

**TOWN OF STONY POINT  
ZONING BOARD OF APPEALS  
Minutes of March 3, 2022**

**PRESENT:**

Mr. Keegan  
Mr. Anginoli (Acting Chairman)  
Mr. Lynch  
Mr. Strieter  
Mr. Gazzola  
Ms. Davis

**ALSO PRESENT:**

Dave MacCartney, Attorney  
John Hager, Building Inspector

Chairman Wright (absent)

**Chairman Wright:** Good evening. Welcome to the Stony Point Zoning Board of Appeals. I call this meeting of March 3, 2022, to order. Please rise for the Pledge of Allegiance.

The Pledge of Allegiance was recited, and roll call taken.

**Mr. Anginoli:** Okay, I'd like to start at the bottom of this and deal with the minute of February 3<sup>rd</sup>. Did any of the board members have any questions about the minutes? If not, I'd like to take a motion to accept.

**\*\*\*MOTION: Mr. Streiter made a motion to accept the minute of February 17, 2022; seconded by Ms. Davis. All in favor; the motion was carried.**

**Mr. Anginoli:** Lets deal next with the resolution for the Valvo case.

**\*\*\*MOTION: Mr. Anginoli offered the following resolution: seconded by Mr. Lynch.**

In the Matter of Application #21-19 of Steven Valvo for area variances from the requirements of Chapter 215 Article VI, Section 22, less than required front setback and front yard – 35' setback required, 15' provided, in connection with a proposed lot line change to permit the construction, maintenance and use of a proposed 24' x 30' garage on premises located at 26 Thiells Road, Stony Point, New York, designated on the Tax Map as Section 20.09, Block 1, Lot 8 in the R1 Zoning District.

WHEREAS, the applicant was represented by Anthony Celentano, P.E.; and

WHEREAS, members of the Zoning Board of Appeals personally visited the applicant's property and viewed it and the neighboring properties on or about February 26, 2022; and

WHEREAS, the proposed lot line change is before the Town Planning Board which has declared itself lead agency and issued a negative declaration under New York State Environmental Quality Review Act ("SEQRA"), and the application before this Board for area variances would otherwise be a Type II Action under SEQRA; and

WHEREAS, a public hearing was held on February 3 and 15, 2022 and the testimony of the following persons was duly considered: Anthony Celentano, P.E.; and

WHEREAS, all the evidence and testimony was carefully considered and the Zoning Board of Appeals has made the following findings of fact and conclusions:

The applicant owns the subject parcel located at 26 Thiells Road. The applicant has applied to the Town Planning Board for approval of a lot line change between his parcel and the adjoining parcel to the northeast, 30 Thiells Road. The proposed lot line change is shown on the plans submitted to this Board dated last revised February 17, 2022. On the front right side of the adjoining parcel at 30 Thiells Road, there is

presently a gravel area used for parking, including parking by the applicant with the permission of the owner of 30 Thiells Road.

The applicant and the owner of 30 Thiells Road have now agreed to apply to the Town Planning Board for a subdivision to adjust the lot line between the two lots, so as to convey a 2,252 ft.<sup>2</sup> area portion of the 30 Thiells Road property where the gravel parking area is presently located from the owner of 30 Thiells Road to the applicant, for the purpose of permitting the applicant to then construct a 24' x 30' garage, 14 feet high. The applicant's existing house does not contain a garage, nor can one otherwise be built upon his premises for a variety of site specific reasons, which has given rise to this application.

As shown on the submitted plans, the proposed garage in the to-be-conveyed portion of the premises would comply with Code in all respects, except in regard to front yard and front setback. The applicant provides 15 feet to the front property line. The Code requires a minimum of 35 feet for the front yard and front setback, so the applicant seeks those variances. The applicant cannot receive approval of a lot line change from the Planning Board without the variances sought, and if the variances are granted, the applicant intends to proceed back to the Planning Board for further review consistent with any decision of this Board.

The location of the proposed garage presents no sight line issue at all for traffic on the Thiells Road or any intersecting roadways.

