

**APPROVED**

JOHN MAXWELL  
*Chairman*

PHILIP AGLIETTI  
*Vice-Chairman*

**TOWN OF CARMEL**  
**ZONING BOARD OF APPEALS**



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**ZONING BOARD OF APPEALS MINUTES**

**DECEMBER 10, 2020**

**PRESENT:**    **CHAIRMAN: JOHN MAXWELL, VICE-CHAIRMAN: PHIL AGLIETTI,**  
**SILVIO BALZANO, ROSE FABIANO, JULIE MCKEON, WILLIAM ROSSITER & JOHN**  
**STARACE**

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<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
Mahoven LLC	75.42-1-13	1 – 6	Hold Over
Margaret Fossati/Affinity One (Remanded)	76.12-1-19	6 – 10	Interpretation: Denied Use Variance: Denied

The meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Dawn Andren

## **NEW APPLICATIONS:**

1. Application of **MAHOVEN LLC** for a Variation of Section 156-15 seeking permission to construct a bathhouse, pergola, rain garden and extend dock. The property is located at 737 South Lake Blvd., Mahopac NY and is known as Tax Map #75.42-1-13.

Bulk Regulations:	Required/Allowable:	Existing/Proposed:	Variance Required:
Lot Area:	3,000 SF	961 SF	2,039 SF
Lake Frontage:	50 LF	15 LF	35 LF
Lot Depth:	30 FT	68.51 FT	NONE
Parking: 1PS/750 SF	961/750 = 1.3 = 2PS	1PS	1PS
Front Yard: Bathhouse	15 FT	19.5 FT	NONE
Side Yard: Bathhouse	15 FT	4 FT. East - 2 FT. West	11FT. East - 13 FT. West
Side Yard: Pergola	20 FT	0 FT. East - 4 FT West	20 FT. East - 18FT West
Rear Yard: Pergola	20 FT	12 FT	8 FT

- Mr. Joel Greenberg of Architectural Visions at 2 Muscoot Road North representing the applicant was sworn in.
- Mr. Kineti of 405 Grand Terrace, Mamaroneck NY (owner of Mahoven LLC and the property) was sworn in.

Mr. Greenberg said as you can see from the site plans that are in front of you, this is a parcel of land approximately 15' wide on South Lake Blvd. We have been before the Planning Board several times. We've also been before the Environmental Conservation Board (ECB). This project has developed from something that was considerably larger in scope but after meetings with the Planning Board (PB) on several occasions, we've reduced the scope of the project. We've also eliminated the roof top terrace over the bathhouse. We feel that we've come down to the point where the PB unanimously referred us to this Board and the ECB. Obviously, because of the size of the property, we need several variances. There is no vacant property for sale to the east or to the west of us. They're all developed properties along the Lake. So, we need several variances which I'll go through very quickly:

- Lots of this nature require a minimum of 3,000 sf; we only have 961 sf.
- Lake Frontage is required 50 feet; we only have 15'.
- Lot Depth; we conform there with 68'.
- Parking; even though we're so small, 2 spaces are required – one for every 750 sf. However, we do have 1 parking space unlike some of the other smaller lots which have zero.
- Then side yard variances and rear yard variances are needed.

I will go over the site plan with you so that you'll see exactly what we're talking about (goes to map). This is South Lake Blvd. over here. This is the Lake. In addition to the bathhouse and the pergola, the ECB required us to install a raingarden to take the drainage off the roof of the bathhouse. Also, we're going to redo the dock. However, our existing dock, and docks to the west of us and to the east of us, exceed the 25'. Obviously, we cannot do anything about the ones that are not ours but we are going to pull back. When Mr. Kineti bought this property, the stuff was already there. However, we're going to pull that back so that the dock will only be 25' which is what is required by the Code. So, there's no variance required there. Another thing that we've done regarding the pergola, after much discussion and a recommendation from the Planning Board, it was suggested that we put the pergola posts along the property line and make those posts part of the fence that's going to be put along the east of the property line. There is 1 parking space. We've been in discussion with the New York State (NYS) Department of Transportation (DOT), and we've responded accurately to all the

## **APPROVED**

various issues. There's just one issue left which, hopefully, will be taken care of shortly. This is the bathhouse. The PB asked us to put at least one area where there is no obstruction from Route 6N/South Lake Blvd. all the way down to the dock so that if there were some kind of emergency that requires a stretcher or something like that. What we did was move the bathhouse, and we have at least 4' from the property line to the bathhouse. Then on the other side will be 2' of space so you can repair, paint, etc. the side of the bathhouse without going onto anyone else's property. This is the section and the requirements for the raingarden. Also, to protect the Lake, we have a turbidity curtain so that any work that is being done, when we fix the deck, will not go beyond this turbidity curtain, and the Lake will be protected. We have our driveway profile, which is required by the State, to show that we don't exceed the slope requirements of the NYS DOT – which we don't. We also require a 200' site distance to the east and the west which we are providing. That's the last issue we have to address with NYS DOT.

