

Transcript: May 18, 2020 Zoning Board of Appeals Meeting

Thomas Pratt: I have 7:30, Sue, do you have 7:30?

Sue Wightman: I do have 7:30.

Thomas Pratt: Okay. Did you want it ... you fixed it already. Okay. I'd like to welcome everyone to the Cazenovia Zoning Board meeting for... Zoning Board of Appeals our meeting for Monday, May 18th. And before we start I have a few announcements I have to make. First one is I want to welcome everyone here. This meeting has been legally noticed in the Cazenovia Republican, on the Town Website, and outside the Town Offices as basically a Zoom meeting. This meeting is a virtual meeting, is authorized by New York executive order 202.1. The meeting is being recorded and will be made available on the Town's Website. Please note the output of transcribing from an audio/video recording from Zoom will be fairly accurate, although in some cases will be incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting. If you should need clarification for something said, please contact the Zoning Board of Appeals Secretary. Attendance will be taken and votes will be conducted by roll call. When possible the Board members and applicants are asked to state their name each time they speak for audio recording purposes. This is very important that we get the names associated with what is being said, so, it's a little difficult, but please try to remember to say your name before you start speaking. The public may be participating. Yep, When public speaking is allowed, speakers are asked to please state their name and address for the audio recording each time they speak. Please provide statements. Please do not ask questions, and please address the Board, not the Applicant. Please do not repeat the same ideas if they have been stated once. In an attempt to maintain orderly discussion participants may be muted until it is their turn to speak, and they will need to use raised hand symbol which is down in your bottom, right. If you move your mouse down to the bottom in the center, it'll pop up and you'll see an area on the right that says "reactions" that has a raised hand which looks like this. Hmm. You see it on mine. Okay. Other than time, other than times allowing for public comment, the public is asked to remain silent during the proceedings. And if you can please mute your... your please

mute your microphone so that we don't have conflicts of noises that will end up on the recording, as well as it tends to, if we have more than one person speaking, then we tend to have that inaudible issue that Sue..., even though you're saying something and it's clear it turns out inaudible because we have two voices that are getting recorded. Okay? With that, Sue, let's do the roll call.

Sue Wightman: Thomas Pratt?

Thomas Pratt: Here.

Sue Wightman: David Silverman?

David Silverman: Here.

Sue Wightman: Gary Mason?

Gary Mason: Here.

Sue Wightman: Joe Anderson? (Joined at 7:41 P.M.)

Sue Wightman: Jim Wigge?

Jim Wigge: Here.

Sue Wightman: Val Koch?

Val Koch: Here.

Thomas Pratt: Val, we did not have... Joe is not here as I did not hear him, and that would mean, Val, you'll be a member tonight instead of an alternate.

Val Koch: All right.

Thomas Pratt: Okay. We need to have a motion to approve the minutes from February. Yes, it's the February meeting minutes, correct Sue?

Sue Wightman: That's correct.

Thomas Pratt: Okay, so if we can have a motion to approve the meeting minutes from February.

Jim Wigge: Move we approve the February meeting minutes.

Thomas Pratt: Jim makes makes the first motion. And the second?

Gary Mason: Second.

Thomas Pratt: Who was that?

Gary Mason: Gary Mason, will second.

Thomas Pratt: Gary Mason, okay. With that, Sue, you'll have to do a roll call vote.

Sue Wightman: Thomas Pratt?

Thomas Pratt: Yes.

Sue Wightman: David Silverman?

David Silverman: Yes,

Sue Wightman: Gary Mason?

Gary Mason: Yes.

Sue Wightman: Jim Wigge?

Jim Wigge: Yes.

Sue Wightman: Val Koch?

Val Koch: Yes.

Thomas Pratt: Okay. Meeting minutes are approved. So we'll proceed from that. The next meeting is scheduled for June 22nd, 2020. So we have the main part covered. First item on the agenda is a Special Use Permit # 98-117 - Eric Jerabek. He is in the RA District. It is a Special Use Permit Renewal at 1639 Delphi Road, New Woodstock. His permit is for agriculture and raising animals. Roger, you've conducted an inspection?

Roger Cook: Yes, I did.

Thomas Pratt: And did you have any issues or any complaints or any changes?

Roger Cook: No, Mr. Jerabek has always been good about being in compliance.

Thomas Pratt: Terrific. I think we need a motion to approve his Special Use Permit for renewal. So, want to jump on board there?

Jim Wigge: Wigge - move we approve the renewal of 98 - 117.

Thomas Pratt: Second?

Gary Mason: Gary Mason will second that motion.

Thomas Pratt: With that, we have a motion and a second, Sue-- if you could take a roll call vote.

Sue Wightman: Thomas Pratt?

Thomas Pratt: Yes.

Sue Wightman: David Silverman?

David Silverman: Yes.

Sue Wightman: Gary Mason?

Gary Mason: Yes.

Sue Wightman: Jim Wigge?

Jim Wigge: Yep.

Sue Wightman: Val Koch?

Val Koch: Yes.

Thomas Pratt: The next item are Hearings and we will go to the next item on the agenda which is # 19-1214. It is Glen Trush in the Lake Watershed. He is waiting for a Special Use Permit at 1876 US Route 20. We asked him if he could send us an email update and he did. I don't believe he's here, but we will bring you up-to-date as to what's going on. In his email dated April 30th, dated ... sent May 7th, but it's dated April 30th, he says, " Thus far I have spent considerable amount of effort to get the water and sewer up and running on the property at the end of the lake. Efforts, even with the help of professionals, has not produced results. I am also investigating trucking water to the site. With the change of weather, I will continue, but with the present situation I cannot say how much professional will help will be available." So from this, I presume he is still working on it. It is in process and we will need to recognize it needs to be continued. Their public hearing is open. I don't know if anybody has... is there anyone here with any comments regarding the ... Glen Trush's project?

Gary Mason: Gary Mason.

Thomas Pratt: Yes, sir.

Gary Mason: My questions..., I used to operate out of there till 1989 and I do believe we got the water from a cistern over where the land is for sale in the corner that used to be part of the railroad. So I don't know what he's doing professionally. I would say he either has to drill a well or find that, and I do believe the septic is on the west side also

of the building. I don't know what professional help he's getting but that pretty much says what's going on, to be perfectly honest with you.

Roger Cook: My guess would be... is one, the water source that Gary may have used would not be approved for his particular use that would be regulated by the Health Department as a public water source, because he would have possibly more than 25 people there at any one time. So, you know, he still needs Health Department approval of that, and, you know, we haven't seen a plan for a septic. Basically, he's probably would have to put a new system in but he hasn't engaged a professional to design one at this time.

Thomas Pratt: Okay, any other comments regarding this project? With no additional comments, we need a motion to continue the file.

David Silverman: Its Dave Silverman. I'm happy to make a motion to continue the file.

Thomas Pratt: Second?

Jim Wigge: Jim Wigge - second.

Thomas Pratt: We have a motion and a second to continue the file. Sue, Can you take a roll call vote?

Sue Wightman: Thomas Pratt?

Thomas Pratt: Yes.

Sue Wightman: David Silverman?

David Silverman: Yes.

Sue Wightman: Gary Mason?

Gary Mason: Yes.

Sue Wightman: Jim Wigge?

Jim Wigge: Yep. Yes.

Sue Wightman: Val Koch?

Val Koch: Yes.

Thomas Pratt: Motion is carried. We will continue the file to next month.

Thomas Pratt: Next file is #19-1259. Well, that's nice. (Ocean view from Pat Palmers screen was shared.) It is for Charles and Gyata Stormon. They are in the Lake Watershed. They are looking for an Area Variance at 1766 Route 20 West. They are looking at installing solar panels on the site. We believe that they are working with the Town or the Town is presently looking at the solar panel legislation. Do you have any updates on that, Roger, is there?

Roger Cook: Wendy, Wendy would probably be better to talk to that.

Thomas Pratt: Wendy would be good.

Wendy Lougnot: Yeah, I can talk to that. So it's my understanding that the Town just passed their regulations last week. So we expect that they will be moving forward with their project in the very near future.

Thomas Pratt: Okay.

Jim Wigge: I have a copy of the legislation in front of me, if it's the one they just passed. I think it is. So it indicates that it approves the putting of the solar panels. There's still the limit of 10 feet high and they're still the provision that they have to come before us before they can install. And in this particular case we'll have to pay attention, because just like anything of this sort, it requires that the panels be installed either behind or adjacent to the building and I don't think that was their plan originally.

Thomas Pratt: Right, I believe they were out in the front, near Route 20.

Jim Wigge: Yeah. It's a big front, but you're right, they were in front.

Thomas Pratt: Yeah.

Roger Cook: Also considerably taller.

Jim Wigge: Yeah, I think I think their problem was when they went up to the vertical to shed snow. Otherwise, I don't know in their normal operation. I don't know what constraints they had there.

Thomas Pratt: I think it was variable, but it was 20 feet when I think it was at the top.

Jim Wigge: Wow. Okay, it's...

Roger Cook: But they also work to angle with the sun depending upon the time of the year and the location.

Thomas Pratt: Right. So that's good. We should probably... that's that's been passed, but it's not in our hands yet that I know of so, we're probably getting it soon. With that we need a motion to continue that file.

Jim Wigge: Jim Wigge - move that we continue file - which one is it - 19-1259.

Thomas Pratt: Second?

Val Koch: Val Koch - second.

Thomas Pratt: We have a motion and a second. Sue, can you take a roll call vote?

Sue Wightman: Thomas Pratt?

Thomas Pratt: Yes.

Sue Wightman: David Silverman?

David Silverman: Yes.

Sue Wightman: Gary Mason?

Gary Mason: Yes.

Sue Wightman: Jim Wigge?

Jim Wigge: Yes.

Sue Wightman: Val Koch?

Val Koch: Yes.

Thomas Pratt: Motion is passed we'll continue that file to next month. With the next one is 19-1265. It is CNY Hemp Processing in the Residential District. It is located in the... Special Use - he is here for a Special Use Permit at 2069 Elm Street New Woodstock. This falls in the New Woodstock Hamlet Overlay and the New Woodstock Central Business Overlay. Is there anyone here to represent the file?

