Ok to recap, you have will not produce an undesirable change in the character of the neighborhood or cause a detriment to nearby properties, cannot be achieved by another method, it is substantial, it would not have an adverse impact on the physical or environmental conditions of the neighborhood, and the hardship is self-created. Do I have all that right?

Board: Yes.

James Brewster: I'm just going to throw this out, is this something where we see any sort of conditions on this variance? Anyone?

Scott Smith: I think that Gavin already addressed a couple of those concerns, he mentioned the lighting that was a concern of the neighbors.

James Brewster: Right. For my own clarity, by default these are things that will be looked into when the applicant goes to get a building permit and people can correct me if I'm wrong this so we don't really need to call them out. They're on the record and clearly Ordinance has heard the concerns of the public so am I correct in that? That goes for the Board to tell me I'm crazy or yes or no or what?

Scott Smith: That's what I understood.

Nick Cortese: Do you want Gavin to comment again on that?

James Brewster: Sure.

Gavin Stiles: I don't have any drawings, they have to get Board approval. I have no reason to believe that they're going to light this thing up like Disney World but we do have rules as far as illumination and they will have to adhere to those. I have no reason to believe that this place is going to be lit up. I don't know what the concern is but we do have rules as far as lumens and illumination and they will be held to those rules, that's just the way it is.

James Brewster: Ok.

Jon White: I would say possibly the only condition and maybe I'm going down a wrong avenue again but being the size of the building it could be used possibly for commercial use, not buy the current owners, but what happens if they were to sell the property, the variance follows the property, can we put a condition that no commercial entity could ever be in there for commercial purposes?

Nick Cortese: I don't think that that's necessarily inappropriate, Jon, but it is in an Agricultural District so anybody who would want to do anything other than what's allowed in the Agricultural District would have to obtain a use variance to do that in the first instance so there is kind of a gate in place for that to not occur and if somebody did try and run trucks out of there or whatever the case may be, that would be a Stop Work Order or that would be a code enforcement action automatically regardless of whether you guys placed a condition. I don't think it's a bad thought, I think there are other controls in place.

Jon White: There's still a checks and balances then with getting a use variance or would need a use variance for it, there's still a checks and balances.

Nick Cortese: Yes, that is true.

Jon White: What I would be concerned about for the neighbors if something happened and they had to sell the house, somebody buys it, and they're doing a body shop or something like that, something that would upset the neighborhood but then there's a checks and balances to all that with code enforcement and stuff.

Nick Cortese: At the very least, if somebody wanted to do a home occupation out of there they would have to go through the Planning Board and at the very least obtain a special permit for a home occupation and then if somebody wanted to change the use like for example, the Sandbags Unlimited application that's coming before you guys soon, that's subject to a use variance, that's a commercial business in an Agricultural District. So, that's a different kind of ball of wax, so there are controls in place regardless of what somebody would try to do in the future that are already set up. That's what I'm trying to say.

Jon White: So there's protection down the road if it was ever sold to somebody else and stuff. That's all I was going with and getting at, was a protection aspect for neighbors around there because the variance follows the property for the rest of its life.

Nick Cortese: Yeah, very good thought, definitely.

James Brewster: Very good, Jon and it's on the record now so I think with the protections in place we probably don't need any conditions unless there's anything else we can think of which I can't.

Jon White: No, I'm good.

James Brewster: Aleta, all set?

Aleta Kinne: Yup, all set.

Nick Cortese: There's a resolution before you tonight and the resolution is written for approval. If you are interested in making a motion to adopt this resolution to approve the applicant's variance application that we're at the point where that could be done at this point.

James Brewster: Ok, Board Members, if somebody is so willing to take that on or any other kind of motion on the resolution then so be it. I'm listening.

Jon White: I'll so move, Mr. Chairman, to approve this variance.

Melanie Pandich: I'll second it.

James Brewster: Ok, motion made be Mr. White, seconded by Mrs. Pandich. Any further discussion while we have the motion open? If not, let's go with a roll call. This is to approve, that's what the motion said to grant the variance.

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: So, the resolution has been passed. The variance has been granted, and with the requirements that you need to get a building permit and go forward with whatever else needs to happen with the Ordinance Office, so our business is concluded on that for tonight. Does anybody have anything else for the good of the order?

Jon White: Didn't we have to kind of give an informal approval for what was in the emails about the Town Board changing the front setbacks in the Residential and Agricultural zone?

James Brewster: Yes, Jon. Thank you very much for bringing that up. However, the point is moot. It's not under the purview of this Board to weigh in on any kind of zoning change whatsoever, regardless of what the Town Board has asked us to do. So, we could discuss it until the cows came home but we could not formally provide them with any kind of referral or whatnot.

Aleta Kinne: We sort of started this.

Jon White: I'm just glad they took care of it, personally.

