

**MINUTES OF THE
CONSOLIDATED ZONING BOARD OF APPEALS
OF THE
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS
APRIL 18, 2011**

A regular meeting of the Zoning Board of Appeals was held in the Town Hall, Highland Falls, New York, on Monday, April 18, 2011, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

David Weyant, Chairman
Tony Galu
Tim Doherty
Ray Devereaux

Absent:

Jack Jannarone, Deputy Chairman
Tim Donnery
Ralph Montellese

ALSO PRESENT:

Alyse Terhune, Attorney (Jacobowitz & Gubits, LLP)

John Hager, Building Inspector, John Bender Cathy Feliciano, Joe Feliciano, Karen K. Ward, Mario VanZetta, Stephanie VanZetta, Lynn Edsall, Glen Moyer, Chris Moyer, Matthew Lawney, Rick Taylor (Mid Hudson Neon), Lee Savoye, Maria Hannawalt, and Roy Hannawalt.

The meeting was called to order by the Chairman, at 7:00 P. M. It was noted that a quorum was present.

MR. WEYANT: I am going to open the Consolidated Zoning Board of Appeals meeting for the Town of Highlands for April 18, 2011. I will note that three (3) members of this Board are absent: Mr. Montellese, Mr. Donnery and Mr. Jannarone. We do have a quorum with four (4) members, and because we only have four (4) members tonight ladies and gentlemen and Board Members, we will conduct the Public Hearings as scheduled. We will not be voting tonight on the applications because I feel that we should have as many members here as possible when we do vote. We will have the Public Hearings, we will adjourn them when the hearing is over, and we will, hopefully, be in a better position at our May meeting when there is a full Board present. I believe, Counsel, that this Board has 60 days from the time the Public Hearing is closed.

MS. TERHUNE: You have 62 days from the close of the Public Hearing.

MR. WEYANT: We have 62 days to make a decision from the close of the Public Hearing.

MR. DOHERTY: Does that mean we have to actually close the Public Hearing tonight?

MR. WEYANT: We will not close the Public Hearing tonight, we will adjourn for each person, but we will hear them. Saying that, I want the Minutes for March 21, 2011 approved, which were mailed to you prior tonight. Any problems or changes to those minutes?

MR. DOHERTY: I did not see anything objectionable.

MR. DEVEREAUX: Page, one, midway down – Mr. Weyant: All members are present. One member was absent.

MR. WEYANT: On page one?

MR. DEVEREAUX: If you take the Board members present, you have six, it does not stipulate who was absent, which was Tim Doherty.

MR. WEYANT: We will note that Tim Doherty was absent. Any other changes?

MR. DOHERTY: I was quoted in the Minutes, I was present.

MR. WEYANT: All Members were present. We had a seven member Board and we met at the Highland Falls Library.

A motion was made to approve the March 21, 2011 Minutes, as amended.

Motion: Mr. Doherty Seconded: Mr. Devereaux Approved

MR. WEYANT: Our first Public Hearing tonight is going to be for Roy Hannawalt on the interpretation that he would like this Board to consider permitting construction of a public storage facility in a business zone. Roy, come on up. I want to note for the Board that unbeknownst to me at our last meeting I did not realize that you did not own the particular property in question.

MR. HANNAWALT: At the time?

MR. WEYANT: At the time of the last meeting.

MR. HANNAWALT: Right.

MR. WEYANT: You put in your application which has now confused me a little bit that J.R.K. Leasing owns the property.

MR. HANNAWALT: They did. I own the property now.

MR. WEYANT: Conveyance has now been made since our last meeting by the Estate of John Kopald.

MR. HANNAWALT: Yes.

MR. WEYANT: You are now the sole owner of the property.

MR. HANNAWALT: That is correct.

MR. WEYANT: At the time of our March meeting, the property was not owned by Roy. The law firm of Jacobowitz & Gubits, LLP is representing the estate of John Kopald. I did not know that at the time.

MS. TERHUNE: I did not know it either.

MR. WEYANT: That was made known to me after the meeting, at which time, of course, Alyse would have to recuse herself from advising this Board when she is representing the seller in the situation. Therefore, I was prepared to have another lawyer come in to represent this Board regarding just the Hannawalt matter. Now I am finding out tonight that the property has been conveyed. So is this no longer an issue?

