

**ZONING BOARD OF APPEALS MEETING
TUESDAY – SEPTEMBER 26, 2023
7:00 PM – TOWN HALL
1529 NYS RTE 12
BINGHAMTON, NEW YORK 13901**

Present: James Brewster, Chairperson
Aleta Kinne, Vice Chairperson
Scott Smith, Board Member
Jon White, Board Member
Ed Miller, Board Member

Dan Wolters, Alternate Board Member

Also Present: Gavin Stiles, Ordinance Officer
Diane Aurelio, Zoning Secretary
Lindsey Fey, Zoning Clerk
Nicholas Cortese, Planning/Zoning Attorney

James Brewster – It is now 7:02PM and I would like to bring the Town of Chenango Zone of Appeals meeting to order for the month of September, Miss Diane may we have an attendance roll call please.

Diane –

Mr. Miller – here

Mr. White – here

Mr. Smith – here

Mrs. Kinne – here

Mr. Brewster – here

Brewster – We have a quorum, so we will continue on. Welcome everybody, members and audience to our meeting tonight. We have two orders of new business which is just to look over new applications and pass them on into the process through planning and zoning, and then for our next zoning meeting for public hearings. And then we actually have a public hearing tonight which we'll get to after the new business discussion. Following the public hearing this board will consider

the environmental SEQR, ramifications of the project and we'll move on from there.

So next order of business is to approve our meeting minutes from August 22nd. Any changes, corrections?

All Board Members – No

Brewster – OK, I'll seek a motion to accept the August 22nd meeting.

White – So move Mr. Chairman

Smith – Second

Brewster – OK, I'll take a roll call for those.

Diane –
Mr. Miller – aye
Mr. White – aye
Mr. Smith – aye
Mrs. Kinne – Aye
Mr. Brewster – Aye

Brewster – Minutes from August are approved and may be posted when it's appropriate.
OK, on to our new business tonight, Next application us is 2023-V08 Sandbags Unlimited, Luke Tokarz at 667 Brooks Road. This is an application for an area variance to allow an accessory building in parentheses office building in front of the principle use in an agricultural zone and will be performing a short EAF at the next meeting. Any comments on the completeness of this application? Does it look satisfactory to move on with our process? Is the applicant here by any...

Tokarz – Yes, sir

Brewster – Just in case we have any questions.

Tokarz – Absolutely

White – I think things are fine and in order, he's got a site plan and the short form and all of that.

Kinne – Looks fine.

Brewster – Then if that's the case from the board then I will solicit a motion to pass along this information to our planning board which has a meeting on 10/10/23 and then to our public hearing scheduled for 10 24th of 23.

Kinne – I so move.

Miller– I second

Brewster – And we'll take a roll call.

Diane –

- Mr. Miller – aye**
- Mr. White – aye**
- Mr. Smith – aye**
- Mrs. Kinne – Aye**
- Mr. Brewster – Aye**

Brewster – OK Mr. Tokarz I know you've been through the process here before we'll go through the planning board, and you'll be here next month for the public hearing.

Tokarz – Sounds good, thank you.

Brewster – Next application up for initial review is 2023-V09, Bruce VanTassel of 10 Hoffman Drive, application for area variance to reduce the front yard set back from 30ft to 22ft for an attached garage located in a residential zone with a short EAF to be considered. Is Mr. VanTassel here?

VanTassel – I am.

Brewster – Thank you for coming. How's this application look to the board members?

Kinne – Looks fine.

Miller – Looks fine.

White – There's a site plan and dimensions and everything to show us our offsets and mostly the front.

Brewster – I agree.

White – There's enough information for us to decide on

Brewster – OK, everything looks good with that, so I'll seek a motion to move this application along to the planning board for an advisory on 10/10/23 and then on to us here in a month on 10/24/23 to the ZBA for a scheduled public hearing.

Smith – So moved, Mr. Chairman

White – I second

Brewster – That was Mr. Smith and Mr. White, and Diane will take the roll call.

Diane - **Mr. Miller – aye**
Mr. White – aye
Mr. Smith – aye
Mrs. Kinne – Aye
Mr. Brewster – Aye

Brewster – OK we'll have a public hearing for you in a month.