Stephen Halton: Steve Halton. Yes. I'm here to represent.

Thomas Pratt: Steve. Steve, a couple of things, I know you sent some new information in just today.

Stephen Halton: Yes.

Thomas Pratt: Which we have not had a chance to go over or review. What we'd like to do is I'll give you a few minutes to talk about it. What you think is in there, maybe fiveish at the most, give us a couple comments on what you have submitted and catch us up as to what you've done in the past couple months as you've had all this, time, and then we can have a short discussion, and then we'll have to go over this in the next month and take a look at the information.

Stephen Halton: Okay, Steve Halton speaking. I apologize that those documents were sent to you this morning. I was trying to give you more time, but I... with the pandemic everything has been a little crazy. So I did have the opportunity to have my decordicater, the fiber separating machine, tested as far as the decibel level. I tried to contact people in, the manufacturer, in China. When I ask them what the the operating range is, is that, it... they said that it was "within a normal operating range." So I don't I don't know what it was. So I had to have mine tested. There's a picture of the the decibel rating. It was max... it was maxing out at 89 decibels. I had gotten a letter of support from one of the neighbors that I submitted. I tried to do some links for some information as far as how much dust is produced from from processing the hemp fiber with that decordicater because I know that dust was an issue. And then, I know that traffic was an issue as well. I brought, I did find a DOT study that was done as far as the amount of traffic that's in New Woodstock. There was no study that was done for Elm Street or or Railroad Street that I could find. You know, I did want to bring up a couple of things. I know before I had mentioned about putting up a couple of motion lights. There are... stupid me, I didn't realize, but there's actually two outdoor motion lights already mounted to the outside of the building. I don't know if I need to replace those or if I can just operate those. They're on the east side of the building. I wanted to bring up, I had talked to Roger, but there is there is a milling room. There was some milling equipment that was in a side room that that is insulated and did have a dust collection system. I didn't know if there was a possibility of, you know, digging up the old permits to see what what kind of values they had to put on that that room. Also. I was wondering if there was any way that we could do, if there was any way that I could get approval just for the storefront, you know, not the processing, but just the storefront, you know, I haven't been able to operate at all and I'm paying a lease on the on the building to my business partner. And you know, I don't know how much longer I can survive without having any sort of income coming in. And I mean, I know that there's been issues about, you know, the property values by the neighbors, but I would think that an operating business would help their their property values over a delinquent or dilapidated building that's not being operated out of. So, if if there was any way that we could at least get... give me, to be able to open up the storefront, I would greatly appreciate it. You know, and also I would like to do some educational seminars. I wanted to do an open house for the general public and and be able to invite the Neighbors in. I do have concerns because I don't have a Special Use Permit to be able to have the general public come into the building, you know, I think that it would be a good opportunity for them to be

able to see what what my plans are, what the machines look like without operating them, and you know and just be able to kind of pull some of the stigma away from from you know hemp versus marijuana or cannabis.

Thomas Pratt: I guess my first thought is that I'm hesitant to, the issue (on the storefront), that this month, we're certainly unprepared for that. We probably need a little bit more discussion and a little more information.

Stephen Halton: Okay.

Thomas Pratt: That would go with the whole thing. And I'm concerned that if we open up the storefront we're kind of locked into, you know, we're starting to move you into a position where the industrial the industrial part's going to connect it to the storefront. If we came back and said, you know, we can't, if there's a conflict in the in the light industrial part, how would we, it's hard to go back, and I don't know what what you would do with that point. So, I prefer to hold off on that until, you know, at least next month and see if we can tie that together. If not the whole thing next month, certainly the storefront and see if we can find our way to that. Do we need a separate application for that, or is that something we could do, Wendy, that we can segment it?

Wendy Loughnot: Sorry, I had I forgot to unmute myself.

Thomas Pratt: Oh.

Wendy Loughnot: Um, you know, in order to do, you know, the partial approval, you'd have to find a lot. It'd be difficult. I mean, because you would have a public hearing that continues to be open. And so you'd have to, you know, segment it which would be difficult to do from a SEQR and from a public hearing perspective.

Thomas Pratt: So if you were to...if you were to break that piece off, though, which I don't know... If you were to break that piece off, and say, 'look I want two applications,' basically, one for the light industrial, one for the... for the retail portion, then they would be in... they would be treated separately. But there's other complications with that, I'm sure.

Wendy Lougnot: Right. I mean he could separate them out as to two applications. But right now we only have one application for both together pending before us.

Thomas Pratt: Right, and the deadline is what, like tomorrow, right, Sue?

Sue Wightman: Yes.

Thomas Pratt: So, Steve, if you wanted to do that, you'd have to get that together and get to her, get an application to her that says you want to break this apart.

Stephen Halton: So, I'm Steve Halton, speaking again. Can I, so then can I, just amend the current application that I have to just the retail space, and then submit a whole, another Special Use Permit for the for the processing end? I mean it is zoned commercial industrial. So, you know, make it just under the commercial for the retail.. retail location. You know, I mean, it's... I don't plan on selling anything crazy out of here. I mean, it's really just, you know, a little bit agricultural equipment and some some clothing. There really isn't that much. You know, maybe a few beauty or cosmetic products.

Thomas Pratt: Do we have a process for that, Wendy, he just has to notify us by letter?

Wendy Lougnot: Yeah, I mean he he can amend, he can amend the current application to be just the retail portion of it, and then file a new application for the for the agriculture, the industrial part, portion of it. That would seem like the easiest way to go.

Thomas Pratt: Steve, again, I wouldn't see that we will able to do that exactly tonight. We'd have to again carry it till the next meeting, and take care of that retail portion when you can decide what to do about the rest of it as well.

Stephen Halton: Okay.

Thomas Pratt: Okay?

Stephen Halton: Yeah.

Thomas Pratt: I did have a couple of comments. One of them was that there's... you mentioned the lighting information, and that was one of the things, items on my list was the lighting information, as far as what kind of lighting we're looking at outside that building. That was a concern for nighttime. Wastewater - where that was going to go from cleaning. I know there was a comment in your recent submittal regarding water itself. I presume you're still going to have to clean your equipment at some point and there should, I presume there is waste water related to that, and where that waste water ends up in the end. And I don't know where your septic is or what the condition of that is, and I think you're kind of looking for that as well, as to what you plan on doing with that. And the final item was building improvements that you are going to look at and what kind of schedule you had for that. Do you have any comments on those items?

Stephen Halton: So, Steve Halton speaking again. The...I did not address some of the wastewater. I know I do have a letter from Jennifer, Dr. Gilbert Jenkins from SUNY Morrisville that does address some of those issues. I mean that might be something that also would need to be brought up. When I do, you know, whether whether I continue on with the current application or do another application for that. The outdoor lights, I mean, I see a picture of the building right now up. I don't know if everyone else sees it, but if you look at the the right hand side of the building, which would be the east side of the building, just above the door - the white door - and then halfway to the backside of the of that building, there's already motion lights that are mounted there. I did, I did get PDF files for the the dark sky compliant motion lights that could go in there. I just wanted to ask, before I moved forward with, with those lights, if I could just, I mean there's already lights that are mounted there. They work, but I mean, I don't, I don't want to get in trouble just by turning the lights on. You know. I would like to find out more about the septic system. I mean, I, I don't plan on having a public bathroom for for the general public to come in. I would love to start painting the building as soon as possible, but if I'm not getting a Special Use Permit, I can't move forward on any of this stuff because I'm not going to keep putting money into this building, if I can't use the building. You know, I'm already spending so much money every month on this on this building without being able to operate.

Thomas Pratt: Sure. Okay. Roger I, Roger?

Roger Cook: Yes.

Thomas Pratt: Yes. What would be our feeling on those lights, is there...? And we do have that dark sky compliant requirement in the code. Do we... and certainly shielding. I don't know what those lights are that are on the building.

Roger Cook: Yeah, I mean, I guess Mr. Halton could always investigate whether that particular light has a shield that is readily available that they can put on. I know some lights have adaptations that you can do for night sky compliance. But, you know, again, I think it's always been your Board's position that, you know, we've always ask for, you know, the night sky compliancy with, with the lighting that we have, and I would, I would guess, and again, I don't know what kind of Federal regulations or anything that might go along with, with. Mr. Halton's business, if it's mandatory to have security lighting on, you know, even if it's minimal, that, that would have to meet, you know, night sky compliancy.

Thomas Pratt: Right. Well and if you're running a retail operation you're, during the... there's not a lot of issues with darkness now, but in the middle of winter, it gets pretty dark. So we're going, you should make sure that all that lighting, you know, you've got good lighting that takes care of the conditions without being, creating a lot of glare. Something, I guess, what you should do is get together with Roger and take a look at that, Steve, and find out, you know, and see where we are on that certainly from the retail aspect. And if you can get that wrapped up, you know, get it to us a week before at the latest, a week before our next meeting, we might be able to move this right along and get it going. So, there's anybody, any of the other Board members have any comments or thoughts in regard to this project?

David Silverman: Well, Tom, as far as lighting it would, you know, is it possible for him to test it on a given night when Roger is available and that way you can check in with... maybe some, I don't know, I'm not familiar with the amount of wattage that you have in there, or, as Roger said, maybe have a protector screen on there, and just to see what we're dealing with. If it, if Roger, you know, you're the, you're the best judge to know how best to move forward, or maybe, on it, and if that's something that you're willing to take a look at. You're our expert. You're our eyes on these things. And I just, I'm, it's really not very much, that I'm aware of that other, other than seeing that some things

around the lake are obviously not in compliance. But so, I'm not sure what else, what else is involved in how to help this gentleman along this process.

Roger Cook: I certainly can meet with Mr. Halton anytime. I think again, just like his, what his application may turn into, I would think that the retail component would basically mean that we would, he would want some kind of lighting that would be underneath the overhang on the front of the building that we're looking at and that that would probably suffice for, you know, winter months and things like that as he's doing his, you know, open. And then the additional lighting which, if he needs to light the backyard because that is fenced off with a gate. You know, when he goes, goes looking for the actual, you know manufacturing part of this component, that you would look at that lighting as a separate issue.

