

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, April 11, 2024

CALL TO ORDER TIME: 7:00 PM

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

Attendance: Board Members: John Litts, Paul Gargiulo, Bill Brown, Russ Gilmore, Shawn Zerafa, Jessica Van Houten (Alternate), Corey Miller (Alternate), Mike Guerriero (Town Board); Board Staff: Anthony Giangrosso, Paul Van Cott (Via Zoom) and Sarah Van Nostrand

New Business

Reynolds, Mark: Area Variance: 235 Hawley's Corners Rd: SBL #79.4-1-30

Applicant is seeking a variance to allow a 959 square foot accessory apartment where a maximum of 650 square feet is allowed.

Mark (Applicant) said that it is in the lower level of his house which was built in 1942. There was an apartment down there when he bought the property in 1995. The lady who owned the house had a daughter who came back and lived with her for a little while. He just upgraded it and made it nicer. The thing with the square footage which was the main issue with the Planning Board is with his particular house it is unique because the walls are two feet thick masonry, and he cannot do anything about it. He is not proposing any new construction, not proposing any new additions to the house that would make the footprint larger. If you take that square footage as the law, he understands goes from outside to outside, the waiver that he is asking is if the board would give that it would bring the square footage down almost to the arbitrary 650. The Planning Board hasn't been able to explain why they chose 650, though they have never been able to explain why if someone wanted 800 or 900 or 1000, they have never been able to explain that. As he remembers from last meeting, the board turned one person back to the Planning Board because they have the ability to waive. He contented at the last meeting at the Planning Board that they are ignoring code and making law by stating this is what they are going to do, by not letting anyone have more than 650, unless they go to the Zoning Board, the Planning Board has the right to do it, but they don't do it. He thinks his issue is pretty straight forward in terms of the size he is seeking, no new construction going on, and the footprint is not being enlarged.

Paul G. asked what the square footage of the apartment inside.

Mark said if you take 2-feet off all the way around, the foundation is 2-feet, if you were to calculate that according to the measurements here, he would be very close to the arbitrary 650 that has been chosen by the Planning Board.

John said from his reconciliation the 650 square foot limit was put in place to limit density and to limit the number of people, bedrooms, and bathrooms. Keeping with that spirit he feels an acceptable compromise would be to limit it to only one bedroom and one bathroom.

Mark said that's what it is.

John said he thinks this is going back 20-30 years. That's what the 650 was for, they didn't want 4-bedrooms in an accessory apartment, it was one-bedroom to help offset the taxes.

Anthony said he thinks some of that came from the mother/daughter home. They got away from the mother/daughters because they wanted to have an accessory apartment, the 650 was probably a good number to fit into a house until they expanded out to the outer buildings. He thinks that's probably where it started, and it just carried over.

John said he is pretty comfortable with the 650. He thinks that limits what an accessory apartment can be, it cannot be a 6-bedroom. He asked for a motion to set a public hearing for next month.

Board set a public hearing for next month.

John said the board will get public comment, he doesn't think that the board needs anything additional, he gave the board the footprint, it is a one-bedroom.

Russ said there is no new construction, you are just using the space you have in the home.

Mark said correct since 95 and the house was built in 42. Many years ago, maybe about 14 years ago he grieved his taxes and the independent person that the town hires to look at them, noted that the downstairs was an apartment at that point.

Russ said you are looking to just legalize what you have, is that correct.

Mark said yes, that is what the Planning Board asked him to do. He knows in the code it talks about if one creates the hardship and he didn't because the 2-foot walls have been there since it was built.

John said to play devil's advocate you created the hardship because you want an apartment.

Mark said which has been there since before he has owned it.

John said right, but to alleviate the self-created you could say it is just part of his living area, we don't want an apartment. The last question on the standard if you read it doesn't have as much of an effect as the other four, but pretty much anything that comes in front of the board is self-created because if you didn't want to do it. You created it yourself.

Mark said he has been to many meetings before where the request has been much greater than what he is asking for and has been granted.

John asked Paul V. if there was anything else the board should be looking for from the applicant.

Paul V. said that the board should refer it back to the Planning Board for their recommendation on

your area variance. That is something that they can hopefully provide at their April meeting, so that you would have in front of you when you meet in May.

Jessica asked is there proper and safe egress.

Mark said correct.

Jessica asked besides from the square footage it's compliant.

Anthony said they have done fire safety inspections in there when he first started this, there are smokes, CO's, there are fire extinguishers, it is set up as a regular rental that they would normally do and it gets done every year.

