



**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
Regular Session - Date: **APRIL 24, 2006**

**AGENDA**

7:30 p.m. - Roll Call

Motion to accept minutes of MARCH 13, 2006 & MARCH 27, 2006 meetings as written.

**PRELIMINARY MEETINGS:**

1. **AM MART INC. (MASOOD) (06-18)** Request for 96 sq. ft. free-standing sign and; 5 ft. height for proposed sign at 419 Windsor Highway in a C Zone (69-3-6)
2. **DAVID & EILEEN GARCIA (06-19)** Request for Interpretation and/or Use Variance for proposed addition with second kitchen or two-family dwelling at 40 Willow Parkway in an R-4 Zone (38-3-56)
3. **HIGHLAND OPERATING LTD. (V. BIAGINI) (06-20)** Request for 27,747 sq. ft. Minimum Lot Area and; 105 ft. Minimum Lot Width and; 50 ft. Lot Frontage for a proposed two-family dwelling on two vacant lots to be combined to one at Old Forge Hill Rd. in an R-5 Zone (Bulk Tables R-5 line 6-C,D & H) (71-1-69 & 31.1)
4. **THOMAS HURLEY (06-21)** Request for 5 ft. Side Yard Setback and; 3 ft. Total Side Yard Setback for proposed 52' above-ground pool at 2036 Independence Drive (THE RESERVE) in an R-3 Zone (76-4-13)
5. **JAMES REYNOLDS (06-22)** Request for 11 ft. Side Yard Setback for proposed attached pool deck and; 9ft. Side Yard Setback and 9 ft. Rear Yard Setback for existing Shed (Bulk Tables 300-11-A-1-B) at 10 Samantha Court in an R-4 Zone (7-3-11)
6. **CARLOS GOMEZ (06-23)** Request for 33 ft. Rear Yard Setback for proposed attached rear deck at 8 Cresthaven Dr. in an R-4 Zone (39-3-5)
7. **JACQUELINE CALLANAN (06-24)** Request for variance to permit a 6 ft. fence located between the principal building and the street at 58 Keats Drive in an R-4 Zone (75-5-3)

**PUBLIC HEARINGS:**

3. **MT. AIRY ESTATES (06-14)** Request for 7.3 ft. Side Yard Setback for proposed single family dwelling at 3012 Molly Pitcher Drive in an R-3 Zone (76-2-17)
4. **MT. AIRY ESTATES (06-15)** Request for interpretation of single family dwelling with two kitchens and/or Use Variance for a two-family dwelling in an R-3 Zone at 2075 Independence Drive (64-2-3)

5. **MICHAEL & TAMMY PHIPPS (06-16)** Request for 14 ft. Rear Yard Setback for existing 10 X 20 enclosed porch at 4 Cresthaven Drive in an R-4 Zone (39-3-3)
6. **JOSE ALEMANY (06-11)** Request for 14 ft. Rear Yard Setback for proposed attached rear decks at 2641 Liberty Ridge in an R-3 Zone (64-2-32)
7. **BETTY LAWRENCE (06-13)** Request for 80 ft. Rear Yard Setback for proposed attached rear deck at 405 Old Forge Hill Road in an R-5 Zone (71-1-8)

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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
APRIL 24, 2006

MEMBERS PRESENT: KIMBERLY GANN, VICE CHAIRMAN  
KATHLEEN LOCEY  
ERIC LUNDSTROM  
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE, CHAIRMAN

REGULAR MEETING

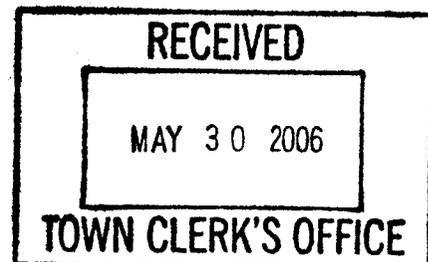
MS. GANN: I'd like to call to order the April 24, 2006  
meeting of the New Windsor Zoning Board of Appeals.

APPROVAL OF MINUTES DATED MARCH 13, 2006 & MARCH 27,  
2006

MS. GANN: Motion to accept the minutes of March 13,  
2006 and March 27, 2006 as written.

MR. LUNDSTROM: So moved.

MS. LOCEY: I'll second that motion.



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ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

PRELIMINARY\_MEETINGS

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AM\_MART\_INC.\_(MASOOD)(06-18)

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MS. GANN: Request for 96 square foot free-standing sign and 5 foot height for proposed sign at 419 Windsor Highway. What we do at the ZBA is have you come up for your prelim meeting, let us know what it is you're here for and please state your name and your address and speak loudly so Fran can hear everything that you need to say. And the same thing for the public hearing, you're obviously allowed to come up and if you do have an opinion on any one of the public hearings, you'll be able to speak on that as well. So for the first preliminary hearing tonight is for AM mart Inc.

Mr. Arif Masood appeared before the board for this proposal.

MS. GANN: Tell us why you're here this evening.

MR. MASOOD: Yes, we have an old price sign there and it's not very good looking, we'd like to change it for a new one and we're in the contract with Shell and we want their sign to be posted.

MS. GANN: And the sign you're talking about is here?

MR. MASOOD: Yes, ma'am.

MS. GANN: It would be the same height?

MR. MASOOD: This was 17 feet high and this will be 20.

MS. GANN: What's the ruling on the heights?

MR. BABCOCK: He's allowed 64 square feet, he's proposing 160 square feet, we count the entire sign square footage of the entire sign so he needs a variance of 96 square feet, he's allowed to be 15 foot

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high, he's proposing 20 foot high so he needs a five foot height. This is the DB gas station right behind Purple Parlor Car Wash and they also propose it to be, to go from DB to Shell.

MR. MASOOD: Yes, sir.

MR. LUNDSTROM: The previous sign that was there, did that fall down?

MR. MASOOD: Fall down.

MR. LUNDSTROM: Question for the building inspector. Are there other signs in the area that height, that size?

MR. BABCOCK: I don't think there's a gas station in Vails Gate that doesn't have a variance for their sign, they have all been in front of this board, Mobil has been on several occasion, Hess has been in, I don't know the other one on the corner, I don't think that's been in, Sunoco, I don't think they've been in.

MR. TORPEY: These number changes that's part of the sign?