David Silverman: Thank you. Great Point. Thank you, Roger.

Stephen Halton: Can I, can I just bring up something?

Thomas Pratt: Go ahead Steve.

Stephen Halton: Okay. So there, there is already lighting underneath that overhang. There's, there's two lights that are underneath that overhang that are pointing directly down. I would imagine that that would be dark sky compliant because there's no light going up in the air. The the motion lights would be primarily for the processing or the industrial light manufacturing part of this. I mean there, and as you know, as a Board had mentioned that there, there is certain security precautions. I mean, it's a little bit more lax than it was a couple of years ago. You know lighting up for security is important, but it's more important to have security cameras than it is to to have the actual lighting, just because of the type of storage. Being industrial hemp with the the textiles and cosmetic end, they're not as concerned about some of that getting stolen or, or trespassers, but I personally am.

Thomas Pratt: Yeah, that's, and, and certainly there, you know, I don't know if you need to light that back area where you have your storage, Steve. And the other thing I'd think about is, as Roger pointed out, you do need to shield the light as well, so we don't, you know, we like to see the light not the glare from the bulb. So let's try that again. Why

don't you take a look at it with Roger and see what you can figure out there, so that like I said, we can move it along?

Stephen Halton: Okay.

Thomas Pratt: Okay?

Stephen Halton: Yes.

Thomas Pratt: Val, did you have any thoughts on the noise?

Val Koch: So, looking at the decibel levels that, that Steve submitted, I did have a chance to review some of that; 89 decibels we stated once before that the, you know, lawnmower is basically 90 decibels. Typical STC ratings from half-inch sheet rock with R11 or R13 insulation with 3/4 inch wood siding is about 50, between 50 and 57, I believe, so that would get the the decibel level outside of the building, I think, down to a tolerable level. But you know that, that's off my knowledge of my work. I think there's definitely some differences there because, Steve, correct me if I'm wrong, you're not putting sheetrock inside that building, or you said there is a room that already is insulated, does it have sheetrock?

Stephen Halton: So yeah, I'm Steve Halton speaking again. I just want to make sure we're up to, up to par on this. So there, there is a milling room, and it is insulated and it already has 1/2" OSB (Oriented Strand Board) plywood in there. I would assume, because it's an exterior wall, that it's a 2x6 wall, so that would be what, at least at least R15 that would be in there. I mean, without pulling it apart, I'm not a hundred percent sure. That's, that's why I brought up that maybe we could find the permit. I mean again, if you're looking at the picture you can see just past the overhang on the left-hand side. That's actually an addition onto the building. So I'm hoping that maybe we can dig up a previous permit, building permit for that addition for that milling room. Because it is very well insulated. I mean all, all four walls inside that are insulated and covered with 1/2" OSB.

Val Koch: So, I think even, Mr. Halton, this is Val Koch speaking, even the worst-case scenario, if it were only 2 X 4, I think that does get you down to a tolerable decibel level outside of the building.

Stephen Halton: Okay.

Thomas Pratt: True, you can do some, cut some openings see what is in there. If we do not, if we can't find the code of the previous submission. Exploratory kind of approach.

Stephen Halton: Yes.

Thomas Pratt: Jim, you had something?

Jim Wigge: Yeah, I'd hate, Mr. Halton, for you to give up on this. I think the material you sent, I had an opportunity to go through, and I thought it was quite good, quite compelling. Didn't answer all of the questions we have, obviously, but for example, noise, I think there is a comparison there. And I mean, we have to, we have to appreciate the fact that this was, you know, a commercial lumber entity, and they didn't, they weren't without noise themselves. And I think that was the point that was made, you know, the millwork won't be substantially different at 89 decibels than was the, you know, the operation of the saws. I don't know, Val, if this is your point or not, but the thing is, is that, yeah, I'm not sure, you know, whether or not we can compare apples and oranges with the 89 decibels. But in any event, what I'm trying to say is, that what I read today and all of those enclosures, I thought was very positive, and I appreciate your providing us with that.

Thomas Pratt: Any thoughts? Gary?

Gary Mason: I agree with Jim, Gary Mason here, I just think he's done a lot of work. There's a couple unanswered things, but seems like we're fairly close on a lot of issues personally. That's my input.

Jim Wigge: There's a nice testimonial also from a Ms. Riedl. It's nice to hear something positive from the neighborhood.

Thomas Pratt: Yes. Well, this is.. we do have a... the public hearing is still open at this time. Is there any kind of comments from the public in regard to where we are right now? Who have we got here?

Tara Zumpano: I don't know, I, can you guys hear me?

Thomas Pratt: Yeah, so if you can identify your name, that would be great.

Tara Zumpano: Yes, this is Tara Zumpano, I raised my hand in the chat (inaudible) I'm not sure if you guys could hear it. So yeah, but yeah just so does a couple of things. So, you know, we don't have a stigma in a neighborhood honestly, you know with, with the hemp idea. I think it's, I think it's a great idea. I think because we're so residential that we would love, with somebody you had, with someone with deep pockets, honestly, that can make this kind of trued up for all of the neighbors involved here because of the close proximity to our houses. And we're not hearing that, we continue to hear that he's short on money. He's running out of money. That doesn't really excite us. It's kind of a concern honestly, especially since he came to this meeting we had seven, seven things at the last meeting that we were hoping to see done for homework. The first one was a containment system for the dust of some sort. As far as we know, I know you guys got some notes before the meeting, but we haven't heard them yet. We haven't heard anything about a containment system for the dust. The second thing was the, the noise decibels. He talked about the decibel levels from the piece of equipment that was made in China, that it was within normal range up to 89 decibels. That doesn't really give us any, any comfort. We would like something measured at the nearest houses, the Englishes, I think the other gentleman on the call if I look you just returned back, I want to say is Thompson. Let's have some actual measurements on the street to the closest neighbors, the Wightmans, not, not what the manufacturers read says for decibel levels in China. That's, that's not comforting. The traffic study - we had nothing today on the traffic study that was requested last time. The motion lights - really not much there. We spent a lot of time talking about lighting. You know, I mean, neighbors can speak to the noise level of the mill that was there before, it's operated for how many years. Those closest neighbors, again, that I mentioned earlier, all those last names, they can probably speak to how loud and what kind of noise that mill produced. The traffic study. We came up empty-handed. There was a photometric readout for lighting that was

requested last time that we got nothing on, and a septic and wastewater we have nothing on. So, I don't appreciate it when Board members say, "we're so close." I really feel like we're so far.

Thomas Pratt: Okay. Thank you. Does anyone have any other comments?

Patrick Palmer: Yes, hi. This is Patrick Palmer. Can you hear me?

Thomas Pratt: Yes, Patrick.

Patrick Palmer: Hi, hi, Tom. Hey, you know, I'm along similar sentiments with Tara with that regard. I have not seen anything. Apparently, there was some information sent in today. So, in 60 days or over 60 days of...we saw nothing today. Apparently, you have some information in front of you. I think we all need to review it, us, being the concerned neighbors as well. I don't know what it all entails. I also agree. I know that we've used decibel readings before in surrounding areas adjacent to some properties, and I'm, I'm all for testing the equipment out. I think Steve has equipment, and I believe it's on site, if it could be hooked up, which likely wouldn't be assumingly too difficult. It would be great to know really what we're, what we're talking about with regards to the noise concerns, you know. The dust, of course, is another concern. And again, as Tara reiterated, there is no containment system that was designed, and I believe, Tom, that you suggested or requested some kind of a design criteria for both the sound - the noise, and the dust collection. Maybe you have that in front of you. I've yet to see it, but I will be coming up to review some of the new information.

Thomas Pratt: We just, we did just review, we just received that today, late morning, I think it was. And certainly, we have, we need to review that information as well, Pat. So.

Patrick Palmer: Yes, yes. I just hate that, hesitant to make any decisions positive or negative at this point until we all can review this a little further and come to some kind of an understanding and perhaps a conclusion. (Inaudible.) That's about it. (Inaudible.)

Thomas Pratt: Okay, does anyone else, all set, Pat?

Patrick Palmer: Yes.

Thomas Pratt: Does anyone else have any other comments?

Keith Thompson: Yes, Keith Thompson. I live at 2645 Railroad Street. And we've been there for probably about four or five years. And I have not had any complaints. I haven't had any concerns concerning the noise level coming from the lumberyard. We hear the trucks come through from time to time, but that doesn't seem to be a problem at all.

Thomas Pratt: This is as, as it was a lumberyard?

Keith Thompson: Yes. As a lumberyard, their operations over there didn't create any noise that I was aware of. If you, if you look at the picture of the business, you see the white mailbox to the left. That's my mailbox, and that's where I live, right to the left of the of the property, and I've had no complaints about the noise level coming from...

Thomas Pratt: Mr. Thompson lives right here. So, you know, it's the white house.

Keith Thompson: And I've had I have no complaints about the traffic going through. So, it hasn't been a problem. Thank you.

Thomas Pratt: Thank you.

Jim Wigge: Thank you.

Thomas Pratt: Anyone have any other comments? I don't see any hands up. Oh, there's one. Janine English has one.

Janine English: I don't know if you can hear me, but Janine English. I live on the corner. And I understand what Mr. Thompson's saying, but he's here six months out of the year. He's not here the whole 12 months. So maybe he isn't hearing anything. I'm hearing more. I'm seeing more dust. I don't think a lot of the things that we did discuss, as Tara indicated, have really been addressed. As far as Miss Riedl giving a statement, she's literally lived in town, maybe two months tops. She's moved, just moved here. So maybe it's a personal statement for Mr. Halton, which is fine, but I don't know if she can

relate to being, living in this community for as long as the rest of us have. That's pretty much all I wanted to say.

Thomas Pratt: Okay. Thank you. Any other comments?

Paul Schmidt: Yes, I don't know if you can hear me.

Thomas Pratt: Where are you?

Paul Schmidt: Yes, Paul Schmidt from Elm Street.