Jessica said so the only issue is the square footage, otherwise it is safe and livable.

John said for this board the only thing in front of them is the square footage.

Mark asked if the board did the calculation if they took the 2-foot walls off the square footage.

John said it was like 686 square feet.

Mark said that he knew it was pretty close to that and whether the board would want to stick with outside to outside, he hopes that they will see his situation.

John said that the board is bound by outside to outside, but they can take into consideration that you have 2-foot walls they can consider that, but the dimensions are outside to outside.

Mark asked if they were going to talk about that at the next meeting.

John said the variance would be outside to outside, the board can consider that you cannot use that 2-feet.

Mark said nor can he knock it down or make it thinner.

John said right, the board can consider it as the whole.

Old Business

Conte, John: Area Variance: 225 Martin Ave: SBL #79.2-2-10.110

Applicant is seeking a variance to allow an 860 square foot accessory apartment where a maximum of 650 square feet is allowed.

John L. said he remembers that he was here last month, and the board sent him back to the Planning Board. The Planning Board didn't feel comfortable with their way of remedying it.

John C. (applicant) said there were people on the board who did vote for it and they had a

discussion, but ultimately no.

John L. said that is why the board said to come back if they denied you. He remembers that the application is new construction, it is not an existing construction, it was for your mom.

John C. said it is new construction, it is a two-car garage.

John L. said your mom would be above the garage.

John C. said he is building an accessory apartment for her above. Subsequently the apartment is 860 because of the size of the space that he needs for the garage.

John L. said he will pose the same question, would you be opposed to limiting it to one bedroom, one bathroom.

John C. said it is one bedroom and one bathroom.

John L. said he knows that, but it would be a condition that the board would place on the variance if they were to grant it.

John C. said that is fine.

John L. said that in his opinion by doing that they are still staying within the spirit of the code as it was written.

John C. said it just has to be listed as, because that is all he is trying to do.

John L. said that is all you are trying to do, you are not trying to put two, but the board is saying that they are going to limit it to one, you are okay with that.

John C. said that there is no density issue, there are no traffic issues, he has a letter of support from his neighbor.

John L. said that the board will run it through the balancing test, but the board has to set a public hearing.

John L. asked for a motion to set a public hearing for next month.

Motion made by Bill, 2nd by Russ.

All ayes, motion passed to set the public hearing for next month.

Sabuda, Robert: Use Variance: 67 Black Creek Rd: SBL #79.2-1-24.200

Applicant is seeking a use variance for 2 short-term rental units.

Robert (applicant) said that 100% of the short-term rentals at the property are artists, art educators, exhibition curators and other members of the art community. He also invites visiting artists from outside of the Mid-Hudson area to stay with them while they create, teach, enjoy and do all the

other things in Highland. It will help in their ability to provide accommodations to these artists and some of them they don't even charge as it would restrict their mission. He is hoping that they can keep both units as short-term rentals.

John said that the code does not allow for that. That is why you are here for a use variance. A use variance is fairly difficult to get, you have to meet certain criteria. He asked the applicant if he was aware of the criteria.

Robert said that no one explained the criteria to him.

John said to Paul V. that in the past he knows that something was put together for an applicant of what is required of them for a use variance. He asked if there was template or if it was case specific.

Paul V. said it comes out of New York State Town Law, the standards for a use variance. He can provide those as questions to the applicant, so that he can respond to them and can provide to the board details on his position.

John said you are able to that in what time frame. How much time would you need to prepare that for the applicant.

Paul V. said he will get it to Anthony and Sarah shortly after the meeting.

John said that the applicant will have to contact the building department for the criteria for a use variance and answer those questions and come back to the board and explain why they should grant this variance.

Robert said so you are saying that you will send him a document with specific questions.

John said it will be guidance. It will be specific questions and guidance. You should reach out to the building department to set up a means of getting that. Either to get it electronically or stop in and get in and get it. They are not just going to send it; you need to make the first step to go to the building department and get it from them.

Robert said he is not clear on what is being said. It cannot be digital he has to go pick it up.

John said it can be digital, but he needs to request it.

Paul V. said if he finds the applicant's email address on the application he will send it to him directly.

Robert said his email address is on all the applications.

Paul V. said he will do that and copy the building department, so that they have it as well.

John asked the board if they wanted to get more information before setting a public hearing.

Board agrees that they need more information.

