

TOWN OF WALLKILL
ZONING BOARD OF APPEAL

DECEMBER 14, 2015

PRESENT:

V. Biondollilo
K. Dunn
S. Najac
R. deRoziere
L. DeStefano
E. Johnson, Chairperson
J. Schultz

J. Furst, Esq.

MEETING OPENING:

The meeting opened with the pledge to the flag followed by the roll call and presentation of the November 9, 2015 Meeting Minutes.

Mr. Johnson: I Move to accept the November 9, 2015 Meeting Minutes; Seconded (Dunn); All in favor; Motion carried.

Mr. Johnson: The following Public Hearings were continued, heard and voted upon as noted and reviews were made for the Public Hearing scheduled for January 11, 2016.

CORRESPONDENCE: (Six month extension request)

Liberty Commons Development Corp:

Mr. Johnson: The request is for an extension the ZBA granted for area variances in September 2014 and extended for additional 6 months. They are seeking sub-division approval from the Planning Board and Orange County Department of Health. They are asking for it to be retroactive to September 2015, therefore this is for 3 months from December 2015.

Mr. Johnson: I Move to grant Liberty Commons Development Corp.: a six month extension from September 2015 for variances of 249 (area) for variances granted 3/10/14: Bulk area requirement for development 1-35: 1) Lots width to 21; 2) Lot depth to 56ft; 3) Front yard to 2 ft; 4) One side yard to 2 ft (end units); 5) Rear to 2ft; 6) Lot #36 own common space, roads and outside of structure; Property located on Pinto Road (107-1-1) and Designated RM(B) subject to extension granted to March 2015; Seconded (Najac); All in favor; Motion carried.

Mr. Johnson: The variance is granted subject to it's expiring March 2016.

Iglesia Emanuel / Emanuel Church:

Mr. Johnson: The original request was granted December and extended to June 8, 2015, for property at 481 Cottage Street. They are requesting the variance extension be in parallel with their special use permit extension as to make it easier to manage. The special use permit is currently on a one-year extension that expires in July 2015.

J. Furst, Esq.: The Board is unable to grant that extension.

Mr. Johnson: I Move to grant a six month extension to Iglesia Emanuel for variances of 249-12 D(12) originally granted on January 13, 2014: 1) Delay in paving main parking lot for two (2) years after issuance of C/O; 2) Use of well in a water district due to 1700 feet distance and cost of \$50,000 for connecting service; Subject to: should utilities be brought closer they will have to connect to the water service; Property located at 481 Cottage Street Extension (40 – 1 – 21.2); Designated R-1; Seconded (Biondollilo); All in favor.

Mr. Johnson: The six month extension is granted.

Mills Property (Joseph Klein / Marshall Engineering):

Mr. Johnson: The applicant is requesting an extension of variances granted on May 11, 2015. The project is before the Planning board for review and detailed site plan is being prepared. Technically this is already granted for 12 months as the variance expiration date changed from 6 to 12 months. Since that is the case, I Move to grant it.

Mr. Johnson: I Move to grant an extension to Joseph Klein / Lawrence Marshall (Mills Property) for the variances of 249 (use) granted on May 11, 2015: 1) Use variance to have self storage in a TC zone; Subject to: Maximize and maintain the 100 foot buffer, address the storm water issue to the best to ability and to extend the storm water minimum to 125% to address 100 year storm for storm water; Seconded (Najac); All in favor.

Mr. Johnson: The 12 month extension is granted for 12 months.

LIAISON COMMITTEE REPORT:

Ms Najac: From the Planning Board, there are no items that were to be addressed by this Board at this time except or mother/daughter application (Massaro). It was tabled by the Planning Board. Verizon may be coming before the ZBA but they are in discussion with the Town Board and may be a special use for a new tower based on parcel selection location. This was also tabled.

PUBLIC HEARINGS:

12th ROCK Request for a variance of 249-20.D(1):
1) Building roof height (peak) from 35 to 60ft;
For an indoor sports facility.
Property located on Egerton Avenue
(SEC 69 / BL 1 / LOTS 64.2 and 64.3)
Designated: R2 Suburban Residential

Mr. Johnson: The mailings were reviewed by the Board and filed for the record.

Ms Najac: The Public Hearing Notice was read at 7:42 pm.

Mr. Johnson: I Move to open the Public Hearing at 7:44 pm; Seconded (Najac); All in favor;
Motion carried.