Thomas Pratt: Okay, Paul, go ahead.

Paul Schmidt: I would just echo the same things that I've heard. Steve has had a couple of months to do this information and he's just handing it in now. You talked about the building condition and refer to it as a dilapidated building. And I, and one of the concerns that I would have is that it just stays the same way that it is regardless of whether it becomes a store or the manufacturing. So, I guess I would just echo the same concerns as the rest of the people on the street and in the area, that there seems to me, to be have been ample time to get the information to us, and we still don't have it. And I would I'm just surprised the Board sees it as a positive, and, and I'm kind of shocked. That's all, that's about all I have to say.

Thomas Pratt: Good. Thank you, Paul. Any other comments?

Thomas Pratt: Okay, with that, Steve, did you have something else you want to say or?

Stephen Halton: Yeah, yes. Yes, I do. So, everyone's been concerned about dust. I just want to know you know, I mean, I know that the Town Board is concerned about the dust from the processing, and I did outline that. I did mention several times about the, the dust collection system that's already in that milling room. One of the documents that I submitted is the decibel meter of my machine being tested. I was frustrated with the fact that my contacts in China, that built the machine, said that the machine only operates within a normal operating range. And I had no idea what that is. So, I had the machine tested and it maxes out at 89 decibels. As far as having deep pockets, I have

plenty of investors that are interested in investing in my company, and, but they're not going to do it if I don't have a place to operate out of. So honestly, I've been trying to find "ulterior" locations or solutions to these issues. I mean we are part, during a, you know, a pandemic. There's, I can't do anything out of this building. And I did submit paperwork with links to other information to back my claims as far as the amount of dust, or several different, you know, issues. You know, there is a letter from the professor at SUNY Morrisville that does outline some of the wastewater treatment stuff. I mean or the waste. I mean, I have to follow under strict regulations, whether it being OSHA regulations for operating the the, the processing facility, the EPA as far as any sort of spills, Department of Ag and Markets, as well as other Federal regulations that fall under cannabis in general. I'm really trying to do the best I can. I'm just saying we've been shut down. I mean, I, we purchased this building in November. My pre- occupancy is run out, and everything that I'm doing to try to just pay the rent on this place is coming out of my pocket. And I that's, that's only what it is. I mean, I'm sorry that the information came to you late. I mean this, I'm new to homeschooling and Zoom meetings, as well. So, I mean I'm trying to do the best I can. And I'm more than happy to work with everyone. And I mean there was, there was talks about plugging in the machines. I can't plug in the machines unless I get a Special Use Permit, you know, so it's kind of a revolving door for me to try to get this up and going. I'm not, I'm not angry, I'm just frustrated. I'm trying to do the best that I absolutely can because I love New Woodstock; I love the area. I'm trying to do the best that I can, but I'm not going to, you know, I mean, I, I've been calling about millings to try to fix the driveway, so we don't have any dust if there are any trucks that come in and out. But with construction being shut down, I can't get millings in here. I'd love to the paint the building, but I again, I'm not going to paint a building that I can't operate out of.

Thomas Pratt: Okay, Steve, thank you. And then, again, the information came in this morning. I think it is on the website at this point, Sue, if anybody wants to see it. So that that information is available. And Steve is going to continue pursuing the information and modify. We'll see, what's, see what we can do to get this thing moving, Steve. With that, I think we're all set on this. I think we need a motion to continue the file.

Val Koch: Make a motion to continue file 19-1265.

David Silverman: Tom, Dave Silverman.

Thomas Pratt: Yes, Dave.

David Silverman: Can I make a suggestion that we leave the public hearing, do we have to vote to leave the public hearing open first?

Thomas Pratt: I think it's all, do we have to do that, Wendy? I think it just stays open. Doesn't it?

Wendy Loughnot: No. Yep, it stays open until you close it.

Thomas Pratt: Correct. That's what I thought. So, I think we're okay there, Dave.

David Silverman: Thank you.

Thomas Pratt: But we need, we have a motion, Jim Wigge made a motion. We need a second to continue the file.

David Silverman: Dave Silverman, I'll make a second to continue the file.

Sue Wightman: Was the first motion, was that Val?

Thomas Pratt: No, that was Jim. Jim Wigge made the first...

Jim Wigge: That was Val.

Thomas Pratt: Oh, that was Val. I'm sorry.

Sue Wightman: Okay. Ready for a roll call?

Thomas Pratt: Yes.

Sue Wightman: Okay. Thomas Pratt?

Thomas Pratt: Yes.

Sue Wightman: David Silverman?

David Silverman: Yes.

Sue Wightman: Gary Mason?

Gary Mason: Yes.

Sue Wightman: Jim Wigge?

Jim Wigge: Yes.

Sue Wightman: Val Koch?

Val Koch: Yes.

Thomas Pratt: Okay. We'll continue the file, and, Steve, will see you next month. Thank you.

Thomas Pratt: Next file is 20-1271. It is Joseph and Beth Duffy. They are in the RA District. They're looking for an Area Variance at 3868 Stone Quarry Road. They're looking to build an additional garage that's 36' X 40', basically in front of their house. The Code requires it to be at least behind the front face of the house. They have provided a sketch, which I'll bring up in a minute. I have a graphic of that. And we have some, looking for some explanation, Joe and Beth. Hopefully a compelling reason why we need to locate it where it is, and then I have some questions as well. Let me see if I can get that up for us, to see it.

Thomas Pratt: Okay, maybe, there we go. Okay. So, this is basically an aerial of the area. This is, their house is right here. Their neighbor is there. This is the other neighbor. That house is located up here and you can see up here, that house is located there. This is the survey. We're looking at, basically their house is located here. We've got a driveway that comes up to the house and the 36' X 40' building they're proposing is, per this drawing, 180 to 200 feet from the edge of the road. And you can see there's

a tree, and we've got a swale going through there. That makes it, leads us to how they kind of formulated that location. There is actually a turn off that exists right now, and you can see that in the picture. There's a turn-off here. Those are a couple of cars that are on it. This is the front of the house taken from the street, so we can get a feel for that. We have two samples that they submitted in terms of barn or character to it. We'd have to know which one that is that you're leaning towards. We're looking for a little more definitive as to how far from the street from the road frontage, and I have some other questions, but I'd like you to throw a few, certainly submit some ideas and some thoughts for, so that we can understand a little bit more as to what you're doing there, Joe and Beth.

Joe Duffy: Sure. Okay Thomas, first of all, the, the location that we selected is the only viable location on the entire 2.26-acre lot. As you're looking at the approach from the driveway, from the street level. We have a stand of trees to the left, and there is a significant swale that collects water from the adjacent property. The adjacent property is approximately 3 - 3 1/2 acres and it's all pitched down to that swale area. So once again, it would still be technically in front of the house with where the house placement is. The swale and the piping that goes from the left of the driveway, it goes directly underneath my driveway and is probably no more than six feet from the house as it empties down into the lower section of the lot. Okay, so that entire area to the right that would be, let's say, at the same site level as the house, that would all be wetland area, and to build on any structure on that I would be building over a drainage pipe. So that...

Thomas Pratt: I'm sorry. Joe, let me, Joe, let me go back to that for a minute. When you say I've got, we have both the survey and the view from the front, if you can tell us, I think you're talking from looking at the view from the front, that right side is where you have the swale and the water issue. Is that correct?

Joe Duffy: Okay, this shows the house from Stone Quarry Road.

Thomas Pratt: Yes.

Joe Duffy: So, if I go down the driveway to the left. There is a swale that collects significant amounts of water during any rain storm. And that swale is piped underneath

the driveway and exits out to the edge of my property line to the right of the house. You follow me?

Thomas Pratt: I'll be right here. This is where you have the (inaudible) swale; that's the piping and it comes over here.

Joe Duffy: There is a significant property, from the road, to the left of that driveway. I probably collect as much as 40 feet of water in the lawn, in the low depressed area of the swale.

Thomas Pratt: That's not 40 feet deep, that's 40 feet in area.

Joe Duffy: Yes, 40 feet in area. (Inaudible.)

Thomas Pratt: Okay.

Joe Duffy: Yes. And I did provide some photographs.

Thomas Pratt: Yes, you did.

Joe Duffy: That I submitted to Susan, showing the standing water.

Thomas Pratt: Yes. I'm curious. Is there a way that you can get that driveway to build it to the, on the north side of your existing garage; you would have to put some fill in and as well, you might have to extend your pipe possibly, that you could put the garage next to, as I say, on the north side of your existing garage?

Joe Duffy: Well, I think the answer respectfully is "no" because first of all, I don't think I have enough distance to the lot line, number one, and number two, I have a Suburban Propane gas tank that is submerged just to the left of where that driveway is.

Thomas Pratt: Oh, I wish you would have drawn that on there.

Jim Wigge: No kidding.

Thomas Pratt: Go Ahead.

Joe Duffy: As far as the available footprint of area or space for any type of auxiliary building/garage, the only option that I could logically see would have been to the right of the house as you're approaching it from the road.

Jim Wigge: Yeah.

Thomas Pratt: Would that, as I'm looking at, it would that garage be, I'm seeing that garages to the south, so that it does not infringe on the view of the house itself?

Joe Duffy: I'm trying to follow your point. I'm a little bit challenged as far as the direction south whatever.

Thomas Pratt: Oh, okay.

Joe Duffy: My point of reference has to be from looking at these photos that you have of the house with the driveway.

Thomas Pratt: Okay, that's fine. If we were to do that, then what I what I'm thinking is, a garage should be to the right side, as much to the right, so that it does not infringe on the view of the house, even though there's a stand of trees. You've got a good stand of trees right here. But I like this moved in this direction, so that it doesn't end up blocking the house in anyway.

Roger Cook: Tom.

Thomas Pratt: Yes, sir.

Roger Cook: I think if you look at the picture of the house from Stone Quarry Road, you'll see two cars parked on the right side.

Thomas Pratt: Correct.

Roger Cook: I think that shows the, that's approximately where that existing, the drive to the proposed garage is located. So, the garage would be further to the right than where those cars are located. Is that correct? Joe?