Public Hearings

First Presbyterian Church of Highland: Area Variance: 26-28 Church St: SBL #88.69-1-9

Applicant is seeking an area variance for 8.1 feet of relief for the rear yard setback.

John said he doesn't think that the board requested any additional information.

Patti (applicant's agent) said that the board did not request any additional information. The Planning Board did send you their comments, and the recommendation that they had no issues.

Russ said that he pointed out that there was an issue with parking and he wanted to see if there was going to be parking at the rear.

Patti said right now there is parking in the rear they have a prescriptive easement to use the existing driveway that is shown on the map. They are also currently working with the neighbor to come up with a written easement instead of a prescriptive one and the Planning Board is also aware of that.

Russ said he didn't want someone to end up on an island.

Patti said they will be accessing the back of the property after this subdivision the same way they are accessing it now.

John opened the public hearing.

No public comment

Paul V. went through the balancing test with the board.

1. Undesirable change in neighborhood character or to nearby properties?

John said no because the structures are existing and there is zero change in his opinion.
Board agrees.

2. Whether benefit can be achieved by other means feasible to applicant?

John said no because the line is the line, you are not making any more land.
Board agrees.

3. Whether the request for relief is substantial?

John said that the required is 25.

Patti said that they have 16.9 and need 8.1 feet.

John said which is not substantial in his opinion in this particular instance.

Patti said that is really just from one corner, the rest of it is much further.

Board agrees.

4. Whether the request will have adverse physical or environmental effects?

Paul G. said that the house has been there.

John said that it is pre-existing and is zero in his opinion.

Board agrees.

5. Whether alleged difficulty is self-created?

John said that it is, but it's unavoidable.

Straw Poll:

Bill-aye

Russ-aye

John-aye

Paul G.- aye

Shawn-aye

John asked for a draft resolution to be prepared for next month's meeting.

Continued Public Hearings

DePuy, Trevor: Area Variance: 4 Eagle Ct.: SBL #86.4-3-9.100

Applicant is seeking a variance to allow 2 flag lots in a two-lot subdivision where only 1 is allowed.

John said that last time this was before the board they requested.

Patti (Applicant's agent) said that the board had them go to the Planning Board for comments.

John said he doesn't remember if the board requested a landscaping plan or not. As there is a larger buffer the board asked about plantings.

Patti said that they showed a couple of different plans, one with arborvitae, one with arborvitae and fencing and the Planning Board in their recommendation that they agree that a buffer would be required and that they would handle the criteria of that buffer during subdivision approval process, should this board grant the area variance.

John asked if Patti had a copy of the landscape plan.

Patti said she gave it back to the property owner who went to the landscaper. She has the letter from the landscaper giving what the different options were. Part of the concerns were what's going to grow there. As they already have mature trees, so they did consult with a landscaping company who basically after reviewing the property the following recommendations are maple trees, which

unfortunately won't help with the bottom, but they could be planted interspersed with fencing or spruces or arborvitaes. The opinion of the landscaper that the trees would grow well in the easternly portion of the property, he went out and did an inspection of it, but they haven't done a final landscaping plan because there is no sense in hiring a landscaper to do the plan until they get past this hurdle.

John said he just wanted to know how far it got because he didn't see the recommendation from the Planning Board.

Patti said that they had a couple of different plans. One of them with the arborvitaes in a straight line that would make like a green fence, that would require removal of some of the trees. Then they had one that had the trees staggered and some fencing to break it up a little bit, so it didn't look like a wall. Part of it too is that the applicant is interested in working with the neighbor. If they end up getting to the Planning Board stage, the goal is to try to work with that neighbor to find a landscaping plan that will serve everybody.

James (14 Falcon Drive) said that the purpose of the letter is the attorney Paul Ackerman is unable to be at the meeting tonight he has also been retained by his neighbors for this. He wants to make sure that the record is clear that the buffer is not necessarily the issue here that the house is the issue. His neighbor is not in the process of coming here as he works in the evenings, he has been coming, but now that there have been some comments about them not having an issue with it, they 100% have an issue with it as well. They are 100% opposed, so 14 and 18 Falcon Drive are 100% opposed and have direct abutting lands. In the letter they got from the town it states that you can send an attorney to represent you he wasn't able to be here tonight or on Zoom because he has another court appearance. He is also going to represent them, and he is sure that he will have no problem coming on record or sending a letter to let the board know that he is representing them now. That is why the letter was written today and dated today by Rich (18 Falcon Drive), giving him permission to speak on his behalf and more or less he is just mirroring everything that he has said at this point. There is a creative buffer that was proposed, they didn't propose that though. They are 100% opposed to any type of building there. It is going to destroy their property values.