The matter was referred to the Rockland County Highway Department and Department of Planning for a GML review.

The County Highway Department issued a letter dated January 6, 2022, indicating that structures should not be constructed within the "clear zone" of the adjoining County Road. The original plans submitted with the application measured only the distance from the garage to the property line, not to the roadway. In response to the County Highway Department letter, inquiries were submitted to the Highway Department for clarity on what was being referred to and the comment regarding the clear zone. The County responded with an e-mail to the Town dated February 9, 2022 clarifying same, and in response to that information, the applicant's representative submitted the revised plans mentioned above dated February 17, 2022. Therein, the applicant showed that the proposed garage would be 20 feet from the travelled portion of the roadway, satisfying the concern raised. County Highway also commented that a right-of-way permit must be secured from RCDH prior to starting any construction in the property which is made condition hereof.

The County Planning Department responded with a review letter dated January 24, 2022, offering 8 comments. Comment 1, requiring a review by County Highway has been complied with.

Compliance with Comment 2 concerning the Rockland County Sanitary Code is complied with as it is made a condition hereof. Comment 3 requested data on how the bulk table computed the accessory side and rear yard requirements. Based upon the review of the Town Building Inspector, the Board is satisfied that, given the height of the proposed garage, the proper setback requirements are set forth. In regard to Comment 4, based upon the opinion set forth on the record of the Town Building Inspector, the existing shed does not require a variance. Comment 5, has been complied with, as full-sized plans have been submitted. Comment 6 requests an opportunity to review any variances which may be necessary of the plans or amended. That comment is duly noted and will be complied with if any new revisions are submitted requiring any new variances. Comments 7 and 8 are restatements of legal obligations with which the Town will comply. To the extent any of the above responses to County Planning this letter may be deemed an override rather than compliance, they are hereby overridden to that extent.

No objections to the relief sought were received.

WHEREAS, this Board has examined the written documentation and reviewed the testimony with respect to the applicant's request for a variance, and, pursuant to the requirements of section 267-b.3 of the Town Law, hereby finds that on the conditions stated herein, the benefit to the applicant if the variance is granted outweighs any detriment to the health, safety and welfare of the neighborhood or community by such a grant, and has made the following findings and conclusions in that regard:

- (1) There is no evidence presented that the proposed variance would produce any undesirable change in the character of the neighborhood or a detriment to any nearby properties. There is no sight line issue and the garage is located in a spot where there is authority traditionally been parking on gravel for many years, and it is setback 20 feet from the traveled portions of the roadway, providing no perceived detriment on the record before this Board.
- (2) There is no evidence presented to this Board that the benefits sought could be achieved through any other feasible means.
- (3) The variances sought are substantial, but that factor alone does not require a denial under these circumstances given the site topography here.
- (4) There is no evidence before this Board of any adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- (5) The alleged difficulty was self-created.

NOW, THEREFORE, BE IT RESOLVED, that the application for variances sought herein is hereby approved on the following conditions:

CONDITIONS:

1. A right-of-way permit must be secured from RCDH prior to starting any construction in the property.
2. The applicant must comply with comment number 2 of County Planning's January 24, 2022 letter.
3. The grant of the variances sought herein is conditioned upon and subject to the review and approval of the subdivision/lot line change application before the Town Planning Board and any conditions imposed by that Board.
4. The applicant shall comply substantially with the plans and survey submitted.
5. The applicant shall comply with all other applicable laws, rules, codes, and regulations.

The matter is remanded to the Building Inspector and Planning Board for further consideration in compliance with the terms and conditions hereof.

Upon roll call, a vote to pass the foregoing resolution was as follows:

AYES: 6

NAYS: 0

ABSTAIN: 0

There being 6 votes in favor of the motion, 0 votes against the motion, and 0 abstentions thereto, the Chairman declared the motion carried and the resolution adopted. The Clerk was directed to file a copy of this decision in the Office of the Town Clerk of the Town of Stony Point and to notify the applicant accordingly.