Mr. Johnson: Please tell us about your application and what you are seeking.

Jay Samuelson, PE: We are proposing and currently before the Planning Board (PB) for active site plan approval for an indoor facility 90,000 S/F – 34,000 and 56,000 and the larger is the one they need the variance for. It will be in the back of the property and access from Egerton Avenue. It meets other requirements except for height. I have a rendering of what building will look like (illustration) the peak is 60ft on larger building. Looking from the side not there is not a big difference but it is above 35ft. The walls will be 40ft on ends and project to 60 at the peak.

Mr. Johnson: Any questions from the Public?

Ken Eastwood, Phd.: Good Evening, my name is Ken Eastwood and I am the Superintendent for the Enlarged City School District of Middletown. I am present tonight to comment on a variance request by 12th Rock Ministries, who plans to purchase property and erect a major recreational facility, on property adjacent to the Maple Hill Elementary School.

Given that the Maple Hill Elementary School is the only neighbor at this time, it is important that the School District be heard on this important issue.

The District understands that the applicant intends to build one to THREE large buildings immediately adjacent to the Maple Hill Elementary School. We were originally informed that it would be three large structures and now they report only one. That being said though, who is to say that once a variance is permitted, that another two structures would eventually be constructed

as originally planned. Regardless though, the issue before you tonight is the request for a variance in height.

Before the Board, is an Area Variance, that would extend the permitted height of the applicant's structure(s) to nearly double (from 35 to 60 feet) the height permitted under Section 249-20.D(1) of the Town of Wallkill zoning code.

As a neighbor, the District has several objections to this proposed variance and does not believe that the applicant can satisfy the factors required under State Law to grant such a variance.

What we have here is not a homeowner asking for a variance to deal with some pre-existing, non-conforming use, or something like that. We have a "developer" who wants to buy property in a R-2 Suburban Residential zone and build a structure or series of structures with dimensions that are almost necessarily antithetical to the characteristic use of properties in this neighborhood.

As I understand, the Board has 5 factors to consider relative to this variance:

- (1) First, this Board must consider whether an "undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance."

In this case, we are talking about a peaceful neighborhood in general and, more specifically, about an elementary school housing over 1200 students in grades K-5.

The applicant is not seeking a "variance" here. It isn't a resident asking to add 2 or 3 feet to a housing addition. Rather, it is a commercial applicant seeking approval for an entirely different and uncharacteristic type of structure.

Part of the reason for a height restriction is to limit the type of structures that can be built in the neighborhood. This neighborhood is Zoned R-2 – Suburban Residential. Plainly, by limiting the height of buildings to 35 feet, the intent is to limit and/or restrict commercial-type enterprises from building structures here. Prevent exactly the type of enterprise being proposed by the applicant.

Additionally, taller structures of this magnitude generally mean more people using the roads, resources, and parking available in the neighborhood. Here, again, this is exactly the proposed use of the applicant.

Our own school's construction itself adhered to the zoning law height restrictions, when we built the elementary school with a maximum height of only 27 feet.

This is a quiet neighborhood, trafficked primarily by school traffic. Allowing structures nearly 100% bigger than the current maximum will absolutely cause a detriment to the neighborhood's present character. Remember too, this neighborhood only has one road into it...of which is the main road into the elementary school and would run alongside that building where children would be playing.

Again, we are not talking about a request to add a couple of feet to the top of a house. We are talking about a variance that will literally change the character of the community.

- (2) The Board also must consider "whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance."

Frankly, this factor is not really relevant here. The District is quite sure that the applicant cannot achieve its proposed benefit by some other method. And that is precisely the point. The magnitude of the variance requested is such that it is incompatible with the character of the neighborhood. The benefit sought by the applicant – a structure allowing for the commercial use of a building by hundreds, and possibly, thousands of customers at a time – is precisely the type of "benefit" that the restrictions in the Town Code are meant to prohibit in areas zoned R-2 Suburban Residential.

- (3) The Board must consider whether "the requested area variance is substantial."

Again, this variance is not only substantial, but transformative. The requested variance is for a structure nearly twice the height of those permitted by the Town Code. In other words, a structure that is twice as large as the largest permitted structure in that specific zone. Not only does this mean the one or more structures themselves would be nearly twice as tall as others in the neighborhood are permitted to be, but it will also require that the buildings are substantially longer and wider than other structures in this RESIDENTIAL-ZONED area.