John said Paul V. he has presented a letter from Richard Sisilli, it is not notarized, the board cannot really consider this right?

Paul V. asked is it a letter from a neighbor?

John read the letter.

John said it is signed and dated, but for the board to consider it, it would have to be notarized.

Paul V. said he thinks the board can consider it in terms of his statements as a member of the public in opposition to the project that are contained in that letter, but not any statements that are being given by the person at the microphone. He thinks that it is correct that you would need it notarized or some kind of verification that that letter actually came from the individual, it supposedly allowing someone else to speak for them. Its not that you cannot represent someone else, verification needs to be provided.

James said that he doesn't want to represent them either, he just wants the board to be aware that the

other neighbor feels the same way. The attorney is representing both of them, but he couldn't make it.

John said if he is in fact represented by an attorney then that's fine.

James said they are both represented by an attorney. He couldn't be here to speak, so he is here to speak at the public hearing. He doesn't want the board to think that it is just him because this is what it has been starting to be, at all the meetings the consensus has become that it is just him, it's not just him it is also them. It is their two properties, directly adjoining them, that have the same concerns.

Paul V. said that is understood, it is just a matter of formality of representation of someone and it would have had to have been verified beforehand to speak on their behalf. The fact that you do have an attorney representing both of you, the attorney can come in and speak on both of your behalf because that is part of the representation and his ethical responsibility. There is content in that letter that those people are opposed to the project, and he thinks that speaks for itself.

James said he is okay with just speaking his thoughts then. He just didn't want everyone to think it is just him. He and the neighbor discussed this at length and it's not just the creative buffer at this point, his thoughts have not changed that any addition to a house there is going to now give him an immediate neighbor and that is not what he bought the house for. This was a single flag lot when he purchased the lot and the house is all the way in the back, they have a neighbor, but he is some 700 feet away. If for any reason this is granted in any way, he is now going to have a neighbor a couple of hundred feet away and he feels that it will effect his property value, on top of having that neighbor in the back. He has brought up a few times that there is a wetland out there, that is a federal wetland that is on the DEC map, and it is in the 2022 minutes, it is spoken about that there is a wetland. It was probably one of the reasons due to financial issues and federal wetlands, may have been a reason why the road was not completed to create the four lots back there. At that time the piece on the right was not bought.

Bill said that he can find out what nests in the wetland and if they are on a federal protection list, people cannot do anything.

James said it is on the list, if you go to the DEC website it is listed right there.

Bill said it should be identified as what is nesting there, whether it be snakes, birds.

James said he is not necessarily concerned about the wetland themselves; it is wet back there right now. It is just one issue that has come up and he hasn't seen anyone else address it. They are stating the same thing that they have been stating that they are not looking for a buffer to make this work, they don't want the house there period. There is no buffer that is going to work for them, if it is a 100-foot buffer or 150-foot buffer, they don't want a house between them and the house that is already there at all. If they want to put one behind the one there, he has no problem with that, he doesn't want to have one between them. He is 100% opposed and when that comes through if that needs to be there, they are going to say the exact same thing. They do not want a house back there period. He thinks it's going to change a lot of things back there and on top of that the construction itself is wet right now. Once the construction starts, what is that going to do to their yard. He understands that comments have been made by both of the boards about if they cleared to the back.

They actually only had one spot to build and that was their builders' decision. If you look out his front door, there is a 15-foot rock ledge, 8-feet out his front door. There was no option to build there, it was all wet. The whole front of his property going towards the stream is all wet, they couldn't put a house there, so they put the house up where it isn't going to flood. The backyard is only cleared of trees to give them a small backyard. His backyard is probably 75-feet from the house. Yes, they cleared almost all the way up to the line, he is not worried about the clearing that is not what they are having an issue with, they are welcome to clear their property if they want to, that's on them. His issue is that there is going to be a potential house there. Which is going to go against a variance that they have, which is why it's in front of the board. He just wants to make sure that his family has a voice and theirs as well that it is heard that this is not just about how can we make a creative buffer in here. That is not the case, this is 100% a no, there is no working through this at this point.