MR. BABCOCK: Yeah, actually because it's within this sign, typically if they're on the gas pump that's not part of the sign, but when he wants to advertise them out there it's part of the square footage of the sign.

MS. GANN: Will this new sign be illuminated?

MR. MASOOD: Yes.

MR. KRIEGER: Internal illumination?

MR. MASOOD: Yes.

MR. KRIEGER: Steady illumination, no flashing?

MR. MASOOD: No flashing.

MS. GANN: Will the sign be impeding upon people driving by? Will it be in their way in terms of looking for traffic and things like that, I mean, has anything been done?

MR. MASOOD: No, I tried to do it, some kind of survey and I found this original one was like more wide so it was covering more as compared to this one, this one's only five feet wide so this one was more obstruction to the site and it was not working.

MS. GANN: Is that the only place you're putting a sign is on that corner?

MR. MASOOD: Yes, ma'am.

MS. GANN: So you did a study then?

MR. MASOOD: Yes.

MS. GANN: Who did this, you?

MR. MASOOD: Yes.

MR. LUNDSTROM: Is the sign going to be stationery or motorized turning around?

MR. MASOOD: Stationery and this is the smallest sign that Shell has.

MS. GANN: Any other questions?

MS. LOCEY: I'm a little confused here, this is the old sign?

MR. MASOOD: Yes.

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MR. TORPEY: Where is the new sign?

MR. MASOOD: I have a picture.

MR. BABCOCK: Pat, this is the new one with the Shell emblem at the top, you should have that in your packet.

MS. LOCEY: We just didn't know that that was the sign.

MS. LOCEY: The previous one was 11 feet wide here?

MR. MASOOD: Yes, ma'am, it was 11 feet wide here and 4 feet this way and 4 feet this way.

MS. LOCEY: Now this is proposed to be how big, one strip five feet?

MR. MASOOD: Yes, five feet wide.

MR. LUNDSTROM: Can you take a look at that also because what I was looking at was the existing sign, this is the new sign?

MR. MASOOD: No, the previous sign.

MR. LUNDSTROM: Do you have a diagram of the newer sign?

MS. LOCEY: This is the diagram of the new sign but you can understand it better than I.

MR. LUNDSTROM: You're saying that's this sign?

MR. MASOOD: Yes.

MR. TORPEY: This is an old paper, see the gas prices.

MS. GANN: So the exact sign would be looking like that, is that what you're saying?

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MR. MASOOD: Yes, either that one or that one.

MS. GANN: Each one of these little blocks would be filled in with something?

MR. MASOOD: Yeah, depending on what if you want something there.

MS. GANN: Any other questions? I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of AM Mart Inc. for their request for a 96 square foot freestanding sign and five foot height for proposed sign at 419 Windsor Highway in a C zone.

MR. TORPEY: Second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

DAVID\_&\_EILEEN\_GARCIA\_(06-19)

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MS. GANN: Request for interpretation and/or use variance for proposed addition with second kitchen or two-family dwelling at 40 Willow Parkway in an R-4 zone. And.

Ms. Eileen Garcia appeared before the board for this proposal.

MS. GANN: Tell us why you're here.

MS. GARCIA: We've got a permit to put an apartment on my house for my mom, she currently lives with us and we're looking for an approval for a kitchen for her.

MR. LUNDSTROM: The photographs that we have, would you explain them to the board?

MS. GARCIA: That's the, we have a den in our house, that's where the apartment's going to go, we didn't start the work on the house at all, the apartment that's all I really have, that's where the kitchen's going to be in the existing room.

MS. GANN: So in the existing room you're building a kitchen?

MS. GARCIA: This area right here would be where the kitchen would go, they're going to tear down the walls, put new sheetrock up, it's going to be all redone.

MS. GANN: You have your own kitchen in another part of the home?

MS. GARCIA: Right. My mom lives with us right now but having a 3 year old and 76 year old in the house it's tough, she's got very bad rheumatoid arthritis, her intention was to get her own place but I really want to have her close to me, she's getting worse.

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MR. LUNDSTROM: So this construction would include adding an additional structure to the building looks like 12 x 20 foot?

MS. GARCIA: Right, it's almost going to double in size that particular room would double in size.

MR. LUNDSTROM: And that area that your mother would be living in is like a studio apartment then or--

MS. GARCIA: Yes, I have a little kitchen, well, hopefully a little kitchen, a bathroom, bedroom and then a little living space.

MR. LUNDSTROM: Okay. One electric meter?

MS. GARCIA: Yes.

MR. LUNDSTROM: One gas meter?

MS. GARCIA: Yes.

MS. GANN: So this is not just when you go to sell the home we don't want, we want to be sure there's only going to be one single family living there instead of having, cause we know you have two kitchens, so we want to be sure when you do sell it.

MS. GARCIA: I understand, there's a door that adjoins the apartment to the house so she can, we want to be able to get to her.

MR. LUNDSTROM: Just one question, may not pertain to this board, but any doorways, will they be wide enough for wheelchairs?

MS. GARCIA: We have to cause right now she has a scooter that she uses to get around a little bit so we want to have the extra wide doors put in, we're

bringing the floor up to the existing room so that it's level so she doesn't have to step up into the laundry room.

MR. KRIEGER: The exterior appearance of the house is going to change?

MS. GARCIA: Well, they're going to put siding on, right now there's brick, we're just going to put all siding on.

MR. KRIEGER: Is the house going to get bigger?

MS. GARCIA: No, the house won't get bigger, just a den we have off the house will get longer, it will go out into the back yard, our house will be shaped almost like an L.

MR. LUNDSTROM: You'll be adding a 12 x 20 foot extension on?

MS. GARCIA: Yes.

MR. LUNDSTROM: Access that's there going to be outside access?

MS. GARCIA: There will be a door for her to go out a little path but then another door that will connect into my house, into the laundry room actually.

MR. LUNDSTROM: The door going out to the back will that be handicapped accessible with a ramp?

MS. GARCIA: Yes.

MR. LUNDSTROM: Just in case of a fire.

MS. GARCIA: Yes, matter of fact, the bathroom, everything is going to be designed for her for the handicapped accessible, the shower, she likes the

bathtub, but she's not going to have one, she's going to have a shower you can sit into, she's just getting progressively worse but she's independent, she's Irish.