As stated before, this is not a variance sought to obtain an otherwise generally anticipated use in this area. It is a variance sought to transform the anticipated use of buildings in this area into something entirely different and outside the character of the neighborhood.

- (4) The Board must consider whether the proposed variance "will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district."

Obviously, the variance would allow for these massive new structures to house hundreds to thousands of people at a time for commercial purposes. This means substantially more traffic, water and sewer usage, use and possible expansion of roadways. All of this would be necessitated by allowing structures of this size and for the requested purpose of the variance. The adverse effects of all of this additional traffic on the school, in particular, over whose property people will have to traverse in order to get to these new structures, are extreme and severe. The last place we should be having this increased traffic is in an area where children ages K-5 are likely to be.

To be perfectly blunt, the only reason that structures would need to be 60 feet in height would be to construct them for the type of use that would have these adverse effects on the neighborhood, and in particular, our elementary school. So in that respect, the use of the property – which is the motivating factor behind the request for a height variance – is of paramount importance for this Board to consider.

- (5) Finally, the Board must consider “whether an alleged difficulty is self-created.” Here, there is no question that the difficulty is self-created. The applicant is seeking a use that is entirely inconsistent with the character of the neighborhood. That proposed use is the sole reason that this proposed variance is required.

In short, I cannot stress enough that the requested variance here has nothing to do with asking this Board for a concession that would allow for an otherwise anticipated and characteristic use of the property in question. This is a variance that would take the proposed structures far outside the bounds of what the R-2 Residential Suburban zone is meant to allow. The reasons I’ve outlined here tonight are not exhaustive, but really only touch the surface of why the proposed variance fails to satisfy the criteria necessary for the Board to grant a variance of the magnitude and characteristics of the variance sought here. This Board absolutely should reject the application.

The District has retained counsel on this matter. Although counsel is not present here tonight, I respectfully request that the Board keep this public hearing open for a brief period to allow the District to submit, in writing, a more thorough statement of its objections and reasons that this application should be rejected.

I would like to thank this zoning board for allowing me to speak before you tonight and beg your consideration of my comments, concerns and request to at least, keep this public hearing open for a short period of time to allow the school district to formally respond in this matter. Thank you.

Mr. Johnson: Any other questions or comments from the Public?

RJ Smith: We have been working for 6 months for applicant facilitate this project. The suggestion it is incompatible - it is designed for youth programming and Greg and his brother run a not for profit and it is a special design, integrity and character traits we want through sports program: basketball, soccer and they run summer camps and to service the youth like the building adjacent. These are kids they service. They service them when they are not in school. The traffic during the day is for adults or indoor – but when have youth program it is when school is closed and on weekends and evenings.

Lastly with due respect we contacted them – school district, in August and requested a meeting and were told to meet with Tom Scott from facilities, they laid out the plan, provided information on the easement from 1999 for the access roads, gas, utility and water. And, the property owner gave the easement to the school district in turn which were filed in the County. Followed up calls to Mr. Scott and the school board members with Dr. Eastwood or Tom Scott and could present at the full school board meeting. I feel ambushed when they called Friday that the school board / district has substantial objections and we could have addressed them back in September.

Mr. Johnson: Any further comments or questions from the Public? (No)

Mr. Johnson: Any comments or questions from the Board?

Mr. Johnson: Regarding some comments from the public ‘use’ and those are 2 different categories. The building is in size wise and they use is only here for the height of roof and if not granted they can still build a large building do something similar. The only thing we address is the height of the back building for the indoor gym. There are variables we have to address and we are made of individuals who vote as they feel. It was stated very well. We can make recommendation to hold or close and hold the vote if more information needs to be presented by the school board. They are still before the Planning Board and it is several months before that occurs and this decision will not affect the Planning Board process. Will that address your concerns?

Dr. Eastwood: Yes, given that we can address in a more formal way.

Mr. Johnson: Any comments from the Board?

J. Furst, Esq.: We are awaiting comments from the County.

Mr. Johnson: A vote cannot be held until we receive comments are in from the County.

Ms Najac: Important to know is use is allowed and you will be neighbors working in the same population and working together to benefit both of you makes sense.

Dr. Eastwood: We understand that but height is necessary based on their needs and go back to comment about height and with height comes expansion and concerned collateral relative to traffic and issues could become issues for our kids and structures.