Patti said she can address the issue of the wetlands. She printed out a copy of the DEC wetland mapper and she brought copies with her of the previous subdivision maps for the property. If you look at the map it does show federally regulated wetlands, actually shows them at the top of the hill where James's house and camper are. If you look at the filed subdivision map, the wetlands actually, as James pointed out, are in front of his property. Then further on the lands in the back which he is correct is what prevented them from building the road all the way through. Sometimes when they are shown on the maps, they are not necessarily shown 100% accurately because an orthodigital laid on top of a tax map on top of wetlands, so there are wetlands, the wetlands are in front of his house. She wants to speak to what the actual application before the board is, she doesn't think anyone on this board, or the Planning Board have stated that this property cannot be subdivided. They have an as of right to subdivide this property, at question is whether they need to build a town road to access the lot that they are building or they could be granted an area variance to be able to have two flag lots, so that they can use the existing driveway that is there now, instead of building the town road. Whether or not this board grants the variance, they still have a right to subdivide this property.

John said you are correct they do have a right to subdivide the property.

Patti said she just wanted to point out that perhaps the neighbor that spoke felt that if this board denied it then they wouldn't be able to subdivide the property.

John said they are solely here for a flag lot variance; the board cannot stop them from subdividing. He said that he cannot remember granting two flag lots where it was just each 25-feet. He knows the board has done them larger even though there wasn't two. He asked Paul V. if there was anyway he could research that.

Paul V. said he can work with the building department to check on the history of flag lot variances.

Paul G. said part of the decision is to see if there are alternative way for the applicant to do this that doesn't require a variance.

Patti said right, is it a feasible way.

John said is there a feasible alternative that doesn't require a variance.

Patti said will it be more or less impactful to the neighborhood.

Paul G. said the neighborhood doesn't want two flag lots and the town doesn't want two flag lots.

Patti said it is not that the neighbor doesn't want two flag lots, the neighbor doesn't want a house back there.

Paul G. said two flag lots in this classification, is there an alternative. The board doesn't have to grant this and the property can still be subdivided.

Patti said correct, but the weighing test is will the benefit to the applicant, outweigh the detriment to the health, safety and welfare of the neighborhood. What the board she thinks needs to ask itself is whether a driveway verses a road the benefit that the applicant is getting by not having to expend funds to build a town road, going to outweigh the detriment to the health, safety and welfare of the neighborhood and if the end result is still that is going to be a two-lot subdivision. What is the increased detriment to the health, safety and welfare of the community.

John said when it says two-lot subdivision, how many acres is the property.

Patti said 23.75 acres.

Paul G. said and the zone is 2-acres.

John said it is 2-acres zone, so 11 lots. When it says a two-lot subdivision.

Paul G. said it gets a little expensive.

John said right, but if the road was constructed it has a potential to be an 11-lot subdivision hypothetically.

Patti said correct, except that there are wetlands in the rear. She said that the property is 10-acres, the 23.75 was including the lot line revision that they are doing with the neighbor next door.

John said he is just concerned about the applicant's parcel because if they build the road, it would be them.

Paul G. said the other owner to the right of the driveway owns another 10-acres behind that.

Patti said 13-acres total.

Paul G. said if it was a town he could subdivide it and put another building back there.

Patti said he is not an applicant to this.

John said he is not, but going back to what he originally said it wouldn't be feasible for a two-lot subdivision, but there is potential for a 5-lot subdivision and when they say wetlands, is there a percentage.

Patti said no because they haven't had them delineated, she doesn't know where they are in the back.

John said 10-acres, 2-acre zoning for 5-lots, so if he built a road and got 5-lots out of it. His cost per lot goes down.

Patti said not necessarily, you would have to build the road that much longer for those lots. Basically, they have the one lot now, and the road would have to be constructed at least another 500 feet to get past the house.

John said right, but there is financial gain to be had.

Patti said the road would not be able to go through because of where the applicant's septic system is. The septic system is right where the road would have to go through, so there is no extending the road.

John said what he is getting at is that you could build in the back.

Patti said she doesn't know if that is the case or not, she doesn't know if that is feasible.

Paul G. asked how long would the town road have to be to make up to a hammerhead or whatever.

Patti said previously he submitted an estimate for upgrading the driveway to town road specs.

John said they don't own the property now.

Patti said they own 25 feet of it the neighbor owns the other 25 feet.

John said that purchase would be contingent on the board's decision.

Patti said correct, the whole point is that although the neighbor was not a flag lot, he was using the flagpole, so that is why she saying the impacts are negligible because there were two people using that driveway and now there will be two people using that driveway. Again, looking at what the actual application is to allow a subdivision to take place. The board is not looking at a new home to be built, the board would be allowing two flag lots.