MS. TERHUNE: It is no longer an issue technically; however, because we did not know that it was going to be conveyed before this meeting, and it was referred to another attorney, this Board has probably accrued fees for that review which you don't want to now have to pay me for. My suggestion is that it would be less expensive in terms of the review fees to just go ahead and see what Mr. Dunn has decided in terms of advice to you.

MR. WEYANT: We were going to use Justin Rider and the Town law firm for just this case. We will see where this goes.

MR. DOHERTY: Is there a necessity to amend this application with the correct property owner or is it something that can be struck from the application?

MS. TERHUNE: Yes, it should be noted for the record that the conveyance was made and that Mr. Hannawalt is now the owner.

MR. WEYANT: Roy, let's review for the Public and for this Board what you want to do with this particular property. We know that our Zoning Code goes back a number of years and when it was formulated it did not specifically state that mini storage units were buildable in a business zone.

MR. HANNAWALT: They actually had not been conceived of at that point in time.

MR. WEYANT: So now we have a situation where this Board is being asked to interpret the Code whether or not a storage facility could be read into the Code from the fact that storage garages are allowed in the Code.

MR. HANNAWALT: That was the bump in the road, if you will, when I went to the Building Department. John did not feel comfortable ruling on that language based on the fact that we were asking for something that sounded different. We all believe that it is the same thing. It is just a movement forward in time and different terminology. To clear everything up we felt that it was the right thing to do would be to bring it to the Board.

At 7:13 P. M., the Public Hearing was opened.

MR. WEYANT: Mr. Hannawalt, please hold up your right hand. Do you solemnly swear that the information provided herein to be accurate and true to the best of your ability?

MR. HANNAWALT: I do.

MR. WEYANT: I want to note for the record that I have an Affidavit of Publication in the News of the Highlands of tonight's Public Hearing. I also have an Affidavit of Posting of Signage on the property, and an Affidavit of Mailing to various people next to Mr. Hannawalt's property. Now, I will ask if there is anybody who would like to speak. Madame, if you would like to speak, tell us your name and address.

CATHY FELICIANO, 30 Overlook Place, Fort Montgomery. I really don't think that we need these storage facilities in our area. One, it is a small town; two, we all own houses. There are not many apartments in the area. We all have storage in our basements, attics, garages, and our sheds. It is just not needed. It is going to look terrible on 9W.

CHRIS MOYER, 6 Hillcrest, Fort Montgomery. I am kind of this way and that way. The reason why is that I need some more clarification. As I drive over to Adams, I see a storage facility that is a sky scraper. Then I hear that maybe a storage facility is going to come to Fort Montgomery. Then I immediately think it is going to be 50 feet or 100 feet. That is why I needed clarification. Since we are river front property there would be some restriction on height. If this is a new concept of having this kind of facility along Route 9W so close to river front, are we then bound by any height restrictions. And if so could that be put into something like this to make it a little more, in my view anyway, more pleasing.

MR. WEYANT: Roy, would you like to speak to the height aspect?

MR. HANNAWALT: Yes. As I understand it, the 35 foot height requirement would apply to anything that is built in the town. This particular piece of property is unique in the sense that it is approximately 12 feet below grade. We are going to call grade Route 9W. It is in a depression. It is my intention to fill a portion of that up to level the property. That filling, and nothing is in stone at this point, but what appears to work, we would still be 6 to 8 feet below grade. If you are going to put a building in there, an average storage facility would run about 10 feet in height from the ground up. They are built on slabs and they come up 10 feet. It could be something less than that, but we will use 10 feet as an example. If that were the case, you are still only 4 feet above grade when you drive by or look at this piece of property.

The comment was made that it was going to be ugly. I take exception to that. I don't know how you can determine what something is going to look like without ever seeing it. These buildings are designed by a company that builds just storage facilities. Betco is the company that we plan on using. There will be renderings, drawings if you will, that will show how the project is laid out, what it looks like. There is fencing and landscaping involved. It would certainly be an improvement over what we have there now, which is just an empty lot with brush growing over it.