Joe Duffy: That's absolutely correct.

Thomas Pratt: Okay.

Joe Duffy: The start of the garage structure would be probably no more than six feet, would be my guess, from where that turnaround for the drive has been constructed. And so, the placement of that structure would not in any way, shape, or form obstruct the main, primary view of the primary residence.

Thomas Pratt: Which is, we look at the two typical buildings you've submitted there, is there one you're leaning towards? Is there...what are we working with there?

Joe Duffy: So, to be very candid with you, you know, I've not gone too far as far as, you know, approaching a builder or confirming designs until I had a proof of concept. But I would probably be looking more toward the structure on the lower left.

Thomas Pratt: That would be the white barn. I think it's called the Saratoga Style. And what with that, as I look at that, there is a second floor on that. I think they call 1 1/2, but you're not planning on putting a second floor in are you?

Joe Duffy: Not at the moment. No. So once again, that's just the kind of a proof of concept for the structure itself.

Thomas Pratt: Right. But it's very important for us to know whether there's going to be an occupancy in there besides garage and storage.

Joe Duffy: I beg your pardon.

Thomas Pratt: We need to know if you're planning on putting an occupancy in there other than the garage and storage.

Joe Duffy: Strictly storage only - no occupancy.

Thomas Pratt: Okay.

Joe Duffy: My thought was, that I would try to create a structure, and I probably would get an architect to draw it up for me, but something that would look very consistent with the primary residence.

Thomas Pratt: Right. We would like that a great deal. Just one other question, then I'm going to let the Board certainly throw their ideas out. You got 180 - 200 feet from the road. Can we zero that in somehow?

Joe Duffy: Yes. Once again, I can confirm the exact placement of the building. I, once again, I kind of walked it with a tape measure to come up with that and also looking at the approximate distance on the actual survey drawing. I certainly could definitely define that down, you know, plus or minus a couple of feet. I don't know what the builder might recommend, you know, plus or minus a couple of feet as far as the placement of the structure, but I certainly could confirm that too. And that's not a problem.

Thomas Pratt: Well, if you can give us a closer idea as to what we're looking at here now, that would allow us, if we move this to some sort of action tonight, we would want to zero that in.

Joe Duffy: Yes, I understand. I can have that certainly first thing in the morning.

Joe Duffy: So, we'll probably have to pick another marker then, for, for the, if we move that far. Val, what are your thoughts?

Val Koch: So, I do like the fact it's going to be consistent with the house, if this proceeds. Looking at the photos, it's definitely setback enough away from the house to not obstruct the view. However, the, the code does call for no secondary structure in the front. I do understand, there's some compelling reasons to maybe grant a variance. I still haven't heard any other steps that may have been taken though to mitigate other locations. Is there the opportunity? Is there the opportunity to, it looks like a stand of trees and, I'm not, I'm better with topographical, topographical maps, for the swale

elevations and everything, but is there a possibility to maybe push it back to the, looking at it from Stone Quarry to the right hand side with, Tom, like you said, maybe some fill in that area?

Thomas Pratt: But we're on this side. Is that what you're thinking, Val?

Val Koch: Yeah.

Thomas Pratt: Over here?

Val Koch: Yep.

Thomas Pratt: Joe?

Joe Duffy: May I speak to that?

Thomas Pratt: Yes, sir.

Joe Duffy: Okay. I provided 13 photos of the site, okay, showing the elevation and the pitch from the level of the house. If you, if you look at the house from the road, to the right of the house, there's probably an eight-foot drop and a retaining wall that was built by the contractor. So, to the right of that is the piping for the swale as it dissects the property and exits out the property line. So, I know that if you physically saw and walked the property, it would be very evident to you as to the minimal options that I have for any placement of the building. If there was any way that it was level and I could put it, kind of an L-shaped the property, I certainly would have considered that, but I had very limited options as to where I can put this on some type of level piece of property and, you know, if I had to fill it, it certainly wouldn't be a viable project.

Val Koch: Thank you for that clarification, Mr. Duffy. I did see the photos, but not having the, the relevance, you know to where they stand on the property, I guess I should have led with that question, is, could you walk me through where that retaining wall and everything were. So that does clarify that for me. So, thank you.

Joe Duffy: Yeah.

Roger Cook: As a as a perspective too, the south end of that house is a walk... it's the walkout basement. So, you know, you're looking at basically a single-story house, but the walkout is on that south end, so he's accurate in the depth that that drops.

Val Koch: Thank you for the clarification.

David Silverman: Dave, do you have any thoughts?

David Silverman: Well, I appreciate the photographs that Applicant provided us. They're very nicely presented. And under the current scenario, it just, it helps us all and I, although I like the more the carriage house on the right, I respect the Applicant's choice as it would fit in very nicely with the character of the house, the one he had chosen, and they're both fine, fine ah... possibilities. I must admit I had spent a lot of this afternoon driving around some of the properties to re-familiarize myself, and I was hesitant to go too far. And you know, it's some of the driveways we had like... I had my assistant with me, who's a little, little more gun-shy than I am. So, I make a long story short, I think before I make it any final say, this is a public hearing?

Thomas Pratt: So, we will be doing public hearing right now. It's just we're just kind of looking at it as a Board. Pretty soon, we're going to flip to the public hearing.

David Silverman: Here. Well as things stand now, I think it's a great, great project. I'm really excited about it. And I also excited it to listen in on the public hearing to see if some of your neighbors have any concerns that, that I hadn't considered. Well, thank you very much.

Thomas Pratt: Jim, do you have any thoughts?

Jim Wigge: Yeah, well, I have a question. How far in front of the house is the proposed building? How many feet is that?

Thomas Pratt: Joe? Joe?

Joe Duffy: Yes.

Thomas Pratt: Yes, we're wondering how far in front of the house would be would the building be?

Joe Duffy: Yes, I, I believe that question was posed to me on my application. I think that I have provided an answer. I'm looking to see if I was clever enough to put it on my drawing but I do not see it. If I had to guesstimate.

Jim Wigge: No.

Joe Duffy: I'd say it's probably 40 feet.

Thomas Pratt: You think?

Jim Wigge: Looks more than that.

Thomas Pratt: I was thinking it was closer to a hundred.

Jim Wigge: Uh huh.

Joe Duffy: Well...

Roger Cook: Tom?

Thomas Pratt: Yes, sir.

Joe Duffy: I can certainly measure that off and provide you an answer in the morning.

Thomas Pratt: Well, let's see...

Roger Cook: If you look at your aerial photograph as you're looking down...

Thomas Pratt: Yes.

Roger Cook: You can see the turn, the turn, you know where the cars are parked right there.

Jim Wigge: Un huh.

Roger Cook: That's, you know, I don't know how far that is, but I don't think it's a hundred feet from the house.

Thomas Pratt: Yeah, looks like it might be, this is like a 150 - 180 here. So...

Jim Wigge: From the, from the (inaudible.)

Thomas Pratt: It's a little less than that.

Joe Duffy: From the placement of the house to the furthest end of the garage is probably 230 feet would be my guess, down the ah, the ah section

Thomas Pratt: From here to the road, Joe?

Joe Duffy: ...measures 400 feet.

Jim Wigge: I think we know the answer, Tom.

Thomas Pratt: Yeah, the total property is 400 feet along the leg, there from the center of the road all the way to the back. That was the only reason I was looking at it that way, but I don't think we have a specific answer, but you were you're concerned about something there, Jim? You had a reason you wanted to..

Jim Wigge: Okay, it's real simple. We're looking to waive the requirement to put adjacent to the house. I want to know how big the requirement is that the gentleman's asking to perform. Also. I have another question, have you looked into, in other words, to comply with code? Are you, you looked at what it would take to fill in that eight foot drop?

Joe Duffy: It's not an option - it's a walkout basement.

Jim Wigge: To the...

Thomas Pratt: (Inaudible) This side over here.

Joe Duffy: It's not an option because of the walkout basement and also there is a drainage pipe underneath that portion of the property that would be parallel to the house.

Jim Wigge: Yeah, I get that, um...

Joe Duffy: The line in the drawing, the survey map, that dissects the entire side yard.

Jim Wigge: So, what you're saying then is we either put it at that, you either put it in that turnabout or not at all.

Joe Duffy: That's correct. That's the only option.

Jim Wigge: Okay.

Thomas Pratt: Okay. Anything else, Jim.

Jim Wigge: No, thank you.

Thomas Pratt: Gary, did you have any thoughts?

Gary Mason: Not many. I just as soon hear what the neighbors, if there's, you know, I'd like to hear some comments personally. I get where Jim's going if we're gonna do it how close should we get to the house, you know? So that setback from the road as much as it can be. That'd be the biggest thing, like Jim's asking.

Thomas Pratt: At this point, why don't, we... if we can have a motion to open the public hearing?

David Silverman: It's Dave Silverman, I'd like to make a motion to open the public hearing.

Thomas Pratt: Second?

Jim Wigge: Wigge - second.

Thomas Pratt: Jim Wigge is second. Sue, roll call vote.

Sue Wightman: Thomas Pratt?

Thomas Pratt: Yes.

Sue Wightman: David Silverman?

David Silverman: Yes.

Sue Wightman: Gary Mason?

Gary Mason: Yes.

Sue Wightman: Jim Wigge?

Jim Wigge: Yep.

Sue Wightman: Val Koch?

Val Koch: Yes.

Thomas Pratt: Okay, the public hearing is open. Does anybody have any comments for or against the.. Mr. Duffy's proposal? I don't see any hands and I don't see any comments. With that, I guess we could close the public hearing. Do we have a motion to close the public hearing?

Jim Wigge: Wigge - move that we close the public hearing.

Thomas Pratt: Second?

Gary Mason: I'll second the motion, Gary Mason.

Sue Wightman: Thomas Pratt?

Thomas Pratt: Yes.

Sue Wightman: David Silverman?

David Silverman: Yes.

Sue Wightman: Gary Mason?

Gary Mason: Yes.

Sue Wightman: Jim Wigge?

Jim Wigge: Yes.

Sue Wightman: Val Koch?