Board looked at the original maps.

Patti pointed out the two lots that were combined in the original subdivision. She pointed out the roadway that was 50 feet and split 25 feet to each lot. Now they are proposing that 25 feet goes to one lot and 25 feet goes to the other lot. They are still splitting 25 feet to each lot, right now they are just changing the ownership of who owns those 25 foot.

John said that's true, but also not at the same time because that 25 strip is part of an overall.

Patti said it is still part of a 50-foot existing right-of-way. It's 25 feet of a 50-foot right-of-way, that was in place in the original subdivision, that 50-foot right-of-way is in place as part of the second subdivision and it is in place now.

Paul G. said that the roadway will only go up to the house, not all the way through.

Patti said that is why even on that map you will see shared driveway and hammerhead turnaround area.

John asked for copies of the original maps to be sent to the board.

Patti said that she understands that this is a unique situation, very rarely that a subdivision is unsubdivided after roadways have already been laid out and then the former roadways are partially built.

John said he cannot remember another instance where the board did this. He knows it was done before this law was enacted and it was the reason why this law was put into place for this exact thing because they didn't want to see driveways all over the place.

Patti said that is the whole point of why this was always laid out as a private multiple use driveway to service two houses, and it still will be a multiple use driveway to service two houses if they are granted approval. Basically, nothing is going to change.

John said other than it going from one property to the other.

Bill asked if anyone has done an environmental impact on the wetlands because he doesn't know how many structures they are going to build there.

John said in front of the board right now is one.

Bill said with the environmental impact the soil perk tests to see what type of soil is there.

John said that is not this board.

Bill said that is what should be done.

Patti said that will be done as part of the Planning Board process if they get that far. It gets very costly to start doing those engineering things if they cannot get approval.

Bill said it will show what creatures live there and they might need to be protected.

Patti said that she understands.

John said if the board grants this and they cannot build there, then it's not the board's problem. Whether it is buildable or not is someone else, what is in front of the board are the flag lots.

Patti asked if she could get a sense of what the board is feeling at this point in time.

John said without more research and studies being done.

Patti said she hasn't heard from everyone on the board yet and if there is something else that is

needed or if there is other information.

John said to answer your question without doing more research for him is a no.

Patti said she is asking the board to consider is the detriment to the health, safety, and welfare of the community, that's what the weighing test is. Is the detriment to the health, safety, and welfare of the community greater than the benefits to the applicant. She is asking from the other board members what other information would help the board determine what the detriments are going to be and/or what the benefits are going to be, so that the board can do a proper weighing test.

Paul G. said his point of view is the man bought the property, built his house there, knew what he was getting into, he bought a 10-acre lot. He thinks it should be the applicant's responsibility; he thinks the road should be put in, if he wants another lot. He thinks the board is going to find out that there are not that many double flag lots. He feels that the board shouldn't change the zone as there is an alternative way to get the project done.

Patti said that is your personal opinion not necessarily what the weighing test tells you to do.

Paul G. said that's how he feels.

Patti asked what the detriment to the health, safety, and welfare of the neighborhood is by granting the variance, that is what she hasn't heard from anyone on the board.

Paul G. said you are putting more population in the area.

Patti said granting the area variance does not put more population in an area because you just told him to build the town road and you can build the house.

Paul G. said he can build the town road, he cannot say if he is going to put 5 houses back there which would be more impact, that's normal if you build a town road, but they wouldn't need a variance.

Patti said there may never have been another application like this. Then what how does that change it because if no one has applied for it, it wouldn't have been granted or denied.

John said there is also a reason why it is in the code. Which says if it is a two lot or if it is under four lots there can only be one flag lot.

Paul V. said part of the balancing test does relate to the importance of the restriction and the underlining legislation purpose. The board wants more information on that and past decisions related to flag lots and they can provide that as well as advice or an assessment of the balancing test for the board's consideration. He can do that and have it for the next meeting. There is concern about the potential impacts by granting the variance, knowing that an additional house will be placed back there, that might not necessarily have been placed there. The board really needs to focus on the standards and the factors, he can help provide an assessment for that for the board.

Board agrees that would be helpful.

Administrative:

Minutes to approve:

March 14, 2024

John asked for a motion to approve the minutes.

Motion made by Russ, 2nd by Bill.

All ayes, motion passed to approve the minutes.