Chairman Maxwell asked what's the intended use of the bathhouse? Is it basically for changing clothes only or is there storage going in there?

Mr. Greenberg said the bathhouse is basically for storage and changing. There is no water or sewage. There will be a light or two and that's it.

Chairman Maxwell said it's got a flat roof?

Mr. Greenberg said no. The way the perspective is – it's going to have a sloping roof which will be higher facing the Lake. You'll see it in the other rendering. As we come back toward South Lake Blvd., it'll come down here and the drains will come down through the bathhouse and wind up in the raingarden.

Chairman Maxwell said what are the details of the raingarden. I see it on the one drawing but it's not in the packet that we received.

Mr. Greenberg said you should have received this drawing which has all the details of the raingarden. It's been reviewed by the ECB.

Chairman Maxwell said that cross-section detail is not on our drawing so just bring us through that. Where does it drain out to?

Mr. Greenberg said oh; I know why. We filed with this before we filed with the ECB. Anyway, this is the area that we have to address as far as drainage is concerned. The roof of the bathhouse will slope from high to low. The low point will be over here. There will be a gutter across the front, a liter coming down and it will go right into the raingarden. This is the plant list for the raingarden. This is a section through the raingarden. For those that don't know what it [raingarden] is, it's a depression that is created in the site and then a series of wetland plants [planted], which are all numerated here. We have about 30 wetland plants that will be put in there. The stormwater from the roof of the bathhouse will go into that raingarden and be absorbed by the wetland plants. It's a fairly common thing. We've done this before on other properties that we developed along Lake Mahopac. They've been very successful.

Chairman Maxwell said you stated there is no other property that you can purchase to make this come into conformance?

Mr. Greenberg said no. The property to the east and the property to the west are all developed so there is no other property.

## **APPROVED**

Chairman Maxwell said was this reviewed with the immediate neighbors – left and right? Was there any discussions.

Mr. Greenberg said they're all aware of this. This is looking from the Lake back toward the bathhouse and the pergola. As you can see, we incorporated the posts of the pergola as part of the posts for the fence which is what the Planning Board had requested.

Mr. Starace said this parcel is 14' wide. Is there anything existing on it right now?

Mr. Greenberg said no; just one tree.

Mr. Starace said that's a beautiful rendition but as I look at it – to the left and right are lawns/grass. Is that true?

Mr. Greenberg said it is grass except for the one parcel in the front where the parking space is. That's a combination of gravel and grass. As part of the project and the requirements of the State's DOT, that will be changed to all gravel.

Mr. Starace said it says on the plan that there is an existing fence to be removed.

Mr. Greenberg said if you look at the site plan, you'll see. If you look at this line, it says remove existing fence. This fence, right now, is two or three feet into our property. Obviously, that's going to be removed and a new fence put up along the property line.

Mr. Starace said then it says on the west side that the existing fence is to remain.

Mr. Greenberg said right; there's an existing fence over here which is just off of our property but it's silly to have two fences so we'll just leave that.

Mr. Starace said so that's not part of the property.

Mr. Greenberg said no. This fence is about two feet into our property line and the fence on the westerly side is about two feet off the line.

Mr. Starace said what's the height of that proposed fence?

Mr. Greenberg said 4' high.

Mrs. Fabiano said every once in a while we get a case where you just shouldn't build a structure. I look at the plans and look at the pictures you showed us and I see we've lost all sight of the Lake. You have a tiny 4' section where you can see the Lake. It'll obstruct the entire thing and I have an issue with that. These are substantial variances and I'm afraid they'll have an adverse effect because it'll prevent the population from seeing the Lake because it just encompasses so much of the property. The pergola - I have no problem with. It's fine but when you have a 14' wide piece of property and you're going to use 8' of the 14' leaving 2' on one side and 4' on the other with fencing, it'll just obstruct the entire Lake from that spot, and I think that's an issue – for me. I see that as a problem.