MS. LOCEY: Where the addition is going is there any vegetation that you need to remove?

MS. GARCIA: No.

MS. LOCEY: Anything that would cause a water problem?

MS. GARCIA: No.

MR. LUNDSTROM: Are there any easements that you know of that that addition would be going over?

MS. GARCIA: No, we have a pretty big back yard.

MS. GANN: With the new addition going on, will the home be similar in size to other homes that are in the area?

MS. GARCIA: Yes, all of it is to the back of the house so won't even be seen really, it's not going to change the size of the house.

MS. GANN: The door that leads into the new room that you're making for your mom, that will be unlocked so there's no lock on that door?

MS. GARCIA: Well, I thought she could have a lock.

MR. KRIEGER: Well, it's going to be an interior door, it's not going to be--

MS. GARCIA: It's not going to be key lock type thing, I want her to be able to have her privacy just so she can have her privacy.

MS. GANN: Any other questions from the board?

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MR. LUNDSTROM: I'd like to offer a motion that the application for David and Eileen Garcia been, request for interpretation and/or use variance for proposed addition with second kitchen or two-family dwelling at 40 Willow Parkway in an R-4 zone, section, block and lot 28-3-6 be allowed to proceed to the next step which is a public hearing.

MR. TORPEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

HIGHLAND\_OPERATING\_LTD.\_\_(BIAGINI)\_(06-20)

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MS. GANN: Request for 27,747 square foot minimum lot area and 105 foot minimum lot width and 50 foot lot frontage for a proposed two-family dwelling on two vacant lots to be combined to one at Old Forge Hill Road.

Mr. Robert Biagini appeared before the board for this proposal.

MR. BIAGINI: I'm Robert Biagini from Highland Operating, I'd like permission to construct a two-family dwelling in back of Shop Rite on Old Forge Hill Road and to do so, I need, I have two lots which I'd like to combine together and with doing that I run into a problem on my lot width, total square footage and my front yard.

MR. KRIEGER: Even after the lots are combined?

MR. BIAGINI: Yes.

MR. KRIEGER: Two-family dwelling is an allowed use in that zone?

MR. BIAGINI: Yes. As you can see, the lots have been sitting there for years, people use them for garbage and whatever else they want to discard.

MS. GANN: How big will the two-family dwelling be?

MR. BIAGINI: It's 70 x 30, foundation will be 70 x 28 with a two foot cantilever, it's a bi-level style two family.

MS. GANN: How are they getting in and out of the property?

MR. BIAGINI: See on the back side on the tax map copy

which I have enclosed, show you a copy, this is the driveway here by, this is Old Windsor Drive off Forge Hill, this is the two lots.

MS. GANN: Okay.

MR. LUNDSTROM: Would you explain this drawing that we're looking at?

MR. BIAGINI: That was a drawing previously that we were going to put the condos on just, sent this in to you to show you lot area but it's still the same two lots, this is the tax map here, this might be a little easier for you to read.

MR. LUNDSTROM: So you're combining these two to put one two-family house on it?

MR. BIAGINI: Right.

MR. LUNDSTROM: Do we have any drawings in our package to show us where the two-family house will be going?

MR. BIAGINI: Yes.

MS. GANN: So Mike he wouldn't qualify for the old zoning code in that situation?

MR. BABCOCK: No, the time limits have run out, the house that he's proposing doesn't require any setback variances, it meets all the front yards and rear yards and side yards, what he doesn't meet is the lot width because if you can see the neck of the lot it's only a 20 foot section and today's requirements lot width is measured at the front yard setback which is 45 feet down that neck so therefore he only gets 20 foot credit and it's required to be 125 so that's why the big number of 105 lot width. The house isn't up there, the house is down in the back. The required road frontage is 70 feet and he's only got 20 on the road so he's

required 50, the lot area and I don't know what it was, I think Bob if you can find out what it was when these lots were created just for the board's information that if he would have done this or come in for a building permit prior to the zoning change he would need maybe he wouldn't need a variance and maybe he would need, it would be definitely less if he needed one at all cause it's 37,000 square feet, it's a big lot.

MS. MASON: It says on the map 7,000 per unit.

MR. BABCOCK: Yeah, that's for the condos are 57,000 square foot per unit, but if you look at the tax map if you have that tax map like this, if you look at these lots, these lots above it, these are all single family houses, they're townhouses, they're attached but they're each one there is a house on each one of those lots which is 20 by 100, 2000 square feet and this thing is 37,000 square feet.

MR. LUNDSTROM: Mr. Biagini, just out of curiosity, the plan we're looking at here shows the original 5 townhouses there, why did you decide to change from 5 townhouses to one two-family house?

MR. BIAGINI: Because I figured it would be a little tight on the lot just to make it a lot simpler, the neighbors wouldn't be up in arms opposed to a two family as opposed to all the condos.

MR. TORPEY: The townhouses are right next to it are two family, just little townhouses, they're the same anyway.

MR. BIAGINI: Leave a little more open area with just the two family.

MR. KRIEGER: You own both of these lots?

MR. BIAGINI: Yes.

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MR. KRIEGER: And it's your intention to combine them?

MR. BIAGINI: Yes.

MR. KRIEGER: That would be acceptable to you if that was a condition that the board imposed to grant your request?

MR. BIAGINI: Right.

MR. LUNDSTROM: Are there any significant trees or vegetation you intend to take down?

MR. BIAGINI: A few, not much.

MS. GANN: You can see the pictures.

MR. TORPEY: You'll be cleaning it up.

MR. BIAGINI: Yeah, it's a mess in there.

MR. LUNDSTROM: Just a question we have to ask.

MS. GANN: Creating water hazards?

MR. BIAGINI: No.

MR. LUNDSTROM: Any easements that the new dwelling would be going over?

MR. BIAGINI: Not to my knowledge, no.

MR. KRIEGER: You've had it surveyed, right?

MR. BIAGINI: Right.

MR. KRIEGER: Nothing showed up on the survey?

MR. BIAGINI: Right.

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MR. KRIEGER: So it won't be inferring with any easements either?

MR. BIAGINI: Right.

MS. GANN: Will the two-family home fit into the character of the neighborhood?

MR. BIAGINI: Yes, there's a bi-level house next to it, it will fit.