Val Koch: Yes.

Thomas Pratt: Okay, Wendy, I think we need to do SEQR.

Wendy Loughnot: This is a Type 2 Action.

Thomas Pratt: Oh, Type 2 Action. We don't need to do anything. Perfect. Okay, so in summary, before we get to the next point here, I think what we're looking at is one of the things I want to point out is, if you go through the test criteria, does it create an undesirable change to the neighborhood? I want to remind you that we're putting this in front of the house. It does line up with some of the, not necessarily line up, but it is behind the houses that are adjacent to the property. So, there is kind of a line that is

created there. But it does create a potential that that will be, establish a standard that it could be in front of the house. He certainly has some contributing circumstances there that we're working with that leads to us to # 2 and from everything we've heard the really isn't an alternate location. He's got a gas tank on one side, a swale. And on the other side, he's got a substantial swale and an eight-foot drop off. Is the, is it a substantial variance? If we're saying it's 40 feet off of the building, it's tough to say. It's the distance from the road to the front of the building. I'd say we're probably in that 30% range, but that is just really rough and numbers out because it is supposed to be behind the house. Does it have physical or environmental impact? It does not sound like it. One of the concerns, Joe, would certainly be drainage. If you're contributing to that swale, and that swale is running into your neighbor's property, we'd certainly be concerned about that and that water would need to be contained. Did you have any plans for that, Joe?

Joe Duffy: I have no plans to remediate the ponding of the water to the left of the driveway because it appears to follow a natural path and a valley. And I have extended the pipe to the right of the house probably another 30 - 35 feet when I was landscaping the property. The Builder had gone under the driveway past the house and he had it terminating probably maybe 15 - 20 feet from the walkout basement, so I did extend it another 30 - 35 feet and had it (inaudible) out and leveled by the landscaping company that I use. So, I think I've done all that I plan to do to, if you will, remediate and harness the water that mother nature is bringing into my property.

Thomas Pratt: Do you have any water accumulation on that right side of the house that would be an issue?

Joe Duffy: No, not on the right side of the house. All the ponding is on the left side of the house because it follows the natural slope of the property of my adjacent neighbors, which are the Limmers.

Thomas Pratt: Okay. it sounds...If there was such an issue you need to do something to remediate that water because you're building a 36' X 40' building. That's a lot of impervious surface. So that would certainly be a concern that you should look at as you build it to make sure you do not have any potential water accumulation that could end

up crossing your line into your neighbor's property. So that needs to be remediated if that becomes an issue.

Joe Duffy: Yeah, I appreciate that. And I think the proposed placement is at a safe spot. The land there is very flat, and I am very sensitive to obviously the height of the concrete floor to make sure that the water runoff is appropriate.

Thomas Pratt: Okay. So, the final test is whether it is a self-created issue, and it is indeed self-created. So, at that point we have somewhere between two and three items out of five that come up kind of in a thought area there. So, with that, I guess, if we're ready, we can take a motion for action on this project.

Thomas Pratt: Somebody want to make a motion?

Val Koch: Tom, Val Koch.

Thomas Pratt: Yeah.

Val Koch: So, one other thing I think we missed is we did get a letter in support of this project from Mr. Duffy's neighbors, the, the Limmers. When he mentioned the last name that triggered me, my memory, on that one.

Thomas Pratt: That's true. (Inaudible) Thank you for remembering that, Val.

Val Koch: With that being said, I'd like to make a motion to proceed with approval of the project.

Thomas Pratt: We have a second?

Jim Wigge: Wigge - second.

Thomas Pratt: And, Sue, roll call vote.

Sue Wightman: Thomas Pratt?

Thomas Pratt: Yes.

Sue Wightman: David Silverman?

David Silverman: Yes.

Sue Wightman: Gary Mason?

Gary Mason: Yes.

Sue Wightman: Jim Wigge?

Jim Wigge: Yes.

Sue Wightman: Val Koch?

Val Koch: Yes.

Thomas Pratt: So, it is passed. We expect a very sensitive design that does meet up with the house, and with that you're approved so you can proceed.

Joe Duffy: Thank you very much for your consideration.

Thomas Pratt: Thank you.

Thomas Pratt: Next item is #20-1274 - John and Deborah DeCew. They're in the Lake Watershed. We are looking for an Area Variance at 2843 West Lake Road, and it's ...let's get to the picture. There we go.

Thomas Pratt: Oh, there we go. Okay. This is the picture that you submitted to us and we'll...Let me get you the aerial. It's over on the side and there's the survey. Okay, so Mr. DeCew, maybe you can give us a rundown of what you're looking to do and what you've run into. Again, we would like to hear a compelling reason as to why we need to relocate the fence. And with that, we will turn it over to you, and you can explain why. Basically, just one thing I want to throw in here, when you go into your description, what

you're trying to do is there is a highway right of way or the road right-of-way, that you're going to infringe on in your proposal, and I'll have some comments on that as we go through, but why don't you tell us what you're going to do and we'll go from there.

John DeCew: Okay, thank you. This is John DeCew. I live at 2843 West Lake Road. What we're proposing is we would like to erect a three-foot high split rail fence. It would have two horizontal members between the posts. The current, the current limitation or ordinance states that the fence line must be 33 feet from the center line of the existing road and the picture, and I have some more zoomed in photos, but the picture on the right you can actually see the residence and its location relative to West Lake Road and the driveway. There's a car in the driveway. On the left-hand side with the red lines and the black line... It's a very descriptive image of where the current location of the fence requirement is and where, the where we'd like to erect the fence. We're looking for a variance, I'm sorry?

Thomas Pratt: John?.

Thomas Pratt: Yes. Just one thing, point out, the red line is where the 33-foot is, and the black line is where you'd like to erect the fence.

John DeCew: That's correct.

John DeCew: So, on West Lake Road, the actual width of the road is 11 feet from the center line to the outside of the white line, which is probably pretty typical. You will note that there is no road shoulder on West Lake Road. So, the actual width of the road is relatively narrow compared to a road that would have say a 1 or 2 foot paved shoulder. There's just a gravel brown dirt area there and then the distance from the center line to where we'd like to erect the fence is 28 feet. That would place it another 12 feet or 13 feet from the actual edge of the grass, and actually 20 feet from the center line of the road. That would be 17 feet from the white line of the road to where the fence is. The primary reason for the movement of the fence is, if you can actually see from the upper photo at 33-foot location would drop that fence essentially in the center of the yard, if you looked at the distance from the house to the actual road. And then in order to get the fence to not, if we placed it that far back, it would actually not be able to line up with the front edge of the other side of this driveway, as such it would split this driveway in

half from... That's mostly a cosmetic issue in locating the fence. I think that one of the main considerations we have for the fence, as we traveled up and down West Lake Road, virtually every single fence is closer than that 33 feet limit. We measured fences ranging from 20 feet distance from the center line to the fence, up to 20 – 24', and other fences at 28 feet. But a very few, if any of the fences along the road, are that far back from the center line. We also have talked to all of our adjacent neighbors and all of them are, at... We've had no negative comments or issues with neighbors having problems with the location of the fence. We have a very supportive document from our neighbor directly across the (inaudible) in support of the project as well.

Deborah DeCew: He just, he actually just gave that to us, personally handed it to us. We didn't, we forgot to send and scan that in, but we have that if you need it.

John DeCew: That's yeah, if that's necessary, comments from our neighbors, we can supply that as well.

Thomas Pratt: Okay. So, any other comments that you want to throw in there or any thoughts?

John DeCew: I mean, I guess some of the thoughts is when you say, I guess, I wonder when you say it's a variance from a clearance, clearance issue for the roadway, as I understand it, there are no issues with planting trees closer than 33 feet to the road. So, if I wanted to plant a tree directly adjacent to the roadside, that's... is that permissible?

Thomas Pratt: Roger, do you have a...

Roger Cook: You know, I don't know of anything in our zoning that would preclude that.

John DeCew: So, I guess my point is that I'm not looking to plant a tree closer to the road, but from a clearance and a safety aspect of the location of the fence line... You can also see - might be hard from this picture - but in this brown area to the left portion of it, that essentially is a tree line that's close to the edge of West Lake Road, and there's several large trees that would be closer than that 28 feet distance to West Lake. So, our view is that, from a safety standpoint, and from a logistical standpoint, is

interference to any traffic vehicles, or whether it's snow clearing, or any issues related to blockage of the highway, that there really isn't any issue for that.

Thomas Pratt: The area that you're looking to put that fence in is a depressed area or a swale of some sort, is it?

John DeCew: No, not at all. There is a slight depression in that area between say 15 feet and 18 feet from the center line of the road. Just past the dirt edge, it does depress in there, and that has a natural water flow which would flow south along the road. And then there is from a higher view - I actually have a picture from Google Maps - there is a culvert that runs underneath West Lake Road towards the lake that's on the left side of the south side of our property.

Thomas Pratt: That would be down here somewhere, or is it here?

John DeCew: Correct. I could actually show you, if you want to see a picture of it from...can share my screen here... Oh, I can't do that. I'm sorry. It won't allow me. But yeah, so just to the left of the end of that, where the black line, you see that travels over. If you looked up actually in the survey portion of the photos that you have.

Thomas Pratt: Yes.

John DeCew: It's approximately 20 - 30 feet from the south side of our property line is where that culvert runs underneath the road. So right, exactly where your mouse is.

Thomas Pratt: It about here.

John DeCew: Yep. And then...

Thomas Pratt: So, it is serving a function as far as drainage goes. Is it for your property or is it for the road? Do you know?

John DeCew: Well, it is for our property. There, when we purchased the house, there was a culvert under the end of our driveway, but now the water, natural flow of water, takes it south from our driveway and on the north side it travels, the water flow travels

north through a culvert under the neighbors' road. That's the Sayers' driveway. So essentially the waters flowing south from our driveway on the south side and north from our driveway on the north side. So, the only water that really collects in there is natural rainwater off the lawn and the driveway itself. There's no flow essentially coming from the north side.