MR. WEYANT: Am I right, Counsel that this would have to go to the Planning Board?

MS. TERHUNE: Yes.

MR. WEYANT: I think that Mrs. Moyer's questions could all be answered at a Planning Board meeting which this would eventually go to.

MRS. MOYER: You can see where this is such a new concept. I think that for the protection of citizens as well as the Boards things should be spelled out. I like what Roy builds, a good quality product, but some other people may not have the same standards.

MR. WEYANT: This Board is not taking up what the facility is going to look like. All we are involved with is the Code itself and can this building be built under the present Code and the way it reads.

MRS. MOYER: The Code also indicates height in many instances. That is why I brought it up.

MR. WEYANT: It does and it is a Planning Board function that they would get involved in.

MR. DOHERTY: If I am not mistaken, Mr. Hannawalt, your intention is to build a single storage unit, not a multiple storage unit.

MR. HANNAWALT: What Mrs. Moyer was referring to was a multiple storage unit.

MR. DOHERTY: I know exactly what she is talking about.

MR. HANNAWALT: No, we are not talking about anything like that. There is a possibility that it may be a two-story structure. The reason that that would happen is that you would take advantage of the depression. Basically, you would have one level under ground and one level above ground. Technically, it would be a two-story building. But from grade it would still only be ten feet out of the air. It is not as high as a normal house that you would see going up or down the road. It would be as high as probably anything that is built commercially on 9W right now. It would not reach that height. I think I can be confident in reassuring her that this is not going to be something that is going to stick up in the air.

MR. WEYANT: Anyone else?

KAREN WARD, 191 Old State Road. When we moved here, we were both active duty military and we needed someone to take care of our children, like a nanny situation. We did not fit in quarters in that situation. There are a large number of military that live here in Highland Falls, and housing is still not adequate. I think this is an awesome idea. It has to go through a board to look at the aesthetics of the facility. To have to drive to New Windsor to the nearest storage facility to get to photo albums and things you don't want to discard just to move into an apartment situation on a temporary basis. This would be the answer to those families that just

need to store their stuff for a couple years while they live in the Highland Falls community. There are a lot of people that live here for just two years. These are just my thoughts. I don't think it would be the "townies" renting these storage lockers it would be the military people. The transients.

MR. WEYANT: I want to point out to the Board that we notified Orange County Department of Planning because of where this property lies in relationship to a county road. I got a comment back from them. I will pass a copy to each member. I will also give one to Roy. Roy this is mandatory with any proposed zoning change in regard to where the property lies in relationship to a county road. I think the interesting thing on this is, if you go down to the middle page...."although storage garages are listed together with parking garages in Schedule 3 of the Town of Highlands Zoning Ordinance, they are not defined in the Ordinance. This seems to infer that the garages are for storage of motor vehicles and not for storage for other goods. Which would make sense back in the late 70's when the Code was adopted. Therefore, storage warehouse, also known as mini-warehouses, would not be a permitted use." The County is giving this Board this recommendation strictly in an advisory position. It is not mandatory and it is not saying that they are disallowing your interpretation of the Code. I want each of the Board Members to see this and be aware of it.

Is there anyone else who wants to speak tonight on Mr. Hannawalt's application? Hearing none, I will continue on. As I said at the beginning of meeting, we are not going to make a decision tonight because I want all of the Board Members here for this. I am going to have difficulty personally in granting the interpretation you request because I don't think it is allowable the way the Code is now. I believe, again this is only me, that this is a function of the Town Board which should be willing to change the Code to allow this to happen. And add a storage facility building to the allowable things in a business district. That is my opinion. I think the County is going in that direction, too. We will adjourn the Public Hearing until our May meeting, at which time we will open it up again, and hopefully, with a full Board will make a decision at that meeting.

MR. HANNAWALT: As I understand it, you may defer the decision to the Town Board?

MR. WEYANT: I am not saying we are going to do that. To me, personally, that would be the proper way to go about this. The Town Board can amend the Zoning Code or add to it as an allowable structure to be built in a business district. That is my opinion. I don't think I can interpret the existing Code to allow this. I don't know how the others feel. I do want to hear everyone else's opinion. That will be at the next meeting on May 16, 2011.