J. Samuelson: Those concerns will be addressed by PB as well.

Mr. Johnson: The Pocatello Fire Chief spoke with us and their concern is a Planning Board issue, and is the access of emergency vehicles.

J. Samuelson: We will meet with them tomorrow.

Mr. Johnson: We can make recommendation to address those concerns and it is their jurisdiction. Between now and next month...

J. Samuelson: ...we understand and working it out with them.

Mr. Biondollilo: The height with 60ft - where would you stand if not 60ft?

Dr. Eastwood: Have to go to the use – you can't kick soccer in a building in 27ft and with the height of the structure it becomes a larger facility. That will then go to the PB issues, numbers, traffic, single road, with 1200 kids running around, facility subject now, not fenced in, and there are concerns about safety and property protection.

Mr. Biondollilo: What is the capacity?

Frank (applicant): It depends – if 4 basketball courts with 20 on each court plus parents, we are talking 240 in gym and 80 and soccer – 3 small soccer fields and same number on field. 6-700 and one team on a court with basketball. The biggest influx is on the weekends when running tournaments and there is ample parking but talking about height.

Mr. Biondollilo: Hours would be after hours because of kids?

Frank (applicant): Yes.

Mr. Dunn: Curious to compare building size - how many S/F?

J. Samuelson: The building itself is a total 90,000 S/F which is 56,000 and 34,000.

Dr. Eastwood: It is larger than ours. School does end at a specific time, we have night programs and after school programs. Do not want to step into a planning issue – the issue now is for a height request and argue height brings in other issues that are collateral to ours.

Mr. Johnson: The fire department wants two (2) ways in and out, i.e. 600 in/out it could be blocked in an emergency which was their concern with that flow of traffic. 600 may not have every hour but if that was the case and getting emergency vehicles in there could be difficult. How you will address it is their concern. Not our issue to address but height dictates number of people, use and then traffic and back to us.

Dr. Eastwood: Why now? Perception is some way played a game here. As you know over last 4 months the building has been swatted 4 times and will not go into those issues – you can go to the chief of police and that brought new set of concerns and the area around our buildings. When you increase the number of people decrease security in and around the building. Not something we decided to do, planning and serious concerns and had conversations over the last 4 months and how to harden our schools and new conversations when looking at this type of issue – increase number of folks around the building and it is a Planning issue and the perception we pulled the rug - but how do we harden the building and additional structures with significant number of folks moving around bring issues of safety around the building.

Mr. Johnson: I Move to continue the Public Hearing to January 11, 2016; Second (Schultz); All in favor; Motion carried.

Sal & Margaret Lucido: Request for a variance of 249-8.A(5):
1) Permit accessory structure in front of principal building
(structure not for storage but ground-mounted solar panels);

Request for a variance of 249-19.D(1):
1) Front yard set back from 60 to 24ft.
Property is located at 38 Leaf Haven Court
(SEC 19 / BL 3 / LOT 4)
Designated RA Rural Agricultural

Mr. Johnson: The mailings were reviewed by the Board and filed for the record.

Ms Najac: The Public Hearing Notice was read at 8:13 pm.

Mr. Johnson: I Move to open the Public Hearing at 8:15 pm; All in favor; Motion carried.

Mr. Johnson: Please give description.

Mr. Lucido: We have usage a little over 19k and this will be 192 and will eliminate most of the electric we put in. The system will not fit on roof and where to put it is on the opposite side of driveway is in a gully will allow me to clear snow and the position of the panels is in a better way than if on the roof.

Mr. Johnson: The 2 things the Boards notices, is not so much the front yard but an accessory in front of the primary structure. That is difficult to achieve because dangerous and setting precedence, if it was a few feet and house sits differently from the front of the house. We have had people set sheds and not get a variance and they have to move it. This is all in front and not a building but solar panels and we are awaiting comments from neighbors.

Mr. Lucido: No one really would see it.

Mr. Johnson: Yes, one neighbor.

Mr. Lucido: It really drops down.

Mr. Johnson: I drove by, and just so you are aware, the front yard variance is more difficult to achieve.

Mr. Lucido: I understand that if sitting in middle of front yard and really it is off to the side.

Mr. Johnson: The side of the front yard but it is accessory in front of primary – the whole piece. Is it possible to move first section up driveway.

Mr. Lucido: The problem is where the house is blocks it.

Mr. Biondollilo: How high – is it 12 ft in back? Like a bleacher.