VanTassel – OK

Brewster – Next on the agenda is old business/public hearing, so I'll read the official notice here: Take notice that public hearing will be held by the zoning board of appeals at the Town of Chenango on September 26th, 2023, at 7PM upon the application of Michael Mastro regarding property located at 267 Poplar Hill Road in the town of Chenango. Tax map number 095.12-1-13.2 and located in a residential district. This application is for an area variance to build a detached garage pole barn that exceeds the maximum size of 1500 sq ft for such structures in said district to 5018 sq ft, the environmental significance if any of the proposed action may be reviewed incident two and as a part of said public hearing. Last time we met with Mr. Mastro we signed a disclosure of conflict and consent to wave between Coughlin and Gerhardt, who had represented both the Town and Mr. Mastro at some time and the board gave me permission to sign that and that is still in effect. Mr. Mastro signed it back in July, so I just wanted to put that on the record that it is still in effect for this time around as well. So, with that, Mr. Mastro, I know that you been down this road before, we'll talk about the 5 factors, but I do want to officially open the public hearing for application 2023-V07 right now. Alright? OK. So, you did come to us before with a different, yet somewhat different themed application so we're going to go over the 5 factors again and I know you provided somewhat of a write up for us for that, but we'll ask you the same questions. In a nutshell, tell us about this version of the project you're undertaking and bring it before us.

Mastro – It's a 5000 sq ft pole barn building like you said to house all of my grounds equipment that I have that I use on my property. I've shortened the building down to 5000 sq ft and I've also brought it down to the 24ft to the peak height that I was previously approved for.

Brewster – OK, so, factor number 1 that we consider in asking for this variance, are you going to be creating an undesirable change in the character of the neighborhood or negatively affecting nearby properties?

Mastro – Absolutely not

Brewster – And a little bit about why you think that way.

Mastro – Number one, you're barely going to see the building from the road and there is only one home in the town of Chenango that would be able to see that building from their home and that would be Dave Warpus, my neighbor directly across the street, he doesn't have a problem with it either.

Brewster – Board members any questions specifically to number 1 about the character of the neighborhood?

White – I'm good.

Mastro – It would definitely match the house, same color, same color roof, same color siding, I will try to make the overhead doors match the overhead doors of my home. I like everything to match and look right and look proportioned, it will definitely match.

Brewster – What's the interior going to look like? Just out of my curiosity

Mastro – I just plan on building a shell for now. It's going to have metal walls and studs and that's it.

Brewster – Any water or sewer connections?

Mastro – At some point I will but I'm not ready to do anything like that right now. I don't even know if I'll pour concrete this year. Maybe next year or the year after or something. Right now, I need storage, I have a lot of equipment all outside at my

house, it gets rained on and I have a lot of money invested in my equipment and I want to get it under cover.

Kinne – Are you sure the from up on VanDoren(VanKuren) Drive that they can't see it?

Mastro – Absolutely not

Miller – Actually I drove that road and you can't see it.

Female citizen – You can actually see the space from our neighbors yard.

Brewster – We'll have public comment..

Female Citizen – She asked, sorry.

Brewster – Yep, I understand. Alright, the number 2 factor here, explain to us here why you really need this variance to accomplish your project. Is there any other way you've conceived to do this? And if there isn't, why not?

Mastro – I can't think of another way to get all my equipment under cover. It's got to be inside a building, I'm not building a Taj Mahal, I'm building a storage building. I don't know if you've driven by or not but if you look up on the hill there's all my equipment, I have a lot of money invested in that equipment and I don't like it outside in the rain. I like everything under cover, protected. And that's why I'm asking to build this building. I'm not starting a business, I'm not opening a business, there's not going to be anything going on up there other than it's a storage building. I've provided a list of every piece of equipment, I also have an antique tractor collection that I'd like to bring home, I have it stored right now but I can't enjoy my antique tractor collection because it's not home at my house. So that's part of this is, is the list that I've provided you guys, I gave you a list and a picture of every piece of equipment that I have that I need to put in this building and I can justify every piece of equipment and what it's for, and what I do with it, why I have it, it's all there for a reason. I don't just buy equipment just to look at it. I use every piece of equipment on my property. It takes a lot to keep that place maintained, and when I bought the place, it was

pretty bad, it was in shambles. I've worked a lot, and we've done a lot of work to that property. I have actually had a neighbor that stopped there that owns 3 houses that border that property just the other day and said he may come here, and he was very happy with everything that was going on, all the drainage is working properly and nobody's house is getting water in their yard, and he was very happy with all that went on.