Thomas Pratt: You've answered some of my questions. One of the, one of my concerns is, we, if we allow you to build that in the right-of-way for the road that's there, we certainly don't want to... I want to make sure that, you know, you're responsible for that fence. And if for some reason the road gets larger, if there's damage to the fence, if there is, we need to clean the swale out and it affects the fence, you have a responsibility to take care of that. We're not moving that onto the Town. That's your job, you, you know and, and take care of it if there's anything that happens. Again, it's in the right-of-way. We're not (inaudible)in this effort. Follow that?

John DeCew: Understood. Yep, I take a hundred percent responsibility for the fence and any damage. And, you know, we've been here for over 20 years, and based on the location, we want to place the fence, we've never had any issues of damage or problems with, you know, thrown snow or anything like that, that's gotten that far back from the road. So, I'm confident it's in an area, that it won't interfere with any public safety or variances in the road.

Thomas Pratt: Yeah. I'm thinking that goes on even after you sell too.

John DeCew: Oh, I see.

Thomas Pratt: After you go, that it's a forever deal.

John DeCew: Understood.

Thomas Pratt: So, it, originally, I had a note here that it looked like you were probably in the middle of that swale, but you've cleared that up. I thought there was, the depression ran a little bit further than that, so your fence was going to be you know, a foot or two below the road, so it wouldn't, you know that, have potentially was not as

visible, or that it actually would be better off on the red line than on the black line, but it sounds like you've looked at that and that's taken care of.

John DeCew: Actually, you can, if you see that dark patch of grass that's underneath the black line.

Thomas Pratt: Yes.

John DeCew: That was an area of lawn that we repaired, and, and the portion of the lawn where it actually starts to drop to the swale is, would be east of that, and that, that edge of that grass, it's actually closer to the road. Just beyond that, as that grass starts to get dark again in that, and that darker area is where the swale ends.

Thomas Pratt: Yep, yep. Okay.

John DeCew: And it's only, in that location, it's only, you know, six - eight inches deep, and then it gradually gets deeper as it runs across into this forested area, this overgrown area.

Thomas Pratt: Yeah, I was remembering it a little deeper than that, that's all.

John DeCew: Again, when we purchased the house, it was, there was a large covering, a large ditch here. That was in 1995. But when they redid the driveway, and they removed the culvert under the driveway, they redirected the water flow. This is kind of a high point in this section of the road, is right at our driveway.

Thomas Pratt: Yeah.

John DeCew: So, there's no swale at all on the edges of the driveway. And then it's just a natural, gradual depression that runs from, that runs from the driveway down to that culvert and underpass. It doesn't really start to get deep until you actually get down in probably about 10 feet from where the dark area is to the left of that last red line.

Thomas Pratt: Okay. As I'm looking at this, you have a dotted line there that you had in there as a key for possible addition to fence length. What are we, what are we looking at to approve here?

John DeCew: Well, our desire is to actually run the split rail fence from the edge of the driveway or within a couple of feet of the driveway along that black line to essentially where the edge of the culvert - we have a pond in the backyard - and there's a culvert and a natural swale for the water to travel down to the culvert that goes under the road. So, the area on the left is actually trees and bushes. This area is not cleared lawn, but we thought we may continue the fence into that overgrown-type area. At some point that would sort of be, if we had the permission to do that, it'd be the same distance from the road. But it, most of the fence would actually be hidden inside of that treed in area. It'd be behind several trees that are closer to the road and inside, but the primary location...

Thomas Pratt: We need to know, John. John, you just need to tell me which one we're going to be, which one we're shooting for here. When we get the vote on this...

John DeCew: The entire length. We would prefer that the, yes, we'd like a variance for the whole length.

Thomas Pratt: Okay. Thank you. All right.

Thomas Pratt: I'm going to ask David Silverman, what are your thoughts? Dave?... Is Dave still with us? Dave, did you have any thoughts on this?

Roger Cook: He's muted, Tom.

Gary Mason: Yeah, he's muted.

Thomas Pratt: Oh, he is muted. Sue, can we unmute Dave?

David Silverman: Yeah, and I'm, yeah, I...Is there anything that that the applicant can do to bring it a little more in conformity? And I understand you want some relief. Is there, is there any, any thought of just being a little bit further off the road than that? I know

you're only asking for five feet, but every little bit helps, and just your thought going into that.

Jim Wigge: It's a 15% variance.

John DeCew: How much is that? 15%?

Jim Wigge: 15%.

John DeCew: Yeah. Well originally our hope was to put it at 25 feet, then we were we thought that was a little overly optimistic. So, we did think 28 feet, really 28 feet is going to bring it to the point where, essentially, it's not centralized in the middle of the yard.

Deborah DeCew: I'd actually just like to make a comment, because I'm the aesthetic one, and I do all the landscape. I think that at 28 feet, and with a location of the power lines, I'm looking at also to plant trees in the future, after (inaudible) could go up. So, I guess when I start to look at even planting trees, I've got the wires to take into consideration. So, I would have loved to have, have the fence closest to the road as I could (inaudible) push it back closer to the house. Then I will plant trees in front of it. So, I think that when we're out there and we're measuring (inaudible)...

Thomas Pratt: I'm sorry...

Deborah DeCew: plant trees in front.

Thomas Pratt: We had a little breaking up there for a minute. Can you say that one more time?

Deborah DeCew: Yeah, I think from looking forward after the fence goes up, I (inaudible) to plant trees.

Deborah DeCew: muted? Am I? Can you hear me now?

Thomas Pratt: I think we're good now.

Deborah DeCew: Okay. So, I guess, in taking into consideration planting of trees, which I'd like to do in front of our home, because we are so close to the road, from a privacy perspective, those power lines are also a factor. So, if you push that fence back, it's having a factor on where I can plant the trees. So, I was actually hoping to plant the trees behind it, but then I'm under the power lines. So now I have to plant the trees in front of it closer to the road. So, I guess that's just been an aesthetic factor that I'm also dealing with the power lines.

Thomas Pratt: So is it your intention, I'm sorry, let's go back one step, if you're saying if we allow the variance to move it closer to the road, you would be able to plant the trees behind the fence as opposed to in front of the fence.

Deborah DeCew: Yeah, and I think, and I'm just an aesthetic person, and I do all of our landscape, when you have a split rail fence, and this is just aesthetic, I realize, it's just my preference and taste, that you can't have, you know, five feet in between, you can have, you're going to have this fence really close to my house and then this huge gap and then I can plant a tree and then the road and it's just not from a landscape perspective and design, and I understand this is just my preference, it just is not, it's not a good design.

Jim Wigge: Well.

Thomas Pratt: Interesting. Jim, what do you think?

Jim Wigge: I think it's a 15% variance notwithstanding the aesthetics. Otherwise, I, you know, I don't care. I hope the best for them.

Deborah DeCew: I'd also just like to add that it's a, this is actually a used split rail fence that I purchased from a Bed-and-Breakfast in Skaneateles, that we took down. It's probably 20 years old already. So, I just fell in love with it, and we're not sure if it's even gonna last a winter. So, it's really just been a, it's just... (laughter).

Thomas Pratt: I really don't think that's a compelling reason. (Laughter)

Deborah DeCew: It's just really an aesthetic feature I'd like to add to our home.

Thomas Pratt: Sure. I just want to add something. I'm not sure the other fences, just for clarification, I'm not sure that those, that the other fences were built at the time of our recent Code. So, they may have been put there previous to our Code, the recent Code that requires a 33-feet. I just want to clarify that. You had made that comment at the, at the outset, that there were other ones who were closer to the street. You know, I'm not so sure that they weren't built prior to our existing code. So, we're dealing with a different set of rules there. That's all.

John DeCew: I understand, but do we know how long, I wasn't really sure how long that 33-foot distance has been in effect? Does anyone, I'm not sure offhand how old that is?

Thomas Pratt: Roger, do you have any idea how old this 33-foot...?

Roger Cook: Probably not more than 10 years.

John DeCew: Okay. So, this is relatively recent?

Roger Cook: Yes.

John DeCew: Okay.

Thomas Pratt: Yeah...so...

Deborah DeCew: So, Mary's Meadow Bed-and-Breakfast just down the road from us, their's, they have a full eight- foot high solid wooden fence along their road frontage, and I measured that one and that is definitely not 33 feet from the road and there's brand new sections on that.

Thomas Pratt: Interesting.

Deborah DeCew: Just wanted to point that out.

Roger Cook: Yep.

John DeCew: Now she's blowing in the neighbors. I'm sorry.

Thomas Pratt: There she is.

Roger Cook: No, they're not.

Thomas Pratt: No? Okay, we're on it. Okay, so, Gary, did you have any thoughts?

Gary Mason: No, I put the pen to it just like Jim did. It's 15%. I guess it depends if we consider it significant or not.

Thomas Pratt: Okay. Val your comments.

Val Koch: Sorry, try that without being muted. None at this point in time.

Thomas Pratt: Okay, I guess we're down to SEQR, Wendy.

Wendy Lougnot: This is a Type 2 Action, but you do have to do the public hearing.

Thomas Pratt: Yeah, that's a good idea. Let's do that. If we can have a motion open the public hearing?

Jim Wigge: Wigge, move we open the public hearing.

Thomas Pratt: Second?

Gary Mason: I'll second the motion, Gary Mason.

Thomas Pratt: Gary seconds. Roll call vote, Sue.

Sue Wightman: Thomas Pratt?

Thomas Pratt: Yes.

Sue Wightman: David Silverman?

David Silverman: Yes.

Sue Wightman: Gary Mason?

Gary Mason: Yes.

Sue Wightman: Jim Wigge?

Jim Wigge: Yes.

Sue Wightman: Val Koch?

Val Koch: Yes.

Thomas Pratt: The public hearing is open. Does anyone have any comments for or against the the DeCews' fence?

Thomas Pratt: No comments. Oh, there's one. Joe Anderson has one.

Joe Anderson: Yes, I visited the property this morning. And a split rail fence, it appears to me, pretty unsubstantial as far as a fence is concerned. It's more of a landscaping feature rather than blocking anything. Also, the line that they've drawn it in their schematic there, from an aesthetic standpoint, looks more apropos than the line that the code would require for an actual fence. But, as I say, this appears to me just old wood in the front yard. But it's, they've a very short distance between the road in their house. Also, the landscaping is very nice, I would like to add.