MR. HANNAWALT: Then you will re-schedule me for the next meeting.

MR. WEYANT: We will continue the hearing at our May 16 meeting, and hopefully, give you answer that night.

MR. HANNAWALT: That is all we are going to do tonight. Thank you.

At 7:26 P. M., the Public Hearing was adjourned.

MR. WEYANT: Next is Mid-Hudson Signs for Christopher Bernicker, 1376 Route 9W, Highland Falls, NY. We talked about this at our last March meeting and to review; we got into a discussion about signs. We talked about signs that were taken down.

At 7:27 P. M., the Public Hearing was opened.

MR. WEYANT: We have a Notice of Publication with the News of the Highlands that the Public Hearing was published. We have Affidavits of Mailing and Signage for tonight's meeting.

MR. WEYANT: Mr. Taylor, please hold up your right hand. Do you solemnly swear that the information provided herein to be accurate and true to the best of your ability? Go over it again for us.

MR. RICK TAYLOR: Yes. All the signs were reviewed by John Hager. We have installed the large sign on the front of the building. What we are requesting is to install this 3 foot 8 inch by 3 foot round sign on the side of the building. That is merely to attract the southbound traffic.

MR. WEYANT: Anyone in the audience that would like to speak on this application?

MR. MATTHEW LAWNEY, 36 Montgomery Road, here on behalf of Connie Eristoff of Crystal Lake. Is the proposed sign proposed for the north side of the building?

MR. TAYLOR: Yes.

MR. LAWNEY: Mr. Eristoff's concern is that the sign faces some residential property that he owns.

MR. WEYANT: What residential property?

MR. TAYLOR: It would be the last lot on Crystal Lake which currently has no structure on it across from the ambulance building.

MR. WEYANT: Is that not behind the building?

MR. LAWNEY: Slightly behind the building in that general area. I am here to voice his concern that he would really not have a problem with anything on the east side facing side of the property, just the look, and that the sign is not too obtrusive facing any residential side, and to make sure it was closer to the 9W side of the building

MR. DOHERTY: Have you seen it. Take a look this picture. It will really give you an idea.

MR. TAYLOR: It is extremely close to the corner of the building.

MR. LAWNEY: I am here on his behalf and will pass the information on to him.

MR. WEYANT: If he does have any concerns, we will be here at our May 16 meeting to discuss this. Is there anyone else in the audience that would like to speak on this? I want to point out that this was also referred to the Orange County Department of Planning. They defer to our determination on this. They make no recommendation. When we have a full Board at our May 16 meeting we will see you then and continue the Public Hearing.

MR. TAYLOR: Thank you.

At 7:31 P. M., the Public Hearing was adjourned.

MR. WEYANT: We have Karen Ward, of 192 Old State Road, Highland Falls, seeking variances for adding a front porch and garage to existing home. I note that our meeting tonight was published in the News of the Highlands. I have an Affidavit of Posting and an Affidavit of Mailing for tonight's hearing.

At 7:32 P. M., the Public Hearing was opened.

MR. WEYANT: Ms. Ward, please hold up your right hand. Do you solemnly swear that the information provided herein to be accurate and true to the best of your ability?

MS. WARD: I do.

MR. WEYANT: Please review with us again what you are trying to do and what you need the variances for.

MS. WARD: I have an existing Cape Cod home on 192 Old State Road with a single car garage. The crawl space is not adequate for storage because it floods. In fact it flooded on Saturday when we had those hard rains. I would like to add a two-car garage. Inside that garage would be an extension to the laundry room. Some of that area is consumed by finished addition space. Also, within that addition space, is a staircase that goes up to a bedroom over the single car garage to make it a legal bedroom, which I did not know was not legal until I applied for this. You would use it as a bedroom, but we could not sell the house as three-bedroom home.

