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

Public Present:
Ron Rich Jr., Lisa Dubel
Russell Miller, Marc Martino
Merl Smith, Tina Decker
Morgan Taylor

The meeting was called to order at 7:00 PM and the Pledge of Allegiance was recited.

A Motion to approve the September 26, 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 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 gives a brief summary of the purpose and the reason for the direction of the building is due to the topography and trees. Chairman Persing asks if there are any members of the public here in regards to this application, no public response. Mr. Spencer asks what the height of the building is, Mr. Taylor states 10ft. Mr. Lyons presents aerial views of the parcel. Mr. Spencer asks the reason for the length of the building, Mr. Taylor states it is for an office for his wife and himself.

A motion to close the Public Hearing was made by Mr. Day at 7:16pm with a second from Ms. Ellis, 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, Mr. Day states there will be no negative affect and Chairman Persing adds it won't be visible by anyone.
2. Can the benefit be achieved in any other manner – Yes, Chairman Persing states they would have to cut into the hill though
3. Is the variance substantial – Yes it's about a 40% variance
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. Day with a second from Ms. Ellis, all in favor motion carried.

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.

Mr. Martino gives a brief description of the project and that he plans to use the existing foundation from the previous house that was there. Chairman Persing asks how long it's been since the building burned, Mr. Martino states about 5-6 years and that he is actually moving the new building further from the road than the original structure. Chairman Persing asks the purpose of the building, Mr. Martino states it will be a garage and storage and that from Electric Park you will only be able to see the second story of the building. Mr. Day asks if the large tree on the parcel will be removed, Mr. Martino states it will not be and the garage will be tucked behind it. Mr. Day adds there is also a significant drop off if the garage was to be moved to another location on the parcel. Mr. Martino adds there won't be any plumbing just electrical. Mr. Spencer asks about the 19' set-back from the center of the road, Mr. Martino states that is where it is 3' back from where the original structure was. Chairman Persing asks if there are any members of the Public here in regards to the Application adding there was an email received with photos. Public Member Merl Smith states the property now is actually a hazard because it is a big open pit and the garage will be a good thing. Public Member Bridget Bruce states it will be better visually with the garage and Ron Rich states he is in agreement. Public Member Lisa Dubel states she lives across the street and the parcel had been full of debris and Mr. Martino has done a great job cleaning it up. Public Member Russell Miller states aesthetically the property is good now as a forest and that he is concerned with the building being a safety issue as a two-story building. Mr. Spencer asks if Mr. Martino would consider reducing the size, Mr. Martino states he has a 26ft boat with a trailer that he would like to store in the building. Mr. Spencer asks if this building would be larger than other buildings in the area, Mr. Martino states it would not be and presents the Board with pictures of the house that had burned.

A motion to close the Public Hearing was made by Ms. Ellis at 8:04pm 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 and Ms. Ellis states she would like to thank all the members of the Public that have come out tonight:

1. Is there an undesirable change to the neighborhood – None, Mr. Day states the parcel will remain largely wooded and it is not overly substantial than what was there. Ms. Ellis adds that putting a structure there will actually bring it back to conformity.
2. Can the benefit be achieved in any other manor – No
3. Is the variance substantial – Yes, 31' and 29' are significant.
4. Is there an adverse effect on the physical environment – None. Mr. Day adds that he is actually moving it 3ft back from what was there. Mr. Spencer asks if the new structure will be taller than what was there, Mr. Martino states it will be lower
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 Ms. Ellis, all in favor motion carried.

Other Business:

A motion to approve and begin using the new application was made by Mr. Spencer with a second from Ms. Ellis, all in favor motion carried.

A motion to adjourn the meeting was made by Mr. Day with a second from Mr. Ooms and the meeting adjourned at 8:58 PM.

Daniel Persing, ZBA Chairman
October 31st, 2019

Respectfully submitted by
Erin Reis, ZBA Clerk