Aleta Kinne: We kicked it off with the request that the Board clarify for us.

Nick Cortese: I think that you don't take enough credit, Aleta. You kicked it off.

Aleta Kinne: And then Gavin picked up the ball and he ran with it.

Nick Cortese: Jim is fundamentally right. The ZBA lacks the jurisdiction or the authority to comment on proposed legislation of any kind. Your jurisdiction is appellate only.

Jon White: My opinion is I'm just glad the Town Board took care of it to give us better clarification for when we get into a situation like that again.

Aleta Kinne: If we wanted to say anything, I don't know if it's proper for us to thank them for quick action in clarifying it for us, if you wanted to respond at all. Maybe that's not necessary.

Melanie Pandich: I agree.

James Brewster: That's interesting, a thank you letter from the Board for addressing the issue.

Jon White: A clarification.

Nick Cortese: I don't see any issue with that. The danger of making a formal recommendation one way or the other is that the Town Board, and this isn't now because everybody's kind of universally really happy about this, down the road if for example the ZBA were to be asked to do this again and they made a recommendation against approving some kind of zoning change, and the Town Board were to rely on that, the concern would be that they relied on something that they really can't rely on as a matter of law to develop their determination. So, really it's kind of for the Town Board's benefit that we stay out of analyzing proposed legislation. A thank you, sure, why not?

James Brewster: I can draft that and send it by everybody and send it out to the Board Members on behalf of all of us. That sounds good?

Board: Sounds good.

James Brewster: The Town Board has actually been apprised of this factor as well from Keegan. I guess it was a long-standing past practice and it's just another part of the learning curve for everybody about what they've asked to do and we can't so we won't. Now they know. It's a win all the way around and I'll send a thank you note.

Aleta Kinne: I just thought of something Jim, that I've been wondering is our public hearing that is open.

James Brewster: That's right. Thank you very much, again. Yes, folks, the public hearing, we still have one open I believe from October regarding the charging stations near the Mirabito. So, we have not heard boo back from them. Correct me, Kari, if you've heard anything this week?

Kari Strabo: I haven't heard anything since you guys asked me to email them whenever that was, I don't even remember anymore but the special meeting for it was in August.

Nick Cortese: Yeah, it's been months and months and they've disappeared for all intents and purposes.

James Brewster: So, we have this public hearing hanging open and we have some choices we can make or not and one of them would be to let it go. The other would be to close it and then I believe there's a third option, isn't there Nick? Or was that pretty much it?

Nick Cortese: Yeah that's pretty much it. There's no legal implication for holding a public hearing open although I think it's fair to say at this point that that ship has sailed and has long since sailed. So, the options are to leave it open and see what happens, close the public hearing, and then really you would move to a vote at that point. The only thing that I would personally request is that if you do intend to close the public hearing and move to a vote, I would prefer to have a resolution drafted for you guys to review and approve instead of sort of like creating a motion on the fly, just to make sure that everything is very buttoned up and we have our substantiation rationale, all that stuff in writing and we don't need to do it tonight quickly and then try and remember what we said.

James Brewster: Yes, that sounds good. How do we want to proceed, Board Members? I kind of like what Nick said there, maybe we can have an intention motion or just an intention—

Jon White: Couldn't we put it on next month's agenda as unfinished business to close out and pass the resolution then?

James Brewster: Yeah I think that's what I was kind of getting at ultimately.

Aleta Kinne: I agree.

Jon White: Yeah. I think it's time to put this thing to bed already and if they come around then they're just going to have to start the process over again. We've given them 7-8 months at this point.

James Brewster: Right. So, since we're in consensus, what we need to do is Nick do your thing, we'll put it on the agenda for next month and we'll make a closure and make a vote.

Nick Cortese: You can close the public hearing now if you want to honestly. There's nothing preventing you from doing that. At this point, to be perfectly honest with you, I don't even know what application this pertained to. It's 2021-V-something. I don't know what it is though.

James Brewster: Until we get all our ducks in a row, I'm willing to leave the public hearing open.

Nick Cortese: On the flip side, what's another month, right?

James Brewster: Unless they come back.

Nick Cortese: If they come back, lucky them.

James Brewster: So, why don't we do that? Let's just get our ducks in a row, get everything drafted and then we'll wrap it up in April. Sound good?

Board: Sounds good.

James Brewster: All right. Last call, and thank you to both of you for reminding me of those outstanding situations because I had them written down but they're not around the notes so excellent work. Excellent work overall so anyway I'll tender that motion to adjourn.

Scott Smith: So moved, sir.

Jon White: I will second it.

James Brewster: Ok. We'll just do a voice vote on this. Any opposed, any abstentions? We will presume that everyone has voted 'yes' for the adjournment and therefore we are. Thank you. (8:53 PM)

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Kari Strabo".

Kari Strabo, Sr. Clerk