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ZBA Members Present:  
Daniel Persing, Chairperson  
Stephen Day  
Adrian Ooms  
John Lyons – Town Attorney  
Kim Garrison – Town Attorney  
Chris Spencer – Absent  
Christie Ellis - Absent

Public Present:  
Linda Vault-Smith, Mark Twentyman  
Russell Miller, Marc Martino  
Ian & Sharon Wing, Chris Sausbury  
Robert Bixby, Morgan Taylor

The meeting was called to order at 7:05 PM and the Pledge of Allegiance was recited.

A Motion to approve the August 22, 2019 meeting minutes as amended was made by Mr. Day with a second from Mr. Ooms, all in favor motion carried.

Chairman Persing welcomes the Public and explains how a Public Hearing is conducted.

**Public Hearing:**

**An Application for an Area Variance from Mark Martino located at Electric Park Rd., Tax ID#25.5-1-41, to allow a garage that does not meet the front and side yard set-backs.**

A motion to open the Public Hearing was made by Mr. Day at 7:06pm with a second from Mr. Ooms, all in favor motion carried.

Mr. Martino explains that he is looking to build a garage across from his house and is going to build mostly on the footprint of the house that had burned years ago. Ms. Garrison adds that this parcel basically has two front yards since it is a corner lot, Mr. Martino adds that roadway 8 is actually a utility easement. Ms. Garrison states the elevations the Board had asked for had been received. Chairman Persing asks about the hangover of the eve, Ms. Garrison states the code allows overhangs of 2'6" into the minimum yard set-back. Public Member Mark Twentyman asks the reason for the 19' set-back, Mr. Marino states that is where the old foundation is that he is planning to build on. Public Member Linda Vault-Smith states she is concerned about the size of the building and it blocking the view pulling out of Marina Drive. Public Member Russell Miller states he is concerned about the 14' set-back from the property line and if there is going to be an apartment on the second floor, Mr. Martino states it will be strictly for storage and the windows were only added for aesthetics and the first floor would be below the grade of the road. Ms. Vault-Smith states she is concerned this will affect her property value and block her views and asks why it can't be one story, Mr. Martino explains he has no room for storage in his house and would like a two-story garage. Chairman Persing asks if the 19' measurement from the center of the road is correct, Mr. Martino states Kent Pratt, the Building Inspector measured it with him. Mr. Lyons suggests keeping the Public Hearing open till next month to do a site visit and

give the Public time to review the file during office hours if they choose too. Chairman Persing explains the variance to the Public stating it is strictly from the property lines and not the height or size of the building.

**An Application for an Area Variance from Ian and Sharon Wing located at 875 County Route 13, Tax ID#26.-1-30, to allow a garage that does not meet the front and side yard set-backs.**

A Motion to open the Public Hearing was made by Mr. Day at 7:47pm with a second from Mr. Ooms, all in favor motion carried.

A motion to close the Public Hearing was made by Mr. Day at 7:48pm with a second from Mr. Ooms, all in favor motion carried. Chairman Persing states they now have the 5 findings of fact questions to consider:

1. Is there an undesirable change to the neighborhood – None
2. Can the benefit be achieved in any other manor – No
3. Is the variance substantial – Yes it's about a 30% variance, Ms. Wing adds it is the same distance from the road as the house.
4. Is there an adverse effect on the physical environment – None
5. Was it self-created – Yes

A motion to approve the Application for an Area Variance was made by Mr. Ooms with a second from Mr. Day, all in favor motion carried.

**New Business:**

**An Application for an Area Variance from Morgan Taylor & Rachel Loshak located at 201 Pond Hill Rd., Tax ID#66.1-1-1, to allow an accessory structure that does not meet the side yard set-back.**

Mr. Taylor explains the building is 40'x15' and gives the reason for the use of the building would be to provide a separate office/work space from the house. The grade of the property would make it difficult for them to put the building any other direction. Chairman Persing asks if it would be possible for them to turn the building so that they wouldn't need the variance, Mr. Taylor states they would have to build into the hill. Chairman Persing asks if the Board feels the application is complete.

A motion to deem the application complete and schedule the Public Hearing for October 24, 2019 was made by Mr. Day with a second from Mr. Ooms, all in favor motion carried.

Chairman Persing states the Board will need the abutter list included in the Application.

A Motion to determine the application as a Type II Action per Section 6172.5 C12 was made by Mr. Day with a second from Mr. Ooms, all in favor motion carried.

Chairman Persing suggests the Board do a site visit as well for this Application. Ms. Garrison states they will need the recommendation from the Planning Board as well.

A motion to adjourn the meeting was made by Mr. Day with a second from Mr. Ooms and the meeting adjourned at 8:22 PM.

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Daniel Persing, ZBA Chairman  
October 17<sup>th</sup>, 2019

Respectfully submitted by  
Erin Reis, ZBA Clerk