MR. TORPEY: Who gets to maintain that when it's done, who maintains it?

MR. BIAGINI: Whoever owns it.

MR. TORPEY: Actually going to be townhouses?

MR. BIAGINI: No, one person will own the whole thing.

MR. BABCOCK: It will be a one family ownership and they'll rent out the other side and they'll maintain the driveway or they can rent out both sides and maintain it.

MS. GANN: Any other questions from the board? I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Highland Operating Ltd for their request for 27,747 square foot minimum lot area, 105 foot minimum lot width and 50 foot lot frontage for proposed two-family dwelling on two vacant lots to be combined to one at Old Forge Hill Road in an R-5 zone.

MR. TORPEY: I'll second that.

ROLL CALL

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MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

THOMAS\_HURLEY\_(06-21)

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MS. GANN: Request for 5 foot side yard setback and 3 foot total side yard setback for proposed 52" above-ground pool at 2036 Independence Drive (The Reserve).

Mr. Thomas Hurley appeared before the board for this proposal.

MR. HURLEY: What I'm requesting is a, to install on the rear corner of the property a 24 foot round by 52 inch high above-ground pool for the purpose of the family's use.

MS. GANN: Looks like you have won't be taking out any substantial vegetation in building the pool.

MR. HURLEY: No, plenty of sun there.

MS. GANN: What sort of pool will it be?

MR. HURLEY: Just an above-ground round.

MR. LUNDSTROM: Tom, you mentioned that there was a typo in the presentation, which is the typo, a five foot side yard or three foot?

MR. HURLEY: Should be a 52 inch in height, 24 foot round.

MR. LUNDSTROM: Do you envision a deck around the pool?

MR. HURLEY: If we end up putting a deck on it wouldn't be substantial, just be something to climb up, it's not for chairs or anything like that, doesn't come with a deck.

MS. GANN: So won't be attached to the house?

MR. HURLEY: No, intend on putting a patio in the back, not a deck.

MR. LUNDSTROM: If the deck goes onto the pool, would it be close between the pool and the side or the back?

MR. HURLEY: No, I would put it for access to the side where you'd come out the back door and then the patio would be there and you'd have brick pavers or something over to the pool.

MR. LUNDSTROM: What are your current setbacks?

MR. BABCOCK: The deck would have to be 10 feet from the property line which he could do, he couldn't go the whole length of the pool, he'd have to come back three foot, you know, you're talking about putting the deck possibly in this area so you'd have to maintain 10 feet from the property line with the deck and then he couldn't come back to the house, he would have to, he can't attach the house with it.

MR. HURLEY: Is there also a 10 foot variance from the house to the side of the deck?

MR. BABCOCK: No, actually once it touches the house then it needs to be 40 feet off the property line.

MR. HURLEY: As long as I don't touch the house there would be more than ample space there, I'm not looking for a big deck of any kind.

MS. GANN: Any other questions from the board?

MS. GANN: Just for the record, we'd like to know why it is that you need to be obviously here at the board to get the variance that you're looking for that you can't be within the required limits?

MR. HURLEY: Well, the way the house is situated on the

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lot unless I put it somewhere in the front of the house I'm limited within a foot of the house, I'm limited on my selections.

MR. TORPEY: Looks like the best spot.

MR. HURLEY: The other side of the house is the air conditioning unit and the power comes in the other side of the house.

MS. GANN: Okay, I'll accept a motion.

MR. LUNDSTROM: Madam Chairman, I will offer a motion to schedule a public hearing for Thomas Hurley's request for five foot side yard setback and three foot total side yard setback for proposed 52 inch height above-ground pool at 2036 Independence Drive, The Reserve, in an R-3 zone, section, block and lot 76-4-13.

MS. LOCEY: I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

JAMES\_REYNOLDS\_(06-22)

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MS. GANN: Request for 11 foot side yard setback for proposed attached pool deck and 9 foot side yard setback and 9 ft. rear yard setback for existing shed at 10 Samantha Court.

Mr. James Renolds appeared before the board for this proposal.

MS. GANN: Tell us why you're here.

MR. REYNOLDS: I'd like to put a deck on as an extension to the other deck because there's only, the only way we can get into the pool now is to go down on the ground and up a ladder, I'd rather not, I'd rather go right off the deck extension into the pool and back out for convenience.

MS. GANN: So as it looks now I guess this doesn't attach?

MR. REYNOLDS: I drew that in, oh, no, the pool doesn't attach, I drew that in.

MS. GANN: Got it.

MR. REYNOLDS: The filter sits right there.

MR. LUNDSTROM: Looks like there are two items before us.

MR. REYNOLDS: Yes.

MR. LUNDSTROM: One is with the pool and the other one is the shed.

MR. REYNOLDS: Yes, the shed.

MS. GANN: I guess we'll take them separately, we'll

talk about the pool first.

MR. LUNDSTROM: I think so, makes sense. Question for the building inspector, if I may, Mike, if they put a deck on this pool and the deck now touches the house, are we involved with side yard and rear yard setbacks?

MR. BABCOCK: Yeah, that's why they're here tonight.

MR. LUNDSTROM: What are the current setbacks?

MR. BABCOCK: This particular piece of property that is where this deck is is a side yard, I don't know if you have this is like a corner lot.

MR. REYNOLDS: It's not a corner lot.

MR. BABCOCK: Well--

MR. REYNOLDS: Second house in from Union Avenue.

MS. GANN: Mike, do you want to take a look at these?

MR. BABCOCK: I've got everything here.

MS. MASON: You don't have the pictures, do you need the pictures, Mike?

MR. BABCOCK: I don't need the pictures.

MR. TORPEY: These are pretty good drawings.

MR. BABCOCK: Well, for some reason they decided that this was a side yard where this pool is and according to the survey it's a rear yard the way I look at it.

MR. REYNOLDS: Right.

MR. BABCOCK: So the requirements are different which we'll have to redo, I don't know why they did that.

MS. LOCEY: Could you repeat that, Mike?

MR. BABCOCK: One of my guys in the office looked at this plan and he's saying it's a side yard where this deck is, it's not a side yard, I thought it was a corner lot cause I seen the information on the bottom but it's a rear yard. The rear yard in this area is, I don't even know what it is, I think it's 45 feet. So the numbers will have to change which we can change those numbers and I'll take care of that. The numbers will have to change to whatever the requirements are. But the fact that he's putting the deck, the 14 x 14 deck he's going to attach it to his existing deck so he can walk out of his house onto the existing deck onto this deck and into the pool. So now it's considered part of the house so it's part of the setback and that's why he's here tonight, they just they've got it confused on side and rear yard.