Mr. Lucido: They are down, 7 feet from driveway level and 5 feet above.

Mr. deRoziere: To be clear on positioning and height where they start, the driveway comes up and gully as you turn. From beginning you see the 1st solar panel full height at 12ft and 12ft structure as drive up road. You don't have neighbor because house burned down, but you will and new neighbor seeing huge solar panel, would not like that.

Mr. Lucido: What I would do – if you drove up, it is fairly well maintained and if it became an issue and go by what contractor tell me if I needed to put shrubs in front to block from road I am going to do that. I want property to look nice.

Mr. Johnson: Vegetation - if 12ft don't block all but 8 or 9 privet and have sun but block view by neighbor.

Mr. Lucido: In the Summer there is a bush and is empty but have to do something for the winter but you'll not see it in the Summer.

Mr. Johnson: Landscape in the front would address some concern as you need to think about the neighbors.

Mr. Biondollilo: There is open space, children getting next to the solar panels? They generate heat and get pretty hot and not sure if it is an issue and as neighbor not one to lend to that if I had little kids, and they wander, and on to your property accidentally and near panel then where are we?

Mr. Lucido: In 9 years I have never had a child come up without their parents. Even opening up all lights not even had a tricker treater in 9 years.

Ms Najac: The solar panels on the ground do exist in other places – just wonder about the safety issue?

Mr. Johnson: Lease \$50 a month and the advantage is if electric goes up \$30 years. I have the same situation and would need ground and roof and looked at ground.

Ms Najac: How to address safety – seen many versions?

Mr. Johnson: The school looked at them with a \$25,000 month electric (bill).

J. Furst, Esq.: Deer do not want to get into the solar panels.

Mr. Johnson: Any comments from the Public?

Public: There are some on Cross Road from Scotchtown Collabar in a back yard. They are behind the house.

Mr. deRoziere: No fencing.

Mr. DeStefano: Anything exposed would have to be insulated.

Mr. Johnson: It is taking energy and converting to electric. It does not generate heat. It is DC voltage.

Mr. Biondollilo: Not electric - but burn.

Mr. Johnson: Are you are purchasing them?

Mr. Lucido: Purchasing from contractor and he is installing them.

Ms Najac: Who advised you when you made the application.

Mr. Lucido: No one.

Ms Najac: You came before us for a front yard accessory.

Mr. Lucido: The Town told me to come here.

Mr. deRoziere: I want to address the bushes.

Mr. Lucido: You want to put them in to block.

Ms Najac: Purpose creates integral where math and engineering restricts where they can be located.

Mr. Biondollilo: Down the road, ‘can’t put in back yard, need in front’ could it be issue down the road. Everyone who has solar panels will be issue that may not have – put in front like he is?

Mr. Johnson: Yes,

Ms Najac: Case by case.

J. Furst, Esq: Looking at the map it is secluded, large vegetation to side it is front yard large property at 6 acres, not in middle of standard subdivision. It is unique to property itself and shrubs being added to aesthetic and kids not see it and deter them from going up.

Mr. deRoziere; Makes most sense and keeps character of the neighborhood and alternate is in back where he would have to cut down the trees.

Mr. Lucido: That would not happen.

Mr. Johnson: I Move to close the Public Hearing at 8:33 pm; Seconded (Najac);

Mr. Johnson: This Board views this as a negative declaration and unlisted action for purposes of SEQRA; Seconded (Schultz).

VOTE:

In favor (aye):	7	Dunn, DeStefano, Biondollilo, Najac, Schultz, deRoziere, Johnson.
Opposed (nay):	0	

Mr. Johnson: This does not require EIS paperwork.

Mr. Johnson: I Move to grant the following variances: 1) front yard set back from 60ft to 24ft; 2) accessory (not for structure for storage or use but ground mounted solar panels) in front of primary building; Subject to: the planting of vegetation significant to block the first set of solar panels which are 12 ft at the back; Seconded (Schultz).

DISCUSSION:

Mr. deRoziere: Want to point out that I think it is unique because of not only the fact the property layout but other choice is to cut trees and that actually takes away from the character of the neighborhood.

Ms Schultz: This is a unique situation and is fairly new technology in the US so there is no specific code and looking at it as unique and individual situation, more secluded area and important that he looked at not just causing distraction, glare issues and subject to vegetation in front.