John DeCew: Appreciate that.

Thomas Pratt: So...so that's public comments, any other comments?

Thomas Pratt: No other comments can we have a motion to close the public hearing?

Val Koch: Val - will make a motion to close the public hearing.

Thomas Pratt: Second?

David Silverman: Dave Silverman - second.

Thomas Pratt: Sue, roll call vote.

Sue Wightman: Thomas Pratt?

Thomas Pratt: Yes.

Sue Wightman: David Silverman?

David Silverman: Yes.

Sue Wightman: Gary Mason?

Gary Mason: Yes.

Sue Wightman: Jim Wigge?

Jim Wigge: Yes.

Sue Wightman: Val Koch?

Val Koch: Yes.

Thomas Pratt: Public hearing is closed. With that is a Type 2 Action, Wendy. So, we don't need to do any action on SEQR except acknowledge it is a Type 2.

Wendy Loughnot: That's correct.

Thomas Pratt: Okay. So, in just a review of the test criteria before we talk about any kind of voting, is it an undesirable change to the neighborhood? They have pointed out that there are other fences in similar areas. It is, of course, again, we need to think

about, does this set a precedent under the new regulation at 33 feet. They have indicated there is a contributing circumstance in regard to how they're thinking about plantings and the location. Is there an alternate solution? Well, we can always tell them they got to put it at 33 feet, so, it would be where it's intended. Is it substantial? We're talking 15% so you can decide whether that's substantial relative to it. I want to stop and think about that for a minute. Jim, your 15% is based on five feet out of what?

Jim Wigge: 33.

Thomas Pratt: Out of 33 - okay. So, there we go. Is there any physical or environmental impact? I don't see any that would be there. It's not something that's blocking any water or anything like that. We talked about impact to the road and that he's responsible for it. It again. The only thing I see there will be that it is a precedent that we're setting. Certainly, that it's, it's, we have a reason why that fence is located there, and we need to remember that into the future. Is it a self-created hardship? It does appear to be a self-created hardship and it is a self-created hardship in that it is, it's a request. With that that's quick summary. Does anybody have any comments or is someone ready to make a motion regarding the fence?

Jim Wigge: One question that I always like to ask, which I didn't. Tom, just indulge me just a moment.

Thomas Pratt: Sure.

Jim Wigge: Is, is, is it your position, Mr. and Mrs. DeCew, that, that you either get the variance that you've requested, or you won't do it at all?

John DeCew: I guess we would probably have to reassess and see. If, if we had to move it closer to the house and we, we weren't allowed the 28 feet, if we could, if we had to move it back, if it had to go back to the 33 feet, I think it would just encroach too far into the center of the yard. Essentially, it's like drop...

Jim Wigge: Nothing in between 28 and 33 feet, you would consider?

John DeCew: No, I think we tried to get it as far back as we possibly could. You know, as opposed to, you know, if we put it any further back than 28 feet it's going to essentially run the fence down the middle of the yard (inaudible) the road, we just didn't want to try and move it too close into the areas of the right away, or the, any other issues. So, we felt the 28 feet was the absolute minimum. So, my vote, of course she has a vote too, would be if we, if we can't do it at 28 feet, I wouldn't want to put it up.

Deborah DeCew: I'll just try to resell the used fence.

Thomas Pratt: How about 30 feet?

Jim Wigge: (Inaudible) go.

John DeCew: You know, again, what happens with 30 feet, especially from an aesthetic standpoint as Debbie pointed out, is the, the way the driveway line sits essentially then the, the edge of the fence runs into the parking pad of the driveway, which is on right side, so it doesn't really bisect the property correctly. You know, as I said, I was hoping to really have it at 25 feet. We thought that, that was going to be too close to the road though. So, we thought of 28 feet. We could accept 28 feet, even though that was a little further than we wanted to put it. But (inaudible) too far from the side of the road, because the road is just not that wide at that area. Essentially you saw it's 15 feet from the center line to the edge of the dirt. So essentially you double that distance now back into the end of the lawn toward the fence. Even more than that. We're talking another essentially 18 feet from the edge of the dirt line on our, you know, the dirt shoulder, the edge of the grass into the lawn. So, I think that...no...

Thomas Pratt: It's only two feet less, John, it's only two feet less than what you're requesting.

John DeCew: Yeah, but if I had asked for 25 feet, could I have gotten 28? (Laughter)

Jim Wigge: You wouldn't have gotten 25. (Laughter)

Deborah DeCew: I just think that to line it up with what I want to do on either side of the driveway, with trees and things like that, and just, I just think that it's unfortunate that our

house has been plopped where it was plopped, and with plantings and things, and just from an aesthetic, I just I need the 28.

David Silverman: Can I jump in?

Deborah DeCew: I'd like the 28.

Thomas Pratt: Dave?

David Silverman: I really only have one concern and that's health and safety on the winter days, when it's, it's icy or if a car could slip and such. I know, and obviously the West Lake Road, there's a lot of trees that are very close. There's, there's, there's ditches, there's all kinds of hazards. And, and if I was just over there, and it seems to me, that there's, it the slope of, the slope of the property goes up. So, to my mind, it shouldn't, it shouldn't be an issue for a car or somebody sliding off the road going up that, that, that bank. It would be, I mean that's my only issue, and I think the slope of the property that would probably not be a concern. Probably is not concern of most people, but that's really the only thing I would have any reservation with. I think everything else...15% is in line. And, and unless someone else thought the slope was an issue for the wintertime, which it's, somebody would be really having to be out of control to even go down that, go like that. But, unfortunately there's, drivers are rather, if you, when they're out there, they drive crazy. So anyway...

Thomas Pratt: That falls in that other category, John. If a car hits your fence...

John DeCew: Yep, it's my deal.

David Silverman: Got it.

John DeCew: Yeah, I think especially in the winter time, they'd have to go through a lot of snow to get to that fence.

David Silverman: Yeah, and the slope...

John DeCew: The plows swing by, the bank that they build, because there's that bank would essentially fill that area, you know the first five feet from the edge of the road over, so that's kind of the most impacted snow, and the fence would still be another ten feet beyond any snow bank that's along the side of the road.

David Silverman: Yeah, I just want to throw that out there. Thank you.

John DeCew: Thank you, Dave.

Thomas Pratt: Does anyone want to make a motion in regard to this project?

Jim Wigge: Trying to think of the wording. I move that we vote to approve the request.

Thomas Pratt: Okay, we want to include what we're, get some dimensions tagged on that, which I believe is, we're going to give them a 5-foot variance setting it 28 feet off the center line of the road. Is that correct?

Jim Wigge: With respect to my, my motion it is.

Thomas Pratt: John?

John DeCew: Oh, yes, that's correct. This is John DeCew from West lake Road, yeah, 28 feet from the center line of the road, and approximately, I think the fence length would be approximately 100 -120 feet.

Thomas Pratt: Across the entire front of your property from the driveway to your southernmost boundary?

Deborah DeCew: Correct.

John DeCew: Well, there's quite a bit of distance on the right side. Probably, maybe as much as 150 feet, but there's, there'll be no more. Once it reaches the culvert, there's another 50 feet to the south that it would not cross, because that's where the culvert is that goes under the road.

Thomas Pratt: Okay. You're going to put that on the north side of your driveway also?

John DeCew: Possibly a short section. Yeah, just one, one post, but it would...

Thomas Pratt: Okay. That was not your drawing, that's why I'm asking.

John DeCew: No, I'm sorry. Yes.

Thomas Pratt: Okay, so that would be on the north side, so the fence will be on the north side of the driveway and the south side and extending to the culvert, essentially on the south end.

John DeCew: Correct.

Thomas Pratt: Okay, anything else we want to add to this any special criteria?

John DeCew: No, I do not believe so.

Thomas Pratt: Okay, the Board have anything special they want to add? Not at this point, I guess. Sue, we can do a roll call vote.

Sue Wightman: We don't have a second.

Thomas Pratt: We don't have a second. Second?

Gary Mason: I'll second the motion - Gary Mason.

Thomas Pratt: Thank you.

Sue Wightman: Thomas Pratt?

Thomas Pratt: Yes.

Sue Wightman: David Silverman?

David Silverman: Yes.

Sue Wightman: Gary Mason?

Gary Mason: Yes.

Sue Wightman: Jim Wigge?

Jim Wigge: Yes.

Sue Wightman: Val Koch?

Val Koch: Yes.

Thomas Pratt: Your fence is approved. So,

Deborah DeCew: Thank you.

John DeCew: Thank you.

Thomas Pratt: We need a motion to adjourn.

Jim Wigge: Jim Wigge - move that we adjourn.

Thomas Pratt: Second?

Val Koch: Val Koch seconds.

Thomas Pratt: Sue, roll call.

Sue Wightman: Tom Pratt?

Thomas Pratt: Yes.

Sue Wightman: David Silverman?

David Silverman: Yes.

Sue Wightman: Gary Mason?

Gary Mason: Yes,

Sue Wightman: Jim Wigge?

Jim Wigge: Yep. Yes.

Sue Wightman: Val Koch?

Val Koch: I'm on the fence, but I'm going to say, "yes."

Thomas Pratt: We are adjourned. Thank you very much.

Meeting Called to Order at 7:30 P.M.

Meeting Adjourned at 9:24 P.M.

Attendance: Thomas Pratt, Chairman; David Silverman, Member; Gary Mason, Member; Jim Wigge, Member; Val Koch, Member; Joe Anderson, Member (arrived at 7:41 P.M.); Stephen Halton; Joseph Duffy; John DeCew; Deborah DeCew: Roger Cook; Wendy Lougnot; Kristi Andersen; Kyle Reger; Tara Zumpano; Janine English; Paul Schmidt; Patrick Palmer; Keith Thompson; Jen Wong; "Lilbit" (Name on computer display – no video of the person)

Respectfully submitted,

Sue Wightman

5/20/2020