MR. LUNDSTROM: Mike, does that require coming back for another preliminary?

MR. BABCOCK: No, if we can do it tonight, it's a matter of a number change, I've got to make sure that that number is--

MS. GANN: Do you need anything from up here?

MR. BABCOCK: No, I have everything that you have there, I just don't have the requirements with me tonight but I don't know whether it's 40 feet or 45 feet in this zone.

MS. LOCEY: And he would only have how much?

MR. BABCOCK: He's got 9 feet.

MS. LOCEY: So he would be looking for 30 foot variance, is that it?

MR. BABCOCK: Yeah, he's, you know, it could be 54 feet he's looking for, the fact of the matter is this survey doesn't change, going to be 9 foot off that property line, the requirements whether it's 20 or 40 he's going to be the exact same distance off the property line.

MR. TORPEY: How come he can't stay even with the pool?

MR. BABCOCK: The pool is not subject that setback, the pool's only required to be 10 feet and right now like he said if he goes down off his deck onto the ground then back up onto this pool deck, it would be only 10 feet, he doesn't want to have to do that, he wants to go out on the deck and jump in his pool.

MR. LUNDSTROM: Since he has to touch the ground first before he goes into the pool it's an accessory structure?

MR. BABCOCK: That's correct.

MR. LUNDSTROM: By building the additional deck it now becomes part of the house?

MR. BABCOCK: That's correct.

MR. LUNDSTROM: Are there any other dwellings in your area similar to this where there's that type of setback from the property line?

MR. REYNOLDS: I believe there's across the street from me on Cimorelli Drive there's a house right on the corner and there's a large deck that comes off the back of the house several steps down to another deck which is around the pool. I wouldn't go to that extreme, I'd just go out of the sliding glass door onto the existing deck two steps down onto the new deck into the pool.

MR. LUNDSTROM: The house across the street, they're

not actually touching the ground before they go up on the deck for the pool?

MR. REYNOLDS: I don't believe so.

MR. LUNDSTROM: Roughly how far would you say their deck and pool is from the property line?

MR. REYNOLDS: I don't really know that.

MR. TORPEY: He's got 36 feet from the property line to the house itself.

MS. LOCEY: They're talking about the house across the street.

MR. LUNDSTROM: If we grant the variance, it's going to go from 36 down to 9 feet, I want to make sure there are other houses similar to that.

MR. REYNOLDS: Yeah, I believe so, I just don't know the measurements of other people's properties but I have a fence there in the back, we were looking for some privacy for the pool because I would put according to what I got from the building inspector, the spindles have to be four inches apart instead of six, I was looking to put some lattice up around there to give me a little more privacy from Union Avenue, people driving can look right there.

MR. BABCOCK: One of things that he runs the risk of apparently they have explained it when he attaches this deck to the existing deck we're going to go back and look at the existing deck for safety in this pool, so we're going to go back and tell him that the spindles that he has on the existing decks don't meet the code anymore, spindle distance and so on, so apparently they have talked to him about that.

MS. GANN: Okay and tell me about the deck, I'm sorry,

the cul-de-sac.

MR. TORPEY: Mr. Phillips or whatever he built all those houses, remember?

MR. REYNOLDS: Corderopoli (phonetic).

MR. TORPEY: The old guy that lives in the brick house he lived across the street.

MR. TORPEY: He owned it.

MR. BABCOCK: That's the confusion here looking at this tax map this one here this lot is the front yard is actually on Union Avenue, this map, this piece of property here doesn't qualify as a road, so this is the front yard, this is the rear yard and that's why they're saying that that's the side yard because the house faces on Union Avenue so we can correct the numbers whatever you would like the numbers are the numbers.

MS. GANN: Right and they'll go in the newspaper whatever the correct numbers are?

MR. BABCOCK: That's correct.

MS. GANN: The shed, did you get a building permit for the shed?

MR. REYNOLDS: Yes.

MS. GANN: What is it sitting on?

MR. REYNOLDS: Pressure treated lumber platform.

MS. GANN: How long has it been there?

MR. REYNOLDS: Last summer, I guess.

MS. GANN: Any other questions from the board?

MR. BABCOCK: Miss Chairman, just on the building permit actually applied for a permit and we denied it, right?

MR. REYNOLDS: Yeah.

MR. BABCOCK: He applied for the permit for the shed and we denied it, disapproved it because of the setbacks. If he's successful in getting a variance then we'll give him the building permit for the shed so he didn't actually receive one yet.

MS. LOCEY: Just for the record, are you taking down any substantial vegetation or causing any drainage problems?

MR. REYNOLDS: No.

MS. LOCEY: Are there any easements over which you'll be building?

MR. REYNOLDS: No.

MS. GANN: Anything else? I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of James Reynolds and his request for a variance for an 11 foot side yard setback for, is that still correct?

MR. BABCOCK: That's correct.

MS. LOCEY: --for a proposed attached pool deck and 9 foot side yard setback and 9 foot rear yard setback for existing shed all at 10 Samantha Court in an R-4 zone.

MR. LUNDSTROM: Madam Chairman, I will second that motion.

MS. LOCEY: Before we vote, are those numbers going to change?

MR. BABCOCK: Well, it depends on whether you call it a rear yard or side yard from Union Avenue itself a side yard, from whatever this piece of property is out here is Samantha Court. When was this house built?

MR. REYNOLDS: 2001, 2000, maybe 2001, I think.

MS. LOCEY: Could I just qualify the motion?

MR. BABCOCK: Well, I think we should qualify the deck as being 9 foot off the property line and that whether we call it a rear yard the numbers will change as far as the requirements, his proposal is to be 9 feet from the property line.

MS. LOCEY: So the motion is to be amended to indicate that the variance whether it be a side yard or rear yard variance which would allow that deck to be 9 feet off the property line.

MR. BABCOCK: That's correct.

MR. LUNDSTROM: I will second that, Madam Chairman.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

CARLOS\_GOMEZ\_(06-23)

---

MS. GANN: Request for 33 foot rear yard setback for proposed attached rear deck at 8 Cresthaven Drive.