Ms Najac: In weighing the 5 criteria: *benefit from other means*: benefit can't be achieved by other means; *is it undesirable* – yes but require/maintain shrubbery; *is it substantial* – yes but benefits outweigh as it will have a positive physical environmental affect; *is it self created* – yes in that you want panels but in the design of panels inherit to use/effectiveness they have to be placed in this location and not self-created.

Mr. Biondollilo: Issues basically set bad precedence but individual case by case basis and am interested in the face heat that is generated. Shrubby is a plus although not happy its in front of the house, but it is.

Mr. Dunn: I agree with what has been said.

Mr. Johnson: This is something the Town is seeing in an exponential rate and we have to be careful in it and set up and size of property, seclusion and panels have to face south, limited to location and ground mount vs roof is uglier which is my personal opinion.

VOTE:

In favor (aye):	7	deRoziere, Schultz, Najac, Biondollilo, DeStefano, Dunn, Johnson
Opposed (nay):	0	

DECISION:

Mr. Johnson: The variance is approved. Please see the Building Department. It is now valid for 12 months, if you have not started work in that time, please return to request an extension.

Mr. Lucido: Thank you, we want to get it in before the end of the year.

HEARING REVIEWS (January 11, 2016)

No applications were presented for review for January 11, 2016.

MEETING CLOSE:

Zoning Board of Appeals: We personally appreciate, Eric (Johnson) all time you have given us, and your expertise, thank you.

Mr. Johnson: Thank you, also on the record, over the past ten (10) years, I believe we have taken the Town in the right direction from the qualified members of this Board and their unique perspective. And, as a group, hope as you move on you will continue to do the job and that your next chair is up to you effective the 31st of December. There will be annual reorganization and you will have a new chairperson – and continue to do the things in the right manner and thanks for all that you do.

Mr. Johnson: I Move to close the December 14, 2015 meeting at 8:41pm; Seconded (Najac); All in favor; Motion carried.

TSB:jcd

TOWN OF WALLKILL
ZONING BOARD OF APPEALS

DECISION SHEET

December 14, 2015

12th ROCK

Request for a variance of 249-20.D(1):
2) Building roof height (peak) from 35 to 60ft;
For an indoor sports facility.
Property located on Egerton Avenue
(SEC 69 / BL 1 / LOTS 64.2 and 64.3)
Designated: R2 Suburban Residential

DECISION: Continue to January 11, 2016

Sal & Margaret Lucido:

Request for a variance of 249-8.A(5):
1) Permit accessory structure in front of principal building
(structure not for storage but ground-mounted solar panels);
Request for a variance of 249-19.D(1):
1) Front yard set back from 60 to 24ft.
Property is located at 38 Leaf Haven Court
(SEC 19 / BL 3 / LOT 4)
Designated RA Rural Agricultural

DECISION: Variances granted, subject to,
The planting of vegetation significant enough to
block the first set of solar panel which are at 12 feet
in back.

REQUEST EXTENSIONS:

Liberty Commons

Development Corp.:

Request for a variance of 249 (area) for variances granted 3/10/14:

Bulk area requirement for development 1-35:

- 1) Lots width to 21
- 2) Lot depth to 56ft
- 3) Front yard to 2 ft
- 4) One side yard to 2 ft (end units)
- 5) Rear to 2ft;
- 6) Lot #36 own common space, roads and outside of structure

Property located on Pinto Road

(107-1-1)

Designated RM(B)

DECISION: Extension granted to March 2016

Iglesia Emanuel

Request for a six month extension of variance of 249-12 D(12)
granted on January 13, 2014:

1. Delay in paving main parking lot for two (2) years after issuance of C/O;
2. Use of well in a water district due to 1700 feet distance and cost of \$50,000 for connecting service

Property located at 481 Cottage Street Extension

(40 – 1 – 21.2)

Designated R-1

DECISION: Variances granted 1/13/14,

subject to,

Should utilities be brought closer they will have to connect to the water service

DECISION: Six month extension granted.

Joseph Klein

Request for a variance of 249 (use): granted 5/11/15

1) Use variance to have self storage in a TC zone.

Property located at Industrial Drive and Fortune Road East
(41-1-94.12)

DECISION: Use variance granted 5/11/15, subject to:

Maximize and maintain the 100 foot buffer, address the storm water issue to the best to ability and to extend the storm water minimum to 125% to address 100 year storm for storm water.

DECISION: Twelve month extension granted