**Mr. Lynch:** \*inaudible\*

**Mr. Hager:** Mr. Valvo, make sure you know the Planning Board is coming up pretty quick so I want you to be on the next TAC meeting.

**Mr. Valvo:** Yes, I know. She already has us scheduled but I'll see her tomorrow. Thank you.

**Acting Chairman Anginoli:** Next item on the agenda is a public hearing for the request of Michael Galgano.

Chapter 215, Article V, section 15 A - 215 attachment 15 - Table of Bulk Requirements Part 1A, use d.2

column 4: Minimum 50 feet front yard depth and setback required. 3.83 feet front yard depth and setback provided. 46.17 feet variance necessary (James Street frontage).

column 5: Minimum 25 feet side yard setback required. 8.42 feet side yard setback provided. 16.58 feet variance necessary.

column 5: Min. 75 feet combined side yard setbacks required. 26.25 feet combined side yard setbacks provided. 48.75 feet variance necessary.

column 10: Max. 20 percent development coverage required 30 percent coverage existing 38 percent coverage proposed. 18 percent coverage variance necessary.

Section: 10.04      Block: 1      Lot: 551      Zone: RR

Mr. Galgano?

**Mr. Galgano:** Here.

**Mr. MacCartney:** We're set up for the public hearing, correct? All notices, mailings and posting have been done?

**Ms. Pechin:** Yes.

**\*\*\*MOTION: Mr. Streiter made a motion to open the Public Hearing; seconded by Mr. Keegan. All in favor; the motion was carried.**

**Acting Chairman Anginoli:** Mr. Galgano? You swear to tell the whole truth and tell nothing but the truth?

**Mr. Galgano:** So help me God?

**Mr. Anginoli:** Is there any additional information you'd like to provide?

**Mr. Galgano:** Not at this time.

**Mr. MacCartney:** Well this is a public hearing so you should go over, give a bit of... the Board did hear from you last time but its not on the record of the public hearing, so you should give another overview and give detail of everything that you are trying to do.

**Mr. Galgano:** My name is Michael Galgano, and I live at 5 O'Dell Drive in Stony Point, New York. I own 35 James Street, which is a home being built on a property which had a fire roughly 8 years ago. We currently have a permit and are building the house and we are seeking the Boards approval to put on a deck in the front of the house so that we could make the property and the living space more usable.

**Mr. Lynch:** So this variance is just for the deck?

**Mr. Galgano:** It is just for the deck.

**Mr. Lynch:** Just for the deck? No more? Because in that front yard area there's not enough space.

**Mr. Galgano:** Yes, we had an opportunity to meet at the property and the property is contained by a concrete wall. It's not very usable. We're just trying to make more living space, kind of "outdoors-y" so, that's it.

**Mr. Lynch:** The second-floor deck of the house, on the elevated part, right?

**Mr. Galgano:** That's correct, there is a second floor on that house. It's a two-bedroom home.

**Acting Chairman Anginoli:** Does the Board have any other questions?

**Acting Chairman Anginoli:** Are there any members of the public that would wish to testify concerning this case?

**\*\*\*MOTION: Mr. Keegan made a motion to close the Public Hearing; seconded by Ms. Davis. All in favor; the motion was carried.**

**Acting Chairman Anginoli:** That public hearing is now closed. Will we have a decision for next meeting?

**Mr. MacCartney:** We can certainly try.

**Acting Chairman Anginoli:** Okay, thank you. We will try and have a decision for you next meeting.

**Mr. Galgano:** Thank you very much.

**Acting Chairman Anginoli:** Okay.

**Mr. Galgano:** Will that be the 27<sup>th</sup>?

**Ms. Pechin:** The 17<sup>th</sup>.

**Mr. Galgano:** That's what I meant. St. Patrick's Day?

**Mr. Keegan:** Bring the corned beef.

**\*inaudible\***

**Acting Chairman Anginoli:** Okay, the second issue on the agenda is the request of Owen Drummond – App. #22-03 (Area Variance)

Chapter 215, Article V, section 15 A – 215 attachment 15; Table of Bulk Requirements Part 1A, use d.3, column 4; Minimum 40 feet front yard depth and setback required – 16.8 feet front yard depth provided – 23.2 feet variance necessary.

Chapter 215, Article VI. Supplementary Yard and Setback Requirements, section 215-22 General Requirements. Accessory structures and uses are permitted within the required setback other than the front setback but not within any required yard. Accessory pool front yard variance necessary.

**Acting Chairman Anginoli:** Now I understand there is an additional request for a variance Chapter 215, Article VI – Side & Rear Yard Setback, exceptions 215-24C, a fence with no more than 4 feet in height is permitted along any lot line and no more than 6 feet in height along that part of the lot line, behind the front yard. Six feet high fence proposed in the front yard, two feet variance required. Would you like to open the public hearing? I'll take a motion to open the public hearing.

**Mr. Lynch:** Do we want to open the public hearing right now?

**Acting Chairman Anginoli:** Well, he said everything was done.

**\*inaudible\***

**Mr. MacCartney:** So, the issue is, right, when the Board accepted the application, the application didn't contain the request from the last variance in regard to the front yard, the

fence in the front yard. If it wasn't in the public hearing notice, then it has to be re-noticed. If it ended up in the public hearing notice, then you can go forward if you wish tonight. So, the question is, does the public hearing notice have the request in for the fence variance?

**Mr. Hager:** Yes. The public hearing notice was amended at the last minute before it was advised to the applicant to be mailed out and posted, and also before it was sent to the newspaper for publishing. So, all three of the variances were properly noticed.

**Acting Chairman Anginoli:** \*inaudible\*

**Mr. MacCartney:** Yeah, as long as it was. You certainly have the ability to open the public hearing if you wish to do so. If it had been properly noticed for today, on all three issues.

**Mr. Lynch:** If it's been noticed for all three let's open the public hearing, I'll make a motion to do that then.

**\*\*\*MOTION: Mr. Lynch made a motion to open the Public Hearing; seconded by Ms. Davis. All in favor; the motion was carried.**

**Acting Chairman Anginoli:** Mr. Drummond? Please give us your name, and address.

**Mr. Barry:** My name is Jordan Barry, representing Mr. Drummond from West Rock Pools.

**Mr. Drummond:** Owen Drummond, 30 Johnson Drive, Stony Point, New York.

**Acting Chairman Anginoli:** You're going to testify first?

**Mr. Barry:** Yes

**Acting Chairman Anginoli:** Okay. You swear to tell the whole truth, nothing but the truth?

**Mr. Barry:** Yes

**Acting Chairman Anginoli:** Please proceed.

**Mr. Barry:** Okay at 30 Johnson Drive for the Drummond family, we would like to put a swimming pool in. To give you some background on this situation, there's power lines that run through his backyard, which O&R has claimed that we cannot build underneath for obvious safety reasons with the electricity and the pool being under it. They have set an easement on the property that's 25 feet in every direction of the power lines which is marked on the survey. Which means we cannot put a pool in the backyard which is why we are requesting to put it in the side. The bearings to the street, or to the property line I should say not the street, as you could see on the survey there is part of the property that doesn't go to the street. There seems to be some kind of gap between, probably about 5-6 feet, which its not clearly labeled but I think with the use of an engineer drawing you want to still plan to be determined. As far as the fence, we would like to have a 6-foot fence towards the bottom, towards the street side of the property – just to add extra privacy for the Drummond family as they enjoy their pool and can do that peacefully without feeling looked over, people drive by, you know just throughout the neighborhood for any reason. As far as the fence, the fence is marked. The fence is going to run down the property line and then wrap up behind the pool and go back to the house. Its going to kind of... there's a drawer that comes out of the side of Mr. Drummond's house and its going to kind of split the house and the back of the house – from there, come out, obviously we'll stay within what's allowed outside of the easement.

**Acting Chairman Anginoli:** Do any of the members of the Board have any questions?

**Mr. Streiter:** Yeah, I think... I don't have a problem about where it's going. I think the layout could move it closer to the house. My biggest problem is because it is in certain line of where you turn on Johnson. Its right there, and it's kind of like right there. The only thing I would prefer to have that 6-foot fence – **\*inaudible\*** – ... if you turn on Johnson, and all of a sudden there's a, you know, a pool right there. Kind of put in some pines or I don't know... on the other side of the fence so that it's kind of, ya know, walled off, you know. That's...

**Mr. Drummond:** Yeah, we plan to plant trees and fence of rocks against there. So definitely its going to look appropriate for the neighborhood.

**Mr. Barry:** Yeah, we have talked about different type of arborvitaes that he might be able to use that can grow over time and provide more privacy as time goes on.

**Mr. Streiter:** Alright, that's what I wanted to hear.

**Mr. Lynch:** What's the size of the pool?

**Mr. Barry:** 60 in by 32

**Mr. Lynch:** Would you consider making it smaller, possibly? And actually, adjusting it? So, the way the power lines were running, alright, since they're on an angle, instead of squaring it to the house and to the road, caddy corner it to the lines. This way you will have a full variance cover on the easement from the - **\*inaudible\***

**Mr. Barry:** That would really be up to him. We already did make it a smaller pool to accommodate some of the requests, so I don't know. Originally it was going to be 36 then we had made changes that accommodated what O&R asked for.

**Mr. Lynch:** Because according to your plans, it's in the front yard. And that's why we're here.

**Mr. Barry:** That's the whole purpose, right? The pool goes past the face of the house, which is where, I agree, it would have to be quite smaller to achieve what you are requesting.

**Mr. Lynch:** Because this pool is going to have to be in the exact, exact right spot. Like we talked about before, on the survey's inches count at this point. Because of the utility power lines, where they're located, where you are from the road, measuring the front yard. So, if you deviate from, you know. Imagine you hit a big rock and you start this in, and you "well, we got to move this", or it's a wedge right there. What are you going to do then?

**Mr. Barry:** Well, I mean, generally so that we wouldn't have to move it, we would bring in the proper machinery to remove that rock, with like a hydraulic hammer to break it up and remove it. That's normally what we would do. Our first instinct is to do that usually, rather than move it. Especially as a scenario such as this where you don't have the room to move it.

**Acting Chairman Anginoli:** And I assume you've been in touch with O&R? There's no gas line issues, or anything underground?

**Mr. Barry:** No. Obviously, just like every other job we would call 811 to have anything marked out prior to breaking any ground.

**Acting Chairman Anginoli:** Any other questions?

**Mr. MacCartney:** I just have one question. I know what the prior public hearing last time you were here, there was a version that had it moved further from the road, closer to the house kind of sliding it back along that easement line, and I think we addressed that, and you had...

**Mr. Barry:** I had the wrong survey, and that was prior to them marking the easement. So that was before we really knew there was an easement there on the copy that I had, so I think, you know. And that was also a larger pool that was applied on.

**Mr. MacCartney:** Okay, I think you had mentioned that there was some site issues or something that also prevented you from moving it up that way? What was the, yeah, I just remember it being an issue that you had mentioned. About moving that way, or not moving it that way.

**Mr. Barry:** The closer we go to the house, the more of a wall you're going to need, like a higher wall will be needed. So based on where it's placed, this could leave us in a position to not need engineering for a retaining wall which, you know, we always try to avoid, if possible, to keep it under 4 feet. But that slope comes, it's pretty drastic as you get to that point. It has steps coming down to the pool, that's going to lead to where the retaining wall would like to be, coming from his house. Which will allow us to have it a little lower. Then again, if the more

we move it toward the house, the more that slope comes into play, and, you know, the retaining wall would maybe have to be switched to the other side. Just because of the heights are and the way the pounds would have to sit on the shelf.

**Mr. Lynch:** Well, if I may suggest, if you, can angle it and have it more parallel to the power lines. Then you will only have a quarter of the pool that could possibly be in the front yard, versus the whole length of the whole side of the pool. So, you could only have a small quarter of it at the farthest part of the pool, could we do that?

**Mr. Barry:** Could we do that with the same size pool that's presented here?

**Mr. Lynch:** Yeah, if you give yourself more distance **\*inaudible\***

**Mr. Barry:** I'm not opposing to what you're saying. I don't know that you would be either, but ultimately it is your decision.

**Mr. Lynch:** You follow what I mean? Cause then...

**Mr. Barry:** So basically, what he's saying is instead of being square to the road, we would square it to the easement line, and then, you know it wouldn't exactly be squared off to your house. It's ultimately going to be... are you willing to... aesthetically, is that okay for you?

**Mr. Lynch:** The corner of the pool will be at the farthest part of the pool, being down at the farthest part of your house. You know what I mean? **\*inaudible\***... for the easement on, and it will all fall into place with the whole length of the pool not being in the front yard.

**Mr. Drummond:** But isn't everything going to be too close to the power lines then?

**Mr. Barry:** Well, yes, you would be getting a little bit closer to the power lines, but you would still be standing outside of the easement. I mean, I don't... I guess that would have to be discussed and really thought out to make a decision. We couldn't decide right now.

**Mr. MacCartney:** Yes, I see what you said. Like if this was the pool, rotate it this way then you could kind of move it even slightly to that 15.8 number up closer to a 20 number. Right, is that what you're saying?

**Mr. Lynch:** Yeah, that's what I'm thinking, exactly.

**Mr. MacCartney:** If not 20, then at least you reduce that. That's what you're asking.

**Mr. Lynch:** Yeah, you reduce that.

**Mr. MacCartney:** And that's feasible.

**Mr. Barry:** Like pivot it on that one corner.

**Mr. MacCartney:** Yeah, then...

**Mr. Lynch:** Right

**Mr. MacCartney:** And then once you do that, is there any way you could move it away just a... Look, the variance is for 16.8, right? On that front right corner?

**Mr. Barry:** Right

**Mr. MacCartney:** And on that front left corner, you're at 24 and what's the requirement? Is it 40?

**Mr. Barry:** Right? Isn't that what you said? After reading it?

**Mr. Lynch:** Yeah, 40

**Mr. MacCartney:** It's 40? So... yeah, so it is the whole. For some reason I thought it was the 25 or thereabouts. But either way, yeah, I see what you're saying. The vast majority of the pool would be rotated, closer to compliance with the code.



**Mr. Barry:** I agree

**Mr. Lynch:** **\*inaudible\*** ... to be in compliance with the code as much as possible for us.

**Mr. Barry:** I understand.

**Mr. Lynch:** That's why I asked too about reducing the size of it. I know everybody wants a big pool, alright? But at the same time, you know, not everybody has **\*inaudible\***... has a unique situation with the powerlines and the yard closing in on all sides on it. You know? Like the triangle end of it. People have bigger yards, versus close to the house, or something like that. There's other variances like that, your powerlines and their easement is written in stone, there's nothing you can do about that.

**Mr. Barry:** Correct.

**Mr. Lynch:** But the pools not built yet. You could adjust the size, and the shape. You know? Everything on it to make the pool fit.

**Mr. Barry:** Okay.

**Acting Chairman Anginoli:** Do you want to discuss that with your client and continue the public hearing, or?

**Mr. MacCartney:** Would you be open to some designs, or?

**Mr. Drummond:** I wanted to try and get it done, like I'm downsizing, like I'm coming from, like, coming down downsizing and doing this. I feel like I can at least try to get that to accommodate in the plans that would be ideal. You know?

**Mr. Barry:** I think the change that you are asking for... it's not really... it's going to help take some of the pool and move it closer to code, I agree. But it's doesn't put the whole thing into the right position according to code. It's like you're asking for compromise apparently so...

**Mr. Lynch:** Well, I tried to work with you here on this. That's why, you know, but it is... it's still in the front yard. That's the problem, that's an issue. Alright? We can't be building things in the front yards. There have not been in the town, in the town built forever. Now I'm trying to get it out of the front yard for you as much as possible.

**Mr. MacCartney:** Yeah, the issue is the Board's duty bound to give the... to grant the minimum relief of our code to achieve the benefit you are wishing to see. That's what... **\*inaudible\***

**Mr. Barry:** Yeah, we understand.

**Acting Chairman Anginoli:** Well at this point, do you want to discuss this further or do you want to remain with the document you submitted and leave it the way it is? If you decide to discuss it further, we'll...

**Mr. Lynch:** We can keep the public hearing open...

**Acting Chairman Anginoli:** ...we can take a motion to continue the public hearing and reconvene the next meeting.

**Mr. Barry:** With a revised plan?

**\*inaudible\***

**Acting Chairman Anginoli:** And again, you don't have to, you can leave it the way it is.

**Mr. Drummond:** So, the problem is, you're wanting me to downsize right?

**Mr. Barry:** Well, no. He's not saying you have to downsize. What he's saying is, either downsize or position the pool in a way that we're not taking up as much space in the front yard so we could... he's looking for, he's kind of looking to meet us half way essentially because knows the pool is going to end up in the front yard regardless, but we want to try and take as much of it

into the side yard as opposed to your front yard to try and meet as much of the code as we can. That's what they're asking for. They're not saying, you know, that you have to make a smaller pool if we could make that work.

**Mr. Drummond:** Can that work?

**Mr. Barry:** I mean I'd have to play around with the survey, but I don't see why it wouldn't. Yes, we could rotate a pool to make it on that line. Yes. I'm getting strong vibes they're not going to grant you where you have it now. So, I think we should.

**Mr. Galgano:** ...could you build a patio like changing it?

**Mr. Barry:** Potentially but...

**Mr. Galgano:** would you have more space by tweaking it a little bit?

**Mr. Barry:** We might be able to do it but I think...

**Mr. Galgano:** \*inaudible\*

**Mr. Barry:** Keep the public hearing open and come back to the next meeting.

**Acting Chairman Anginoli:** So, you want to do that?

**Mr. Barry:** That's my suggestion it's up to you Mr. Drummond.

**Mr. Drummond:** Okay, I'll do what I got to do.

**Acting Chairman Anginoli:** Is there any... you finished? Okay. Is there anyone else in the community that wants to testify concerning this issue? I'd like to take a motion to continue the public hearing.

**Mr. Hager:** Can I make a suggestion before we move on? If you're going to revise a plan, do any of the Board members have any opinions they'd like to share about possibly adding screening to this plan, so they come back with one plan?

**Mr. MacCartney:** When you say green, like the issue that came up first? That's probably a good idea.

**Mr. Barry:** What was that?

**Mr. MacCartney:** Like the idea that was discussed about adding like arborvitaes and that sort of thing. Is that what you're talking about John?

**Mr. Hager:** Yeah

\*inaudible\*

**Mr. MacCartney:** Yes, right. So what John is saying is that if they can come back with the plans then maybe provide that as well for the screening and otherwise it's one plan and they can all be done at the same time.

**Mr. Drummond:** Can I step out for a second please?

**Mr. Barry:** May we just step out for a second?

\*BRIEF RECESS\*

**Mr. MacCartney:** Okay, they're back.

**Mr. Barry:** So, Mr. Drummond and I would like to ask, if we agree to rotate the pool parallel to the easement line, can we move forward tonight or would we still have to move to another public hearing? \*inaudible\*

**Mr. MacCartney:** I know, just as legal counsel I would say it would be prudent. My advice to the Board would be, if you're going to move it, we've got to see it on new plans so we could see

the dimensions and see that it works for you. To see if it's feasible, to see what the dimensions are so that if there is a grant, we could be very clear that if there's a plan that is dated such and such, and these are the dimensions.

**Mr. Drummond:** So, the only way to move forward is by keeping this plan basically? Tonight?

**Mr. MacCartney:** Yeah, you could move forward tonight. Yes, I would say yes.

**Mr. Barry:** And if that was the case, what would be the steps? We would wait to hear back if it was granted, or would you tell us tonight? How does that work?

**Acting Chairman Anginoli:** If you maintain what you have submitted so far, and if there are no other issues, Mr. Keegan, did you want to go into Executive Session?

**Mr. Keegan:** I did

**Acting Chairman Anginoli:** Do you still?

**Mr. Keegan:** Yes.

**Acting Chairman Anginoli:** Okay.

**\*\*\*MOTION: Acting Chairman Anginoli made a motion to go into Executive Session for the purpose of legal advice; seconded by Mr. Lynch. All in favor; the motion was carried.**

**Mr. MacCartney:** So, have you guys given any thought as to how you'd like to proceed? Would you like to close it under these current plans, or you would like to take a moment between now and two weeks from now and see if we could make some tweaks and changes and then come back with a revision? Have you given it some thought?

**Mr. Barry:** In an ideal setting we'd like to stick with this, but we're not opposed to shifting it if we could maintain the size of the pool and make it work to your requirements. We don't want to make a smaller pool.

**Mr. MacCartney:** Okay maybe what we do is... I understand, I hear you. So, shifting but not downsizing.

**Mr. Barry:** Right.

**Mr. MacCartney:** You know, maybe you want to get some feedback from the Board in terms of if that happens? Is that something that, if it sticks tonight the way it is, you know. How do you feel right now based upon the record versus if he comes back with a shift and not a downsize if that's something that might be of interest to you.

**Mr. Lynch:** I'll start off by saying if you leave it as is, its not going to happen, with me, and if you work with us and you shift it and you come up with a better plan. You may really want to consider downsizing it by a couple of feet there, you know, because of the fact it is a difficult spot. If you want a pool, consider it. By changing things around.

**Mr. Barry:** While we are weighing out options, we'll definitely keep that into consideration.

**Mr. Lynch:** Okay, that's my opinion only. Alright?

**Mr. Streiter:** I'll agree to a certain extent. It is a sizable amount that you are asking for \*inaudible\* ... it is a little scary. We don't, you know, I think that if you like John was saying, work with us and I don't care whether you make it smaller or not but if you can turn it, push it back. I understand it's an inconvenience because you have the retaining walls and stuff like that. But, if you can make it more palatable for us in terms of less of an ask on the variance, and you could provide a 6ft fence, you know, the shrubbing coverage, the landscaping, I'm very open to it. I think that, you know, if you work with us, you know, well go from there.

**Mr. Keegan:** Yeah, I second what John said. I'm with John.

**Ms. Davis:** I concur with Todd.

**Mr. Gazzola:** I go along.

**Acting Chairman Anginoli:** I would, myself, I don't have a problem with the size of the pool, change the size of the pool by a couple of feet is not going to make a big deal to the world. Altering its position to minimize the variances would be very helpful for everyone.

**Mr. Barry:** Sure thing.

**Acting Chairman Anginoli:** Alright, so we'll continue the public hearing.

**\*\*\*MOTION: Mr. Lynch made a motion to continue the Public Hearing; seconded by Ms. Davis. All in favor; the motion was carried.**

**Acting Chairman Anginoli:** Okay, what's the next day of the meeting?

**Ms. Pechin:** the 17<sup>th</sup>

**Ms. Davis:** St. Patty's Day! Bring the corned beef and cabbage!

**Acting Chairman Anginoli:** What's the date?

**Ms. Pechin:** March 17<sup>th</sup>

**\*inaudible\***

**Mr. Barry:** Once we revise it, who could we touch base with in the Town to kind of...**\*inaudible\***

**Ms. Pechin:** I'll get you my email address.

**Mr. Barry:** Okay, thanks.

**\*ALL:** Thank you.

**Acting Chairman Anginoli:** Any other issues?

**Mr. MacCartney:** Nope.

**\*\*\*MOTION: Ms. Davis made a motion to adjourn the meeting of March 3, 2022; seconded by Mr. Streiter. All in favor; the motion was carried.**

Respectfully submitted,

*Nicole Pechin*

Secretary  
Zoning Board of Appeals