Mr. Carlos Gomez appeared before the board for this proposal.

MR. GOMEZ: I want to build a 16 x 16 deck attached to the house.

MS. GANN: And the deck will be sitting off the ground? I don't have any pictures here.

MS. MASON: Right here.

MS. GANN: Oh, I'm sorry.

MR. GOMEZ: Attached right where these stairs are.

MS. GANN: You'll be getting to the deck from the door?

MR. GOMEZ: Yes.

MS. GANN: Would you be taking any substantial vegetation down to create the deck?

MR. GOMEZ: No.

MS. GANN: Creating any water hazards?

MR. GOMEZ: No, not at all.

MS. GANN: Will the deck be similar in size to other decks that are in the area?

MR. GOMEZ: Yes.

MS. LOCEY: Any easements going through the property that would be affected by your new deck?

MR. GOMEZ: No.

MR. LUNDSTROM: If I may ask the building inspector again what the current setbacks in that zone are?

MR. BABCOCK: The current setbacks in today's zoning is 50 feet. Mr. Gomez, I have a question on the existing house is 10 foot plus or minus off the corner of that property?

MR. GOMEZ: Yes.

MR. BABCOCK: Do you intend to offset the deck into the house so that you maintain this 10 feet at this point?

MR. GOMEZ: Yes.

MR. BABCOCK: You know what I'm saying?

MR. GOMEZ: Yes, that way could be 10 foot.

MR. BABCOCK: As the deck comes out it gets closer to the side property line.

MS. GANN: Right.

MR. BABCOCK: So he's offsetting it, he's not building it out even with the end of the houses, setting it back so he's going to maintain that 10.

MS. GANN: Okay. Any other questions from the board?

MS. LOCEY: Other homes in the area have similar size decks?

MR. GOMEZ: Yes.

MS. LOCEY: Nothing unusual for your neighborhood?

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MR. GOMEZ: Nothing unusual.

MS. GANN: I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Carlos Gomez for his request for 33 foot rear yard setback for proposed attached rear deck at 8 Cresthaven Drive in an R-4 zone.

MR. TORPEY: I will second that.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

JACQUELINE\_CALLANAN\_(06-24)

---

Mr. John Callanan appeared before the board for this proposal.

MS. GANN: Request for variance to permit a 6 foot fence located between the principal building and the street at 58 Keats Drive.

MR. CALLANAN: I'm John Callanan, Jackie's husband. What we just propose is to install a fence down along the side of the property line just for some privacy.

MS. GANN: Will you be taking substantial vegetation down to put the house?

MR. CALLANAN: Not at all.

MS. GANN: Going along this road?

MR. CALLANAN: That's correct, so it will come off the house.

MS. GANN: Will this impede upon anyone's view in terms of this corner right here and what are you using to build the fence? How far apart are the slats?

MR. CALLANAN: It costs much more to put that.

MS. GANN: Why is this gentleman here today?

MR. BABCOCK: He's on a corner lot, Keats and Stephenson Lane and the law says that he cannot have a 6 foot fence in the front yard and the diagram indicates that this fence will be out in the front yard beyond the house on Stephenson Lane.

MR. CALLANAN: Is that considered a front yard there?

MR. BABCOCK: Yeah, you're on a corner lot.

MR. CALLANAN: It's sort of hard to describe.

MR. BABCOCK: It's really in his mind it's his rear yard.

MR. CALLANAN: It's my back yard so we just wanted to have privacy, a true back yard.

MR. BABCOCK: He's proposing it to be some 7 feet off the property line and it's also probably 10 to 12 feet, maybe even 13 feet off the curb, so between that he's probably 20 feet in off the curb which is the edge of the blacktop so it's, it definitely shouldn't be any problem with anything as far as snow removal or anything should be fine.

MS. GANN: Any other questions from the board?

MR. LUNDSTROM: Reason for a 6 as opposed to 4 foot?

MR. CALLANAN: Privacy, 4 your average person would be able to look right over it.

MS. GANN: I'll accept a motion.

MR. LUNDSTROM: I will offer a motion to schedule a public hearing on the application of Jacqueline Callanan request for variance to permit a 6 foot fence located between the principal building and the street at 58 Keats Drive in an R-4 zone, section, block and lot 75-5-3.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE

PUBLIC HEARINGS

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MT. AIRY ESTATES (06-14)

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MS. GANN: Request for 7.3 foot side yard setback for proposed single family dwelling at 3012 Molly Pitcher Drive.

Mr. Marvin Rosenzweig appeared before the board for this proposal.

MR. KRIEGER: It appears that the notice advertised for this hearing was actually published in the newspaper less than 10 days, although it was sent in to be published prior to that, it was apparently the newspaper's mistake. I have been consulted and I advised the board that if you wish, you should go ahead with the application, notwithstanding that because the other the mailing notices were sent out on time but what you should be aware of is if a challenge is mounted later, you have an exposure of vulnerability with respect to the notice. I don't think it should prohibit you from going forward, but it's something that you should consult counsel of your own choosing to determine whether not you have any exposure there.

MR. ROSENZWEIG: Do I have to respond?

MR. KRIEGER: No, you don't have to respond, just letting you know that's the situation and that it's your election whether to proceed or not.

MR. ROSENZWEIG: I believe that I should proceed with it.

MR. KRIEGER: Okay.

MS. GANN: So tell us again, single family dwelling, how large would that dwelling be?

MR. ROSENZWEIG: Approximately, 2,700 square feet.

MS. GANN: Does that fit into the character of the neighborhood?

MR. ROSENZWEIG: Yes, it does, it's a house that's probably the most prevalent of all the houses that are going into the subdivision.

MS. GANN: Is this the last home to go into this neighborhood or is it still building?

MR. ROSENZWEIG: No, we still have quite a few houses to go, it's just it happens to be one of those corner lots that doesn't afford the houses to fit into the specific box and I have been here before and you have allowed me to obtain a variance.

MR. KRIEGER: But the infrastructure for this subdivision has it been installed?

MR. ROSENZWEIG: Yes.

MR. KRIEGER: Roads, waste and that sort of thing?

MR. ROSENZWEIG: Yes, certainly for this area, there are other areas.