Mr. Greenberg said I understand what you're saying but as you've said, it's only 14' wide and that section of South Lake Blvd., cars are going by exceeding the speed limit of 30 mph. So, this is certainly not a spot where people stop and say I want to look at the Lake. If you go along that whole section, there is not one piece of property that you cannot see the Lake because everybody has 4'

## **APPROVED**

and sometimes 6' fences that this Board has granted. So, the answer to your question: there is no visibility of the Lake any place along that section of Route 6N. Very rarely is there a spot where there is no stone wall or fences. Why penalize this gentleman or owner from putting up something very small? Yes; the property is small but again, we're not obstructing any one's view because as I said: if you go all the way up and down Route 6N/South Lake Blvd., I don't think there is any spot here where the view of the Lake isn't obstructed by either a stone wall or a fence. As you look at the rendering, I think this is something that actually enhances the area because the pergola is going to be a very nice feature. The bathhouse: I think they're entitled to have someplace where they can change and stuff like that. This is not a huge building. We had it larger and by recommendation of the Planning Board, we provided this 4' space so that emergency people could get through with a stretcher or whatever. We left the 2' on this side so that the building could be maintained. I don't think that it's over using the property. I think, if anything, it's enhancing the property. I don't think anyone is going to stop and say I can't see the Lake. You can't see the Lake from almost any of these properties. I can't think of anyone that has nothing along 6N. Everybody has something.

Mrs. Fabiano said everybody has a fence but you can see in-between the fencing.

Mr. Greenberg said most of them are solid fences.

Vice-Chairman Aglietti said but there's no house. There's no bathhouse. There's no structure.

Mr. Greenberg said I disagree. If you go along Route 6N.....I'm not saying that everyone has it but many of them do.

Vice-Chairman Aglietti said we're not talking about fences.

Mr. Greenberg said I'm talking about structures.

Chairman Maxwell said yes; but most of them are pre-existing. I'm probably on this Board the longest and in my tenure here, along that strip of the Lake, we've never had any structures that are not disproportionate to the size of the lot. Mrs. Fabiano does have a good point. You can certainly achieve a changing room and storage with a 4' x 8' type of shed but something that size on a lot this size is out of proportion. So, I tend to agree with Mrs. Fabiano here.

Vice-Chairman Aglietti said so do I.

Mr. Kineti said Mr. Chairman, with respect, the bathhouse is to be used for lakeside activities and occasionally sitting without being in the rain.

Chairman Maxwell said I hear what you're saying but, unfortunately, you've purchased a small lot. I think you're reading the Board here. It's asking a little too much. I think we'll probably have to look for some negotiations here but I'm going to open it up to the public at this point.

- Mr. Bert Melchner of 31 Highridge Road (next door neighbor on lakeside property) was sworn in.

Mr. Melchner said I'm all for putting whatever you need on a piece of property but I am the neighbor and we didn't discuss any of this. If you're facing the Lake, I'm on the left-hand side. You guys gave me the fence to put [up] because when this property was sold, all the natural barrier was taken down and cars stop along the road so there is constantly traffic stopped in front of the lakefront.

Chairman Maxwell said yes; it backs up because of the traffic light.

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Mr. Melchner said right. So, there's always people looking in there. We have a 4' wall and there is either no fence or no wall or a 4' wall if there's no house. The only place on Route 6[N] that there is anything bigger than a 4' fence or 4' wall is when there is a house. You guys gave us a variance for a 6' fence because the natural stuff was taken down and, I have little girls that are running around in bathing suits and playing. When cars are stopped there, they were just staring at my kids so it was good to do that. I am next door though and I wasn't consulted on any of this. Look – put up a shed – great. I think it's a lot but it's not up to me. I would love to see a shed – not against my fence – but the other property just has cars that are parked there so maybe put the shed against that. I agree that it's overbuilding the lot. Again; it's not mine – do what you want but I would love to see it on that side.

Mr. Starace said what side are you saying?

Mr. Melchner said I would love to see a shed against the side of the lot.

Mr. Balzano said only the pergola is directly against the property line. The shed is 2' off but you're right; it's closer to your side than it is to the other.