I thought I was going to go to grad school at Columbia. I did not get accepted. I started this application process to build this staircase to the upstairs bedroom so that I could occupy that and rent the house because I would only be coming home on the weekends. Also in the back of my mind is staying here. My kid is coming back home to teach at West Point. I have two kids at West Point. There are a lot of variables, but it starts with getting the variance for a two-car garage. The kids that are at West Point will be getting cars here in 18 months, so I will have two very nice cars sitting at my house. It will be either going to be an extended driveway so asphalt paved all the way over to the property line to the south, or it will be a two-car garage with a driveway up to the garage so that the two cars can be parked. You don't know what the parameters/restrictions are until you apply. I also wanted to add, if you look at the original drawing/survey, the lot is trapezoidal in shape. My house does not sit parallel to the property line. On the north side I meet the restriction for setback on the northeast corner of the house, but then I lose yard because the house is perpendicular to the street not parallel to the lot line. The same thing happens on

the other side. To achieve the 15 foot setback requirement, I have 15 feet in the front corner of the house and probably almost 25 feet in the back corner of the house because the yard is trapezoidal shape. There are a number of restrictions in the Building Code: how much of the house/what percent of the yard is taken by the house, and then the setbacks on either side, and the rear. It is up to the Board to decide.

MR. WEYANT: We are looking at three variances here?

MS. WARD: The house when it was originally built had a variance approved for the garage hanging out on the front. There is a huge easement on Old State Road in front of our house. The old J. P. Morgan Estate, the rock wall. That is the property line right there. Then there is 15 feet of easement, and you can legitimately park on the side of the road so there is a generous setback from the Route 218 Street proper. We are repeating the same variance that was given back in 1992 when the house was built, or 1988 whenever they got their permit. The porch won't stick out beyond the existing one-car garage.

I have a couple of ideas of how to do a two-car and a one-car garage if you want to look at this. What is the new part of the house verses what is existing? I don't think the porch is as much of an issue as the addition to the south. The first page is a one-car concept. A staircase going up has to be to the very back of the garage. In the two-car concept I would be able to put it adjacent to the garage and only a half story because the bedroom over the garage is split level. That is the advantage of the two-car garage. I can put that staircase and I only have to do 7 or 8 steps to get up to that level. If the staircase is anywhere else, like on the back of the house, the staircase is 13 steps.

MR. WEYANT: But getting back to what we need variances for. We want to be concerned with the amount of variances you are going to need. Specifically, there would be two of them that you need and the overall third variance for the combined. Is there anyone in the audience that would like to speak towards this application? Hearing none, I am going to read into the record that I received regarding this application:

“To: David C. Weyant
Chairman Consolidated Zoning Board of Appeals

This letter is in reference to the notification I received on Friday, April 8th, 2011 publicizing the hearing to be held Monday, April 18th, 2011, regarding the application for a zone variance for the property located at 192 Old State Road. Section 108, Block 3, Lot 3.2 in the residence-3 (R-3) zoning district.

I am the owner of 188 Old State Road, the property located directly south of the requesting property. I am opposed to 1 of the 3 variances requested of 8 feet from the required 15 feet in order to construct the garage addition. I am concerned with what the impact will be on the resale value of my home considering the addition and the proximity to my property.

On Monday, April 18th 2011, I will be unable to attend the public hearing as I will be traveling outside of the country.

I request that the board uphold the 15' side yard requirement.

James M. Rivera Jr.
188 Old State Road”

MR. WEYANT: James M. Rivera Jr. could not be here tonight. I am reading that into the record. We will adjourn your Public Hearing also until the May 16 meeting. Whether Mr. Rivera wants to come is entirely up to him. Obviously, this Board has to take his statement into consideration. Are there any questions from the Board at this point? Hearing none, thank you for coming, and hopefully we will give you a decision at our May meeting. I also want to note for the record that Orange County Planning was notified on this application and referred it back to us. They had no comment on it. Sorry I did not get that in before.

At 7:40 P. M., the Public Hearing was adjourned.

MR. WEYANT: Mr. Mario and Mrs. Stephanie VanZetta, 6 Knox Road, Ondaora Park, Highland Falls, need a variance for the construction of an above ground swimming pool. As I recall when we discussed this at our last meeting, we were talking about where the pool was going to be located and there was concern about the front yard as opposed to other parts of the yard.

At 7:42 P. M., the Public Hearing was opened.

MR. WEYANT: Mr. and Mrs. VanZetta, please hold up your right hands. Do you solemnly swear that the information provided herein to be accurate and true to the best of your ability?

MR. AND MRS. VANZETTA: Yes.

MR. WEYANT: Let's discuss that some more.

MR. DEVEREAUX: David, just to let me interrupt, I raised the point before. Can we discuss this issue now? Why don't we defer it to next month because the postings were not correct, the signage postings.

MR. WEYANT: Let me go into that which I did not read into the record. The Affidavit of Publication was in the News of the Highlands. I have the Affidavit of Posting and an Affidavit of Mailing. Now, Ray, you want to point out to me that the Affidavit of Posting is incorrect. Your feeling?

MR. DEVEREAUX: Not a feeling, it is the Code.

MR. WEYANT: Wait, I have a sworn Affidavit signed by them that the sign was posted, which we have everyone sign that comes before us. It was duly located and done. You are saying it is wrong.

MR. DEVEREAUX: I am saying it is wrong because I live there and I saw where it was posted.

MR. WEYANT: Where was it put?

MR. DEVEREAUX: Probably 30 feet from the street, closer to the house. It should have been 20 feet forward, 10 feet from the street. Hopefully, that was what John gave you.

MR. VANZETTA: It was in there. I moved it a couple of times.

MR. DEVEREAUX: Another thing is that you are supposed to have another sign which is facing 218.

MR. VANZETTA: There was one. It ripped and fell down. I kept replacing it. I did not know what else to do.

MR. DEVEREAUX: I thought I saw a stake.

MR. VANZETTA: There was a stake. I believe we had heavy rains Saturday. If it fell down, that is what happens when it rains.

MR. WEYANT: As I said, Ray, with all the other applicants tonight, we are going to hold this application over to our May meeting.

MR. DEVEREAUX: I understand that.

MR. WEYANT: In the meantime, I would suggest to the VanZettas that they repost the signs between now and our meeting date in May properly. Your Affidavit tells you exactly what you have to do. What I really want to discuss is this front yard concept. Is that still what you would like to do or have you given that any further thought?

MR. VANZETTA: I think Main Street is just too much traffic back there for a backyard thing. We are trying to get more privacy in the front side yard of the section with barriers put up in terms of landscaping and decking to make it look nice. We are not trying to make an eyesore or something obtrusive or bright or colorful. We are trying to blend it into the landscape that we have now. Over the last 7 years living there we have put a lot of work and money and most of it was for the betterment of the community and where we live. I think personally it turned out really nice and we have had a lot of compliments on it. I am trying to stick with that theme on keeping it off to the side in the front where it is a little bit more private off the main road of the highway in the back of us. We sketched a picture, an idea. When I was first presented with it, I was not sure about it. We are trying to have off the front of our house where the deck is we have the hot tub and the deck over here. We were trying to get out front with another bit of a deck a bunch of trees and somewhere in there we were going to have the pool. We have talked with 3 or 4 landscapers to come in and give us some help with that. On this side of the house where we are doing it used to be a swamp. We had it dug out and had put pipes put in. We had a whole bunch of fill put in it to try to make it less swampy. It was a runoff.

MR. WEYANT: How are you dealing with the rains now?

MR. VANZETTA: It is much better. We have it piped right into the storm drain. It came out really nice. It is very dry. We could not walk in there normally on a rainy day. Now it is very dry. We are trying to make use of a yard that was never used, a yard that could never have been used. That basically is what our plan was and how we are looking at doing it.

MRS. VANZETTA: We have like zero privacy in our back yard because it is on Main Street and you cannot fence in the yard.

MR. WEYANT: It seemed kind of obvious to me, too, that if you had the pool near the road through Ondaora Park that you would want some barriers so people could not see you as they are driving.

MR. VANZETTA: That is why we looked at it here – it is a little bit more private in that aspect. We have a lot less traffic on Knox Road than we do on the Main Street side of the house. With the use of landscaping and trees and stuff like that, we are trying to make it an extension off the deck. You would see something, but you don't really know what is back there. You don't drive down the hill and see a pool. Our objective is that we don't want to make an eyesore for people, including ourselves. I would not like to drive down and not like exactly what I see. We are trying to stick with a budget and a plan. I have spoken with professional landscapers, and if it does come to fruition, are we going to be able to get a nice landscape design.

MR. WEYANT: Is anyone in the audience that would like to speak?

MR. LEE SAVOYE, 20 Ondaora Parkway. Long time residents. We own Monica and Puffy Trautz's home. As most of you probably know, our back yard fronts their entire piece of property. Mario and his wife have spoken to me about this. My initial reaction was yea. We put in a pool years ago for our kids. I don't want to think of the cost per swim, but it was worth it. I think what they are trying to do is good. If you are familiar with their property, they have the property from hell. Their back yard, short of putting up a six foot stone wall, is a miserable back yard against 218. I can see why they want to put their pool in the front yard; however, an above ground pool in their front yard, quite frankly, from where our house is situated is going to look horrible. I want them to put the pool in, but I wanted it put in the record that I want them to allocate enough money in their budget so that they can properly screen it and landscape it in.

They have been very gracious sharing with me their ideas. My wife and I would appreciate it if when they have their professional landscapers come in and draw their plans, if they would share it with us. Where they are putting in the pool they will have sun all day or just about all day. They have to put it where they want to put it. They can't put it in this back yard. It would be away from their deck that they already have established. Because it is an above ground pool if they put this pool in right, they will be able to literally go off one deck and right into the pool. Whereas, if they put it in the back yard, they will have to go through all kinds of rigamarole of putting a deck around the pool or putting up a fence. It is going to be a real pain in the neck and cost them a lot more money. As they know, my wife and I support what they want to do but we want it stipulated that they landscape it so that we are not looking at it. As I explained to them, the more that they landscape it the more private it is going to be for them and their kids. They have a little girl. She is not

going to be a little girl in 5 or 10 years, and I am sure she is going to want her privacy. I am sure that Stephanie would want her privacy as well. I know that I would want my privacy with a pool. I achieved just that when I put in my pool. I would like them to maintain the landscaping so that they have privacy and that they give us screening.

MR. WEYANT: Obviously, that is between you two to work that out.

MR. SAVOYE: They have been very gracious. I wish that some of our neighbors had been as accommodating.

MR. DOHERTY: Do we have the authority to add a caveat that there is screening?

MS. TERHUNE: Absolutely.

MR. DOHERTY: So **if** the variance is granted, we can add caveats that it can only be granted if these conditions are met.

MR. WEYANT: That is something to consider.

MR. DEVEREAUX: I know Mario and his wife. They have done a wonderful job with the house, there is no question about that, and it is great. The question is perhaps the location of the pool and that is subject to discussion. There are two other above ground pools in the same line on 218 on the opposite side of the entrance coming in to the left. I don't know whether they are happy or unhappy. His stonewall is a little bit lower, but that could be modified. We could give perhaps a variance to allow him to put up a barrier of some kind. That is something we all have to think about between now and the next meeting.

MRS. VANZETTA: When we are out with our family in the yard that is where we play because I don't like the kids in the front by the road or where I can't see them. That was a good reason why we also did not want to lose our back yard to the pool because we do spend a lot of time out there playing. We were trying to use a wasted spot to us.

MR. WEYANT: It is privacy, too.

MRS. VANZETTA: A lot more private than Main Street.

MR. DEVEREAUX: David, I will lead to one more thing, and I am not trying to condemn what they are trying to do, but I rode around today looking in areas where people might possibly put a pool. A lot of areas don't have room, it would be virtually impossible to put one in. They have room to put it where they want to put it. I always hearken back to precedent which our Counselor advises that not all properties are identical, so therefore I think sometimes you have to be careful about setting a bad precedent in allowing something to be in the front yard. That is all I am saying. It is essentially in the front yard.

MR. WEYANT: Any other comments from the audience on this application. Hearing none, we will adjourn your Public Hearing until the May 16 meeting. Third Monday of May. We hope to give you an answer that night.

At 7:55 P. M., the Public Hearing was adjourned.

MR. WEYANT: Gentlemen, I need a motion to adjourn.

At 7:56 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Doherty Seconded: Devereaux Approved

Respectfully submitted,

Fran DeWitt
Recording Secretary

**The next Consolidated Zoning Board of Appeals meeting is
Monday, May 16, 2011**