MR. KRIEGER: That's all I'm concerned about is this particular area.

MR. ROSENZWEIG: Yes, it has.

MR. KRIEGER: Some homes have been built, just not all you're allowed.

MR. ROSENZWEIG: That's correct.

MR. BABCOCK: One of the things on the Molly Pitcher Drive says under construction and Hamilton Way says

under construction in front of this house, in front of these lots.

MR. ROSENZWEIG: In front of the house, yes.

MS. GANN: So it doesn't look like you'll be taking any substantial vegetation down to build the home?

MR. ROSENZWEIG: Not, area's pretty much clear.

MS. GANN: Creating water hazards?

MR. ROSENZWEIG: No.

MS. LOCEY: Why is it the house cannot be located on the property without the requested variance?

MR. ROSENZWEIG: Because it's a corner lot and just the way the house is situated just misses by a couple feet at one corner.

MS. LOCEY: But everything else meets all the setbacks?

MR. ROSENZWEIG: Yes.

MS. GANN: Do you have any questions?

MR. LUNDSTROM: No, Madam Chairman.

MS. GANN: Any other questions from the board?

MS. LOCEY: No more questions.

MS. GANN: I need to open this up to the public, is there anyone here for this public hearing? No, okay. I'll close that to the public then and I'll ask Myra how many mailings we had.

MS. MASON: On April 10, I mailed out 27 envelopes and had no response.

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MS. GANN: I'll accept a motion.

MR. LUNDSTROM: Madam Chairman, I will offer a motion to approve the application for Mt. Airy Estates' request for 7.3 foot side yard setback for proposed single family dwelling at 3012 Molly Pitcher Drive in an R-3 zone, section, block and lot 76-2-17.

MS. LOCEY: I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

MT.\_AIRY\_ESTATES\_(06-15)

---

Mr. Marvin Rosenzweig appeared before the board for this proposal.

MS. GANN: Request for interpretation of single family dwelling with two kitchens and/or use variance for a two family dwelling in an R-3 zone at 2075 Independence Drive.

MR. KRIEGER: Same admonition.

MR. ROSENZWEIG: I'd like to proceed. This was the issue regarding the dirty kitchen.

MS. GANN: Right.

MS. GANN: So this has already been looks as though it's a different appliance, this is the kitchen?

MR. ROSENZWEIG: That's the only appliance that's there, the stove, it's attached to the existing kitchen and there's no separate entrance from the outside there's no separate gas, electric meter.

MS. LOCEY: And the reason for the second kitchen?

MR. ROSENZWEIG: It's a Philippine family, they have a separate kitchen, it's called a dirty kitchen, I guess where the, it's not supposed to be in the same room as the regular kitchen so--

MR. KRIEGER: But it's a single family home, it will remain a single-family home?

MR. ROSENZWEIG: Yes.

MR. KRIEGER: It will always be marketed as a single-family home?

MR. ROSENZWEIG: Yes, it is.

MS. GANN: Any other questions from the board?

MR. LUNDSTROM: If I may ask counsel what should this motion read because right now it says either a two family, two kitchens or use variance for two-family dwelling, is this the point where we say two kitchens?

MR. KRIEGER: The motion should be to interpret the application so as to allow two kitchens in a single family home.

MR. LUNDSTROM: With that interpretation, I'd be honored to make that motion.

MR. BABCOCK: Did you open it to the public?

MS. GANN: No, hasn't been opened.

MR. LUNDSTROM: Sorry, withdraw my motion.

MS. GANN: Anyone here for this public hearing this evening? Come on up, please and state your name and give us your address.

MS. O'SHEA: I'm Lisa O'Shea, I'm at 182 Bethlehem Road and my property is adjacent to the development and I wanted to know whether it was just one home or a series of multi-family homes that was being proposed.

MS. LOCEY: It's just one single family home and they have a second room off of the main kitchen for cultural reasons the people who are going to be purchasing the residence--

MR. TORPEY: It's not really a full kitchen.

MR. KRIEGER: The whole point of the inquiry is that it's not a multi-family use, it's a single family use.

MS. O'SHEA: That's why we're here.

MR. ROSENZWEIG: Strictly single family home, just like all the other homes.

MR. BABCOCK: It's got a room off the kitchen with an extra stove.

MS. O'SHEA: Thank you.

MS. GANN: So for the record, ma'am, are you for or against it?

MR. KRIEGER: Or have no opinion.

MS. O'SHEA: No opinion.

MS. GANN: Thank you. I will close the public portion, ask Myra how many mailings we had.

MS. MASON: On April 10, I mailed out 27 envelopes and had no response.

MR. LUNDSTROM: With that in mind, I will make the previous motion.

MS. LOCEY: I will second the motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

MICHAEL\_AND\_TAMMY\_PHIPPS\_(06-16)

---

MS. GANN: Request for 14 foot rear yard setback for existing 10 x 20 enclosed porch at 4 Cresthaven Drive.

Ms. Tammy Phipps appeared before the board for this proposal.

MS. PHIPPS: I'm opting to put off the public hearing due to the Sentinel's inability to print the ad on time. I have current contracts on this house on my home in Pennsylvania so I don't want anything to mess that up, I do also want to put it on the record that I don't feel it should be the financial responsibility of myself and my husband to have to send out the notices, postage, legal fees, everything that's involved with it because of the Sentinel's error. I know that's not your responsibility but I'm just putting it on record.

MR. KRIEGER: I think you should ask if there's anybody in the public here for this application then all you'd have to do is do the publication, not send the letters out.

MS. GANN: Is there anyone here for this public hearing? No, okay, no one.

MR. KRIEGER: So what would be in order is a motion to adjourn the public hearing to a date certain, table to the next meeting to allow the publication to take place, that would be May.

MS. MASON: That would be May 8.

MR. LUNDSTROM: Will that give you enough time to get it into the Sentinel?

MR. KRIEGER: Probably already been but--

MS. MASON: Well, it hasn't been showing the May 8

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date, it's been in showing the April 24 date.

MR. KRIEGER: Okay.

MS. PHIPPS: But I don't put that in the paper, right?

MS. MASON: I will.

MS. GANN: Thank you very much.

MR. LUNDSTROM: I will make that motion.

MS. LOCEY: To adjourn this public hearing.