Mr. Melchner said it's kind of right on there. Originally, when there was rooftop seating, it was going to be 10' over my property looking down on my kids but now that's changed and that's great. I would love to see it against the side of the piece of property that doesn't have people running around and stuff.

Chairman Maxwell said unless the neighbor on the other side is here tonight to complain about it.

Mr. Melchner said he parks there. There are always cars that are there – where the shed would be. I would love to see a shed there to put stuff in. I have a shed on my piece of property that we use all the time. Against the street, like all the sheds are in that area. Put it against the street and put it against the side where there is parking, I think that would be terrific.

Chairman Maxwell said to Mr. Greenberg obviously, this isn't built yet so that's something to consider.

Mr. Melchner said I also own the dock next door and I have no issue with the length of that dock.

Mr. Greenberg said I've known Mr. Melchner for many, many years and I understand his concerns. If the other side, which is the easterly side, is just parking cars there, I think we can consider flipping it. Also, based on what Mrs. Fabiano and a couple of other Board Members have said, consider reducing the size of the shed.

Chairman Maxwell said I think you can achieve similar square footage if you go longer – not as wide – from the lake view.

Mr. Greenberg said so what you're saying is make it longer and narrower.

Mr. Rossiter said should we hold it over?

Mrs. Fabiano said yes; do you want to come back next month and show us your new drawing?

Chairman Maxwell said yes. You're not using the property this time of year.

## **APPROVED**

Mr. Kineti said I think the Planning Board's suggestion of having the shed where it is was because they wanted to see the 4' path from Route 6N to the Lake. If we move the shed to the other side, that won't be able to happen because there is a tree right in the middle of that 4' path.

Mr. Greenberg said if we narrow it down, we could perhaps get more equalized. Give the Planning Board the 4' and the 2' becomes 4' or something like that.

Mr. Kineti said we were following their recommendations. That's how we came to it.

Mr. Greenberg said alright; so, we'll revise the bathhouse and see you folks next month.

Mr. Carnazza asked where is the tree.

Chairman Maxwell asked when is this on the agenda for Planning Board.

Mr. Greenberg said to Mr. Carnazza if you look at the site before you get to the dock, that big black dot is the tree.

Mr. Carnazza said alright; they were concerned about having access for emergency personnel. A tree by the Lake isn't going to be in the way if they have to go get somebody. A tree by the Lake isn't going to be in the way. That's why they asked you to move the posts into the fence so this way it wouldn't be another post in the way of trying to get through there. That's all. I don't think the tree would be a problem but get it in front of them, show them and make sure they're good with it.

Chairman Maxwell asked is there any flooring to the pergola. It's just on grade?

Mr. Greenberg said it's on grade; yes.

***Vice-Chairman Aglietti moved to hold this application over to next month; seconded by Mr. Rossiter with all in favor.***

## **REMAND:**

*Chairman Maxwell recused himself for the next application.*

2. Application of **MARGARET FOSSATI (Affinity One)** is seeking an Interpretation of Section 156-28(B) – Specifically, that the premises is “an existing dwelling” (definition: one or more rooms with provisions for living, cooking, sanitary and sleeping facility arranged for the use of one family) in a Residential zone...(that)...may converted to “multifamily” (definition: a building containing three or more dwelling units..). Applicant seeks interpretation that the existing premises is an existing “dwelling” and that “sober house” is a “multifamily dwelling” pursuant to the definitions contained in the Carmel Town Code. Or, in the alternative Applicant seeks a use variance to permit a sober house in a residential zone. The property is located at 345 Croton Falls Road, Mahopac, NY and is known by Tax Map #76.12-1-19. **“Remand from Putnam County Supreme Court”**.

Vice-Chairman Aglietti said this matter is on a remand from the Supreme Court of Putnam County. I want to remind everybody that the public hearing on this matter is closed. There will be no input from the public but counsel is able to speak to the Board regarding the scope of the remand.

## **APPROVED**

➤ William Shilling, Esq. of 122 Old Route 6, Carmel NY appeared before the Board.

Mr. Shilling stated what the Vice-Chairman just read was the application back at the time of the public hearing. The public hearing, as the Vice-Chairman suggested, involved a Use Variance and an Interpretation on a Code section which we believe allows the building to be built as a matter of right. That evening, the public hearing was had and the public hearing was closed. By a 4 to 2 vote, both applications were denied. On a timely basis, my office brought an application, pursuant to article 78 of the CPLR (NYS Civil Practice Law & Rules), and asked a judge to consider the fact that the Board did not do the necessary things as it related to a Use Variance which are the four criteria and the balancing test; and the Interpretation of making findings consistent with the facts that were generated that evening. There are no new facts to be given this evening. I asked Mr. Folchetti for the opportunity just to explain to the Board that Judge Grossman sent this back to make findings consistent with the record that evening. That by a court ordered stipulation, so ordered by Judge Grossman, there would be no new facts presented this evening; that is that the public hearing was closed. So, we're here today asking you to review the record, as thoroughly as you possibly can, and make findings consistent with the facts that you found on the record. Thank you.

Vice-Chairman Aglietti asked Mr. Folchetti if they should just go into this.

Mr. Folchetti said you're entitled to commence the discussion as if it's an application before you. Right now, it's the equivalent of the close of the public hearing on February 27<sup>th</sup> and you're discussing the respective applications as a Board either prior to making a motion or if there is a motion and it's open for discussion after that. Whatever you prefer.

Vice-Chairman Aglietti said I'll open it up for discussion.

***Mr. Balzano said I'll open it up with a motion to deny the Interpretation for discussion; seconded by Mrs. Fabiano.***

***Mr. Balzano said let me start with this. Looking at the record and back at the testimony that evening, one of the things we were told to do is look at Affinity's website to see what they represent. Affinity represents a fully licensed and state certified, key words there, sober type services. According to New York State Mental Hygiene Law, it is considered an addiction treatment facility or an alcoholism facility. So, that's the way I'm interpreting the law at this point in time. The second thing that I'm looking at here is the testimony of Mr. Loria who specifically said that there was an essential kitchen and that two residents would share a bathroom. Mr. Shilling was making an argument that this was a multi-family dwelling. A dwelling unit, in our Town Code, is defined as one or more rooms with provisions for living, cooking, sanitary and sleeping facilities arranged for the use of one family. Clearly, the cooking facilities are shared so this is now a dwelling unit. Therefore, it cannot be a multiple dwelling unit. In looking at this further, the closest thing in our Code that it comes to is a convalescent or nursing home. At least, again, this is my, one Board Member's, interpretation. As a convalescent or nursing home, it's use is prohibited in an R-Zone. It's only use is probably prohibitive – probably the closest thing to it is a hospital and that's in a C- or BP-Zone. So, again, I'm one Board Member but that is my interpretation, and that is the basis of my denial of this Interpretation.***

***Mrs. Fabiano stated I want to continue with what Mr. Balzano was saying. In our Code, 156-8, there are definitions. One being a multi-family dwelling: A building containing three or more dwelling units. What's a dwelling unit. The definition in our Code in the***

## **APPROVED**

*definition section is one or more rooms with provisions for living, cooking, sanitary and sleeping facilities for the use of one family. That's what Mr. Balzano said. Then you go on to the Code and read what is a family in our Code. A family in our Code is two or more persons related by blood, marriage or legal adoption or five single adults living together as a single housekeeping unit. Now; they're talking about 12 to 14 residents plus 2 employees. That's 300% of what our Code allows. Our Code says 5 unrelated but they're talking about 12-14 plus 2 employees. So, you have significantly more than our Code allows. Mr. Shilling had also expressed that a five family is fine. He had said if we don't grant this, we could potentially be looking at a multi-family which is fine. The possibility is there but under our Code right now, I don't foresee being able to allow 14 people plus 2 residents employees be considered as a family in a multi-family dwelling. It doesn't make sense. It doesn't flow. So, that's my position on this.*

*Mr. Starace said back on February 27<sup>th</sup>, we heard the reasoning behind trying to have this style of sober house in this area. There were more than numerous neighbors here to reflect on what they felt about this facility in the neighborhood. I would say, as I look at the record again, people are under the strong feeling that this is real need; we really need to have this style of facility but in this single-family residence area, it would be a big burden on these neighbors. That was very clear to me coming from them. Those neighbors did come out in full force in the community.*

*Vice-Chairman Aglietti said the motion was made and seconded. The motion is that the Interpretation fails:*

**Roll Call Vote:**

<i>Mr. Rossiter</i>	<i>for the motion</i>
<i>Ms. McKeon</i>	<i>against the motion</i>
<i>Mr. Balzano</i>	<i>for the motion</i>
<i>Mrs. Fabiano</i>	<i>for the motion</i>
<i>Mr. Starace</i>	<i>for the motion</i>
<i>Vice-Chairman Aglietti</i>	<i>against the motion</i>

*Motion carries that the Interpretation fails.*

Vice-Chairman Aglietti said can we get a motion on the Variance.

*Mr. Balzano moved to deny the Use Variance; seconded by Mrs. Fabiano for discussion.*

*Mr. Balzano stated again, now that we've taken the tact on the Interpretation, this now becomes a Use Variance situation. Of the four criteria, the one I'm really going to focus on is the incapable of earning a reasonable return if used for any of the allowable uses, and that's the key words there: allowable uses. I think we have established that that is not an allowable use the way it's presented today. Mr. Shilling, in his testimony, continually said that the property cannot be marketed as a single-family property. Yet, all of his arguments were about turning it into a multi-family property. He never presented any evidence to us about the return of turning it into a multi-family property and selling it as a multi-family property. He only short-sighted it to the relationship with Affinity One. In my opinion, because the burden of proof is on the applicant, he failed to provide that the allowed use, which is a multi-family property, he did not provide any economics to show that that is something that can be done. So, in my opinion he failed in the Use Variance criteria of 'incapable of earning a reasonable return if used for any of the allowable uses' is what the State Law says. We never saw*

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*anything on turning it into a multi-family home. We only heard about selling it as a single-family home. On that basis alone, the burden of proof is on the applicant, I have to deny this application.*

*Mrs. Fabiano said the question is what is a reasonable return. I don't feel that it was demonstrated. I believe that Mr. Shilling spoke about a realtor. I thought the realtor saying that it can't be marketed as a single-family home was in 2014 but I can't be sure of that. I don't know what 2020 would bring. We're in a different time from 2014. He did say it listed several times but he never showed evidence of the listings. In the discussion, he talked about the applicant having tax issues and a judgement against them. Is the tax issue property related? Is it income tax? It's all very fuzzy. We don't have exact information on what kind of tax issue did she have. The judgement: there was no insurance on a property where you had a tenant? Certainly, there should have been some kind of insurance. This all goes into incapable of earning a reasonable return and what her dollars and cents issue is. Also, the essential character of the neighborhood: there are inconsistencies in our record. Mr. Shilling talks about there are 2 neighbors. The neighbors are saying there are 9 – 11 neighbors within 500'. What is the distance between? How far are the neighbors? That would affect the character of the neighborhood for people. How far are they living from the structure? I don't have a problem with the uniqueness. Obviously, it's a very unique building. Self-Created: she bought a building that was a theater and she did take risks there. The typical person doesn't buy a theater and then say well I'm going to make a compound out of it. There was a certain amount of risk there that she took. So that being said, especially the earnings, I have to say I don't see it as a Use Variance either. Maybe we didn't get enough information; maybe we should have questioned more. However, as it stands in the record at this moment, there is not enough information for me to grant a Use Variance.*

*Vice-Chairman Aglietti asked the other Board Members if they had anything to say.*

*Mr. Starace said no; I don't want to be redundant.*

*Vice-Chairman Aglietti said based on the record that we have from February, it is my position that the four considerations that must be proved by the applicant for a Use Variance were met.*

- *I believe that there is ample evidence to show that it was incapable of earning a reasonable return and there was financials to support that.*
- *Regarding the properties effected by unique or at least highly uncommon circumstances. I believe that fits as Mrs. Fabiano said.*
- *Will not alter the essential character of the neighborhood. I do not believe it will.*
- *I do not believe that the record shows that it was self-created.*

*As I had said back in February, I think that this is something that is needed and I think that this is something that the Town would be proud to have. I do think that the [Use] Variance is the proper thing here.*

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**Roll Call Vote on motion to deny Use Variance:**

<b>Mr. Rossiter</b>	<b><i>for the motion</i></b>
<b>Ms. McKeon</b>	<b><i>against the motion</i></b>
<b>Mr. Balzano</b>	<b><i>for the motion</i></b>
<b>Mrs. Fabiano</b>	<b><i>for the motion</i></b>
<b>Mr. Starace</b>	<b><i>for the motion</i></b>
<b>Vice-Chairman Aglietti</b>	<b><i>against the motion</i></b>

Chairman Maxwell returned to the dais and thanked everyone for coming out this evening. The Board Members wished the public a happy, healthy holiday season.

The meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Dawn Andren