Brewster – Just since you brought it up, is that neighbor below you?

Mastro – Yep, he owns 3 homes, I think they're rentals, I don't know if he lives there but he actually walked up in the backyard because he had someone there trying to sign a petition for something and he came up to visit me and he said 'hey if I can make it to the meeting I'm for you, I've seen what you've done, you're not hurting the neighborhood, you're making sure waters not flowing in anybody's yard.' I had a lot of water problems up there. Water comes off that hill, off VanKuren, off the hill, down that hill, there's a lot of water issues up there. So I've got everything fixed where nobody is getting water into their yard and stuff like that.

Kinne – Did you consider before you bought this property what your collections and all of your equipment and so forth, that you were buying property in a residential area?

Mastro – I had the tractor collection before I bought the property. After I bought the property, I realized how much work I have to do. That place was, there was a giant hole in the backyard, there was, it was in shambles. It required a lot of work. And being that I can buy the equipment myself and do the work myself, that's what I choose to do.

Kinne – But did you consider the amount of equipment you have...

Mastro – I didn't realize that I needed that much.

Kinne – That you should've looked in a different area.

- Mastro –** Well I'm improving the area.
- Kinne –** I mean, we have code, you know?
- Mastro –** I understand. There's a lot of buildings in the town of Chenango bigger than 1500 sq ft. Bill Maines, right up the street from VanKuren has a double 40x80 2 story car museum and like a 40x80 right behind it on 5.1 acres. It's not bothering anybody; it doesn't bother me.
- Kinne –** That's not what I asked.
- Brewster –** Any other questions of this particular...
- White –** Mr. Mastro answered my question that the original list he supplied to us didn't include his antique tractor collection, so, yanno that would even justify even more of needing that 5000sqft. So, he already answered my question.
- Brewster –** OK. OK The next one, in your opinion, and with respect to the code, do you feel that you're asking for a large change over the existing zoning, is it substantial?
- Mastro –** I think it's fair with the amount of property that I have, I'm not asking for a big building on a quarter of an acre lot. I'm asking for a building to put the equipment that I have inside, up on the hill, away from everybody, it's not going to be an eyesore, and I feel like it's justifiable.
- Brewster –** Anybody on that point?
- Brewster –** OK. So, as you go about creating this project, does it tear up the physical environment in the neighborhood affecting the neighbors for years to come. Are you going to be doing a lot of earth moving for this particular project? Sounds like you've already done some, but to build this pole barn specifically.

Mastro – No, I've been planting grass and doing some grading and cleaning and yanno I'm about done doing anything that I need to do other than cleaning and making more grass and maintaining my property. My excavation project is about done, everything I've done since I've owned the property, cleaning up and doing what I had to do. We're putting in grass right now, more grass, taking out wet areas, and I dried them out and I'm putting in grass and stuff. I'm about done. Other than putting up a building my construction is, there's not going to be much action going on up there.

Brewster – This is our question number 4. Factor number 4. Any supplemental? OK. And the last question is about self-created difficulty, and we'll tend to answer that when he hears the board because most of the time it is self-created because of the nature of the beast, and the way the zoning code is and the application. Did anyone want to interject on the self-created for factor 5 there?

Miller – I'm good.

Brewster – Alrighty then, we have new correspondence, I'm sorry before we get to that it's time for the actual public hearing now. So, if anybody would like to, the public time, sorry I didn't say that right. If anybody would like to speak before the board I'll grant the floor, just raise your hand.

Female citizen – I've never been to a town meeting before because nothing's really affected us personally before so, sorry that I interjected before. I just wanted to say we are on VanKuren so it's just higher and you can see what's going on, on his property because it is so far back. It has been incredibly noisy, and I know that's supposed to stop, I was told it was going to stop last time and it still goes on. You can come have coffee on the deck and listen. Those are just two pieces I wanted to note. And then I've brought the letters.

Brewster – Sure, go ahead.

Paniccia – Yea, my name is Al Paniccia, I'm here with Mike, I'm his attorney, and he just asked me to come and, well I reviewed the materials from the last hearing. I reviewed the transcript, I understand, I believe I understand, what the issues were at the last meeting, and I guess there's the same issues are being presented at this meeting. I'd just like to put some comments in, if I may.

Brewster –

You have the floor.

Paniccia –

May I pass these out? What I've done is I've gone to google earth, google maps, and I took an aerial photograph of the area there and on there I put some distances as well. I've identified the location of the proposed project as well as distances between the project area and neighbors. Now if you can take a look at it, the property there, we've got Poplar Hill Road runs generally from top to bottom of the North-South in this area here. In fact, it's labeled as Poplar Hill Road. Mr. Mastro's house where he lives it's closer to the west of Poplar Hill Road, a short distance from the top of the photograph. The site of the proposed building is right here, there's a dot, and there's a label here as to the approximate location of the property. I've also drawn some lines from the closest point on Poplar Hill to the site as well as from the site to the intersection of VanKuren and Clyde Gruver Road. You'll see that the distance from the site, from the project site to Poplar Hill Road, the closest distance is about 540ft. The distance from the site to the intersection of VanKuren and Clyde Gruver is about 790ft. As well you'll see there is a significant amount of wooded area between the project site and VanKuren. So, that's the site, that's where he plans to build this, hopes to build it, and I understand that one of the big questions is, is this going to be an eyesore, does it fit into the neighborhood? And I think when you consider those questions you have to keep size in perspective. When you ask yourself, is it large, is it obtrusive, is it out of place, you have to ask yourself, I think, is compared to what. Granted if you look at this project in a vacuum 5000sqft is large compared to 1500. In fact, it's over 3 times as great, there's no denying that. But if you're standing on your property, if you lived in the neighborhood nearby and if you stood ten feet away from your neighbors 5000sqft garage, yeah, I'd admit that is intrusive. It's out of place. It would be ten feet away, it's huge, it's enormous. But you have to keep in mind as well that this is a 5000sqft building on 12 and 1/2 acres of land. But as I said it's 560 feet away from the closest point on Poplar Hill Road. 790 feet from VanKuren Drive. Now, I point out that the town zoning allows two accessory structures in a residential property, including a 1500sqft garage. And that allows a 1500sqft garage on a lot as small as 12,000 square feet. That works out to just over a quarter of an acre. So, on a quarter of an acre lot, town code allows a 1500sqft detached garage structure. Town code also allows that structure to be within five feet of side yards and rear property lines involved. So, this 1500sqft building allowed by the town code, you could put it right up to your neighbor's property and there's nothing the neighbor can complain about, it's allowed by code. We wouldn't even have to come to the ZBA. But what I think we need to ask, when we ask a question, is this substantial, I believe you should ask yourself, what's more visible, which would be a more substantial eyesore to the neighborhood, a 1500sqft building on a quarter acre, five feet away from side yards and rearview,

rear line, or a 5000sqft building on a lot 45 times larger than required by code, and hundreds of feet away from the neighbors, from the nearest neighbor. Which is going to be more obtrusive, and I'm going to salute to you that a building that's that far away, despite the size, is going to be less noticeable, less obtrusive, less out of character of the neighborhood than a 1500sqft building that's allowed by code. And, to add to that, to those numbers, you add the fact the topography involved. You know this is from Poplar Hill, it's graded upward, and if you went to the site there's a knoll of some sort which would buffer the property, it would buffer the building from Poplar Hill Road as well. The other thing that you should take into account and consider is all the vegetation, all the trees that are between this building site and VanKuren and Clyde Gruver Road. Someone at the last meeting said, 'Oh I'll notice it in the winter', well heck, you're going to notice your neighbors 1500sqft garage 5 feet away from your property line. You're going to notice that not just in the winter, you're going to notice it every day. So, is this less obtrusive? Yeah, I say to you, it is less obtrusive than what the code permits on a quarter acre lot. The comment that I read at the last hearing that the property, that the proposed 7000sqft building was 464% increase over what was allowed by code, and I agree it is, and 5000sqft is a bit better. That's only a 330% increase of what's allowed by the town code. But you got to keep in mind that 12 and 1/2 acres is 4537% increase over 12,000sqft required by the town code for a 1500sqft building and a distance of 790ft from the neighbors on VanKuren is a 1580% increase over the 5ft that the town code requires for a quarter acre lot. So, is this going to set a precedent? Yeah, everything sets a precedence. No matter what you do there's a precedence, but certainly not one that's going to allow for proliferation of 5000sqft garages in the town of Chenango. This land is unique in size and it's unique in distance of the building itself and its neighbors and it's uniquely situated to accommodate a 5000sqft building. We're talking distance and size, that makes the difference in topography, as well as vegetation. So, is it a precedence, yeah it certainly is, but there's not going to be that many properties in the town that are going to have the same circumstances. Now another issue that came up at the last meeting was, does he need this? I mean, I get it, how do you measure what need is? Certainly, he'll survive if he doesn't have this garage but he's building this not because, well he does all his own yard work, which is somewhat unique. He does it not because he has to, but because he likes to. He doesn't golf, he's not a tennis player, he likes to work with construction equipment, he likes to landscape his property. He's a dealer of new and used construction equipment, he's been working with equipment for a couple years now, improving the land that he bought. I'm sure, members of the board, you've all noticed improvements on that property. Now, he needs a place to store his equipment. He can keep it outdoors and the town vote would be fine with that, but there would be these rusty lugs outside deteriorating, and it would compromise his ability to keep his land in the pristine condition he does. I submit to you that as long as he's not unreasonably disturbing his neighbors the

town should not deprive him of his freedom to pursue his interests. And those are my comments with regard to need and substantial change in character.

Brewster – OK, Thank you for that.

Paniccia – By the way, I also have, if you'd like, I've prepared a booklet with all of the photographs of his equipment. If you would like for him to show you what his equipment is and describe what he does with it, so you are satisfied that it is being used for residential purposed on his property and not for commercial use. I'd be glad to show you here, there's photographs of his antique equipment and his landscape equipment. You've got it all here if you'd like.

Brewster – OK, we can distribute those, and we can ask questions if we need to. Would anyone like to speak? Yes, Mr. Lumsden?

Lumsden – Everything this gentleman just said I agree with 100%, but the town has all sorts of town laws and if the ZBA, doesn't matter what's inside or not inside the building. I agree 100% with what he's saying except for the fact that you have a lot of agricultural property in this town, you have residential property, they're redoing the zoning map as we speak, at the October 4th meeting. All I'm asking is if the ZBA is going to look at this please in the future consider it, no matter who the person is sitting before you. You're supposed to look at the building, the land, the zoning. Doesn't matter if it's got Barbie dolls or if it's tractors, it's irrelevant to the ZBA and I want you guys to be consistent. But I agree with what these guys are saying 100%. We didn't make the laws and neither did you, and I encourage everyone to go to the town meeting on the 4th.

Brewster – Now we go back to you.

Female resident – I would say from our standpoint, it isn't the size of the building, our main concern is when you live in a residential area and someone's mowing the lawn, you deal with it, they're mowing the lawn of leaf blowing at 9 in the morning, you deal with it. But the noises that we hear aren't those noises, the equipment that is being used that we hear is constant, and we've all heard the beep, beep, beep, all day long. And when you're sitting on your porch and that's what you hear when backing up equipment. So, that is what is intrusive to our life and our home.

Male resident – I can't imagine that would be diminished with a 5000sqft building, it would encourage it.

Female resident – We would expect more.

Male resident – If it's allowed legally that's no issue whatsoever.

Mastro – Well the equipment's not going to go away. It's either going to sit inside or it's going to sit outside.

Female resident – So that's another question then for another time. We just live in a residential area where all you hear is construction sounds constantly.

Paniccia – I became cognizant of the issue when I was reading through the minutes from the last meeting. Frankly, the amount of noise coming from a property has nothing to do with zoning or the ZBA. But Mike is willing to make a commitment to cut back on the hours of operation of the equipment. Someone mentioned maybe not on Sundays. I think Mike's willing to agree to at most mowing the lawn on Sundays and not operate any other type of equipment on Sundays and late into the evenings or early in the mornings on the other days of the week. But we're hoping the quantity of the efforts is going to diminish once the building is up and the equipment is indoors, it should go down. Certainly, once the building is up the level of landscape outdoors will be diminished.

Mastro – It's basically maintenance after this.

Brewster – Thank you everyone for your comments. We do get correspondence from some of our boards and the county as well. I'll read those into the record.

-See attached file from Planning Board

-See attached file from Broome County

And these are just comments from the Planning Board and the county to be read into the records. I don't have anything new from the town engineer and I don't

have anything new from the drainage coordinator. Here's a letter that just came in.

-See attached letter

-See attached separate letter

That is all the correspondence I have at this time. At this point in time, I'd like to close the public hearing. Board agrees? The next phase means we will go on and move on to the SEQR evaluation before we move on to discussing the application.

Cortese – Part Two is a series of questions where I'll ask you whether to what extent there environmental impact may be, with respect to the grant of this variance and what we resolve from it. Of course, say no if you believe that there's no environmental impact or only a small environmental impact. And say yes if you believe there's moderate to large environmental impact. If any one of these areas can still issue a negative declaration, we would just have to talk about how to justify that if you so choose.

-See attached EAF Form

Brewster – Weighing those factors are we in the mindset of issuing a negative declaration?

All Board Members – Yes.

White – It's the size that's in question. We always talk with each individual property that we have to look individually at that of needs and the requested variance. So with the amount of stuff, he has that he says he uses to maintain his property that is justifiable.

Brewster – Right, there's that, this was in retrospect to the environment.

White – And if you want to bring up the noise, which is an environmental thing, the guy can get in his bulldozer and go back and forth all day until 11 o'clock at night, there ain't nothing you can do. Ultimately, what he's doing is to maintain his property which over time should cease and desist.

Cortese – I would caution you to not use a noise issue with the specifics of the application because what we're talking about here is a variance to build a storage barn, not the things that go in and out of the barn. There are other means of recourse to address noise issues, which is filing a noise complaint with the police and letting the police take care of that.

Brewster – So, we've agreed that we're likely going to issue a negative declaration. On the point #1 of SEQR, we have to justify why we would continue on with a negative declaration or we would go for the full Monty, if you will, to a positive which I don't think any of us are leaning towards. I just have to move past where we are to get to the negative declaration.

Cortese – I have something I can propose to you guys:

'While the grant of this variance and proposed project that would result clearly conflict with the town zoning code in so far that the requested variance at 5018sqft is over 300% larger than the square feet, 1500sqft, allowed. The applicant's property is large for residential zoned property with over 12.5 acres. The lot coverage for such a structure on such a parcel is approximately 0.9%. While a 1500sqft detached garage, which is allowed as of right, on a 12,000sqft parcel, which is the minimum plot size allowed in the residential zoning district, creates a lot coverage of 12.5%. Accordingly, the ZBA believes that this application does not require an EAS and accordingly issues a negative declaration pursuant to SEQR.'

Kinne – Perfect.

Cortese – So what do we think? If you want to adopt that as your justification for a negative declaration and you want to make a motion for a negative declaration you can do so at any point.

White – I will motion to seek a negative declaration.

Smith – And I will second that.

Brewster – Do we have any further discussion while we have an open motion? OK, we can vote.

Diane –

Miller – Aye

White – Aye

Smith – Aye

Kinne – Aye

Brewster – Aye

Brewster – Alright, we have declared a negative declaration under SEQR. So, we've moved beyond that part. Now we can get into the discussion of the application itself and consideration for five factors. Let's have some talk before I take off into the resolution. Who wants to go first?

Kinne – I have a question. Word came to me last week that you intend to build an apartment in the upstairs of the structure.

Mastro – Absolutely not. It's a pole barn, not going to be an apartment. 100%. You guys are all welcome to pop in and see it when it's done.

Kinne – My other question is do you intend to pick up this other variance that we did for you and build that one?

Mastro – What do you mean? Build a separate building? I'm here to build this building.

White – She's asking about the variance that you already received.

Mastro – That was just a height variance, and I reduced this building to the 24.

Kinne – But does he still have plans to build that building?

- Mastro –** No, I don't have any plans to build that building.
- Brewster –** But the height stays with the layout.
- Kinne –** Yes, I understand that I'm just trying to figure out how many accessory buildings...
- Mastro –** There's only going to be one building. I'm only going to build one building.
- Brewster –** Comments?
- Mastro –** When I bought the property I had like piles and piles of old house back there, like brick blocks. It was a mess. I had a huge hole to fill in. I've been doing all this for the last three years. I get the noise, I know. I work during the day, so I play around on Sundays and Saturdays. I'm good with the neighbors. If they want to come and talk to me and we can make... 'hey don't do it on Sundays', no problem. I'm easy to get along with, I'm not there to piss anybody off. I'll work with the neighbors, no problem. But I am, pretty much, 90% done, 95% done with cutting trees, grading, we're putting grass in right now. I'm pretty much done other than building a building. I'm done with that type of work. I'll always do maintenance, trim trees, cut branches, and mow and add to my driveway. I'm always doing landscaping and building walls, all that type of stuff. Anything major, bulldozer work, is done. I'm still filling in that hole, the town dumps dirt up there sometimes so I have to push it over from time to time. But I can guarantee you that 90% of my work is coming to an end.
- White –** Any time you have property and acreage you have to maintain it, and he does choose to do it himself. And with the equipment, he could leave it outside. Honestly, one building is better to look at than equipment. And he's still going to keep the equipment regardless, it's for his property. Ultimately, he needs that building. The residents making complaints about the noise, that should cease and desist over time, other than normal maintenance. And as a precedence, as soon as you go over 1500sqft you're setting a precedence. We've always talked as a board that we have to look at it as a case-by-case basis. What he's asking for, what he needs to be able to maintain his property, that's kind of my take on it.

- Miller –** I agree with that, it's not too big of a building for the size of the property.
- White –** He states he's not going to run a business out of it, he states the noise is going to slow down, he's going to work with his neighbors. Personally, as a neighbor I'd rather look at a building over equipment but that's my opinion.
- Kinne –** But the thing is, should he have that much equipment in a residential zone.
- White –** He's still got 12 acres. How many acres do you mow Mr. Mastro?
- Mastro –** I mow probably 9.
- White –** That's a lot of acres, so to have 2 mowers you're going to have 2 days' worth of mowing.
- Kinne –** A lot of that equipment isn't for mowing.
- White –** I understand that but some of it he's still using while he maintains his property for filling, clean up, and improving. You got to admit, Maines' left that place a mess.
- Mastro –** The construction phase will go away soon and then it'll just be maintenance. Other than my antique tractor collection that I have, I can justify why I have it and what I do with it. I use it. I don't want to have a \$50,000 excavator there if I don't need it.
- Kinne –** I don't have anything against the equipment, it's just that it's residential and I feel I'm on this board to stand up for the other people who feel they're living in a residential area and they're complaining about the noise.
- Mastro –** The noise doesn't have anything to do with the building.

Kinne – Right, I am wrong, but I feel, maybe we've done a lot of things wrong in the past that we're just getting squared away, but I think we have the different zone areas for a reason.

Brewster – We do. So, I look at it, the zoning and this individual property's uniqueness to weigh whether or not the land, the use of the land, and the neighborhood in context can absorb the relief to the town code, which is basically what we decide. We've seen a verification of this application before and we voted it down so, I guess my question is, what have I seen in this presentation that makes it justifiable for me tonight. Will us granting a building of 5000sqft be a detriment to the neighborhood. It's residential but I kind of consider it larger residential.

White – And in his situation I can say probably not in the aspect of there's so much property. And where he's putting the building, you've got 500ft from the road, it's 800ft from the closest property. That is quite a distance. Again, it's not like he's asking to put it on a smaller lot.

Dan – There's a lot of trees, it's not really going to change the character of the neighborhood.

Brewster – The reduction is making a difference in some of these thoughts from last time, which were negative. Is there anything we have to discuss further?

Do we have a motion to approve the variance?

Miller – Yep.

Brewster – Do I have a second?

White – I'll second.

Diane –

Miller – Aye

White – Aye

Smith – Aye

Kinne – No

Brewster – Aye

Brewster –

So, we have a passage of the variance application 4 to 1, no extensions. Resolution is adopted there forth. That brings us to the end of our business meeting.