MR. KRIEGER: Table it to the May 8 meeting.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

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JOSE\_ALEMANY\_(06-11)

---

MS. GANN: Request for 14 foot rear yard setback for proposed attached rear deck at 2641 Liberty Ridge.

Mr. Jose Alemany appeared before the board for this proposal.

MS. GANN: Would you be taking any substantial vegetation down in the building of the deck?

MR. ALEMANY: No.

MR. TORPEY: No trees?

MR. ALEMANY: No.

MS. GANN: Going over any easements that you know of?

MR. ALEMANY: None, I'll be 14 feet away from the easement.

MS. LOCEY: No drainage or water hazards?

MR. ALEMANY: No.

MS. GANN: Would that be similar in size to other decks in the area in the neighborhood?

MR. ALEMANY: Yeah, pretty much.

MR. TORPEY: How many steps do you think that deck is going to have?

MR. ALEMANY: Three tops.

MR. TORPEY: Coming off the back?

MR. ALEMANY: Yeah, coming off going to be a walk-out and making a right.

MR. KRIEGER: The deck will be adjacent to a rear exit of the house, correct?

MR. ALEMANY: Yes, well--

MR. KRIEGER: A person will be exiting the house onto the deck?

MR. ALEMANY: Yes.

MR. KRIEGER: And without the deck there would be likelihood exiting the house they'd be likely to fall and sustain serious injury, right?

MR. ALEMANY: Correct, absolutely.

MS. GANN: Any other questions from the board? Is there anyone here for this public hearing? Okay, no one. I'm going to ask Myra how many mailings we had.

MS. MASON: On April 10, I mailed out 54 envelopes and had no response.

MS. GANN: I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the request for 14 foot rear yard setback for proposed attached rear deck at 2641 Liberty Ridge in an R-3 zone.

MR. ALEMANY: I have a question though, in addition between the deck and the property line I guess like 14, 15 feet if we want to build an above-ground pool between that space, do I need to do something different?

MR. KRIEGER: You have to talk to the building inspector.

MR. ALEMANY: Between the end of the deck to the

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property line if we wanted to squeeze an above-ground pool in there, is that another variance?

MR. BABCOCK: Well, if you can get one that's 4 foot round.

MR. ALEMANY: I don't think the kids will like that.

MR. BABCOCK: A 55 gallon drum.

MR. ALEMANY: I think he answered it, that's fine.

MR. LUNDSTROM: I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

BETTY\_LAWRENCE\_(06-13)

---

Ms. Betty Lawrence appeared before the board for this proposal.

MS. GANN: Request for 80 foot rear yard setback for proposed attached rear deck at 405 Old Forge Hill Road. Tell us why you're her again.

MS. LAWRENCE: Request for 80 foot rear yard deck setback for 405 Old Forge Hill Road.

MS. GANN: So the deck that's here right now.

MS. LAWRENCE: Yeah, it's above that from the dining room area.

MS. GANN: And you're going to take this out?

MS. LAWRENCE: No, that stays there, just going to raise the one, put one up by the dining area itself going to be, you can't see that from there.

MS. GANN: And you're going to make, there's going to be a sliding door or something to get onto the deck from the kitchen?

MS. LAWRENCE: From the dining area.

MS. GANN: Will you be taking down any substantial vegetation in the building of the deck?

MS. LAWRENCE: No, just trimming some trees.

MS. GANN: Is this the next neighbor over from you?

MS. LAWRENCE: Yes.

MS. GANN: So you'll be able to look down into their back yard, in other wards, once you're on your deck?

MR. TORPEY: No, it's all woods right there, her corner to her left is all woods.

MS. GANN: Isn't that your home?

MS. LAWRENCE: I have a corner property.

MS. GANN: She's got someone next to her though.

MR. BABCOCK: If you look at the tax map, the number 68 over here was the two lots, the one above 68 was the two lots we looked at for the two-family house and the townhouses wrap all the way around so this is one of the townhouses.

MS. GANN: How big is the deck, what size deck are you planning on putting up?

MS. LAWRENCE: It's the same as that one just raised.

MR. LUNDSTROM: Your plot plan shows 19 x 15, is that correct?

MS. LAWRENCE: For my plot?

MR. BABCOCK: Yes.

MR. LUNDSTROM: Mike, is that correct?

MR. BABCOCK: Yes.

MS. GANN: Will you be using the deck, this existing deck?

MS. LAWRENCE: Probably not as often if I was using the top one cause the one at the bottom leads out to the basement which is the laundry room.

MR. BABCOCK: She has two exits from her house, one on

the ground level and one eight foot up from her probably her dining room living room area.

MS. LAWRENCE: That's what I have, I want to have.

MR. KRIEGER: The one that's eight foot up that will be exiting onto this deck?

MS. LAWRENCE: It will be exiting out to the back yard.

MS. LOCEY: Yeah but this proposed deck that you want will be 8 feet up and you'll get to it from your--

MS. LAWRENCE: My dining room area, but you can also go out the back yard to it, it's going to be to the back.

MR. LUNDSTROM: From the deck you can go to the back yard from the house you can go from the deck to the back yard?

MS. LAWRENCE: Right.

MS. GANN: Are there decks similar to the one that you're looking to build in the area?

MS. LAWRENCE: Yes.

MS. GANN: And they similar in size?

MS. LAWRENCE: Yes.

MR. LUNDSTROM: Do you envision any substantial vegetation, trees to be affected by this?

MS. LAWRENCE: No.

MR. LUNDSTROM: Any easements that that deck would go over?

MS. LAWRENCE: None that I'm aware of.

MR. LUNDSTROM: Will this deck create any water problems?

MS. LAWRENCE: No.

MS. GANN: Any other questions from the board?

MS. LOCEY: You can open it up to the public who's not here.

MS. GANN: Looks like there's no one for the public hearing so we'll close the public portion, ask Myra how many mailings we had.

MS. MASON: On April 10, I mailed out 44 envelopes and had no response.

MS. GANN: I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the requested variance on the application of Betty Lawrence for an 80 foot rear yard setback for proposed attached rear deck at 405 Old Forge Hill Road in an R-5 zone.

MR. TORPEY: I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

MS. GANN: Motion to adjourn?

MR. LUNDSTROM: So moved.

MS. LOCEY: Second it.

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ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer