

**TOWN OF SOUTHEAST
ZONING BOARD OF APPEALS
Southeast Civic Center
67 Main Street
Brewster, NY 10509
November 15th, 2004**

Board Members

Edward Colello	Chairman	Present
Ronald Kobbe	Vice Chairman	Present
Thomas Costello		Present
Timothy Froessel		Absent
Kevin Sheil		Present
John Gallagher		Present
Joseph Castellano		Present
Willis Stephens	Town Attorney	Absent
Richard Honeck	Town Board Liaison	Absent
Linda M. Stec	Administrative Assistant	Present

Ed Colello – Please stand for the Pledge of Allegiance. Pledge of Allegiance said. Good evening everyone welcome to the November 2004 meeting of the Town of Southeast Zoning Board of Appeals. My name is **Ed Colello**. I will introduce our Board members. Board members introduced. We know we are going to be down at least one Board member. Here is Mr. Costello so we are six out of seven so we are in good shape. All right let's get right into it.

**1) William Fraioli
63 Bloomer Road
TM# 56.14.-10**

William Fraioli – Good evening.

Ed Colello – Mr. Fraioli if you could do us a favor a couple of the Board members weren't here last month so if you could just go over your application and give us the reasoning of what you want to do.

William Fraioli – We had an existing patio with a roof over it. We eliminated that first of all of because the patio was pitched the wrong way and we got water downstairs. So we want to eliminate that and build a deck on the second floor because my wife had a riding accident she is a wrangler on a ranch she hurt her back so it is hard for her to go down the stairs so we want to build a deck right off the kitchen so she can go out there in the summer.

Ed Colello – The mailings were in order from last month?

Linda Stec – Yes.

Tom Costello – I went out to visit the Fraioli's.

William Fraioli – My son said you were there.

Tom Costello – The location of the patio, the patio is in the condition of broken up, they are trying to remove it and you can see evidence of it having an awning or some kind of roof maybe over it. There is no deck there today, there is no door from the second level so they would have to put in a door and most of the houses in that neighborhood have a deck on the back so as long as the size is reasonable, I don't remember the size, it seems like it would be in character of the neighborhood with a deck off the living level.

Ed Colello – If you look at the denial letter from Ron Harper, you will see and I will quote him, while the proposed deck itself would conform to the required side and total setbacks it would be an enlargement of the non-conforming structure that would be in violation. So it is not that the proposed deck is in violation of the setbacks it is just that the house is a pre-existing, non-conforming structure. I think we have to take that into consideration.

Ron Kobbe – So he needs a variance from 138-11 B?

Ed Colello – For the enlargement. He doesn't need side yard, he doesn't need total, he doesn't rear setback, just 138-11B that is it. Are there any questions or thoughts or opinions from anyone in the audience in regard to this application? Any other questions of the applicant? If there are no other questions I will close the public hearing. Mr. Fraioli is there anything else you would like to say before we close the public hearing?

William Fraioli – That is about it, I put my hands in the court.

Ed Colello – We are not the court. Do you think you have had a fair and adequate opportunity to state your case?

William Fraioli – Yes, last time we were here it is just a matter of like you said everybody else has it and the gentlemen he is not here tonight he was here last month he was pretty up front he said there is not a house up Brewster Heights that does conform.

Ed Colello – Right he lives up there. We will close the public hearing.
Public hearing closed.

Tom Costello – I will make a motion to grant a variance from Section 138-11 B 1 A to permit the enlargement of the non-conforming structure to allow the construction of a deck of approximately 20 feet by 24 feet that in all other respects meets the setback requirements.

Ed Colello – Do I have a second.

Joseph Castellano – Second.

Ed Colello – Will you address the criteria please.

Tom Costello –

1. Whether an undesirable change will be produced in the character of the neighborhood, (or a detriment to nearby properties will be created by the grant of the variance).

I don't believe so I think the Fraioli's are trying to improve the use and the look of the house they are getting ready of an existing concrete patio that was pitched incorrectly and caused drainage problems. The plans they have look like it will be a very attractive deck so I think it will actually be an improvement to the neighborhood by adding a nice deck off the back of the house.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

No, because of the location of the house on the property and the fact that the area has been rezoned since the house was built any kind of addition to the house would require a variance under this section.

3. Whether the requested variance is substantial.

Well anytime you are increasing a non-conformity it is substantial but I think it is mitigated by the fact that it is a fairly common place thing to have a deck off the back of a house in this neighborhood and I think it is appropriate.

4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.

I don't believe there will be any impact.

5. Whether the alleged difficulty was self created.

This request is self-created because the applicant wants to put a deck on the back of his house but I think the fact that he has explained that his wife has an illness that requires minimal climbing up and down stairs and the fact that most houses in that neighborhood have decks does not preclude the grant of this variance.

Ed Colello – Thank you.

Roll Call Vote:

Joseph Castellano – In favor

Kevin Sheil – In favor

Jack Gallagher – In favor

Ron Kobbe – In favor

Tom Costello – In favor

Ed Colello – In favor

Ed Colello – Mr. Fraioli you are all set I am going to give you something you can give to the Building Department and they will issue your building permit and you can get moving.

William Fraioli – Thank you.

2) Stephen and Constance Ruland
109 Blackberry Drive
TM# 56.18-2-8

Ed Colello – Stephen and Constance Ruland. This is a carry over from last month. I didn't remind Mr. Fraioli I probably should have but again you are still under oath. If you could once again bring us up to speed not that we have forgotten but again there are

some members that were not here last month. Sort of the tree top version of your application.

Stephen Ruland – What I am looking to do is I am looking to enclosed my existing deck into a three season room on the pre-existing deck. I have pictures I want to just make one clarification last time you asked if I was going to tear down the existing deck I just need to clarify that they are not, what they are going to do is just tear it down to the existing frame replace the beams because they are not sure if they have 48 inches worth of cement underneath them so rather than take a chance they are just going to put in new posts and put them and they are just going to widen the steps by a foot.

Ed Colello – You are taking down the railing, right?

Stephen Ruland – The railing, everything will come up but the existing frame, the joists and the beams are going to stay. And the house is 17.9 off the property line. I am requesting a setback variance so I can enclose the structure.

Ed Colello – If you can pass the pictures around again if someone hasn't seen them. So once again you are not going any closer to the property line than you are right now?

Stephen Ruland – No, I am not. Actually I am coming in.

Ed Colello – Not that it matter to us, this is minute, but where this is showing a straight line here I think you mentioned that it jags in a little.

Stephen Ruland – If you look at the pictures on the corner the railing comes out at a angle which comes even with the building line so there is maybe about a foot in from the house where the structure will be.

Ed Colello – Mr. Ruland is asking for a variance for relief from the 20 foot side yard setback requirement but 50 feet overall is not a problem, correct?

Stephen Ruland – No.

Ed Colello – He has plenty of room on the other side?

Stephen Ruland – No, it is just the one side. It is just the one side that is non-conforming.

Ed Colello – So you are saying you will have 17.8.feet?

Stephen Ruland – Actually, well to the house, 17.8 to the outside of the house and then it will actually come in a little more maybe another foot, maybe a little less.

Ed Colello – So you need a three foot variance on the north side of the property.

Stephen Ruland – Right.

Ed Colello – Let's call it 17. Points are dangerous. If it is 18 and you get approved we are going to give you too short a variance. You need 2.2.

Tom Costello – I actually went by an looked at it.

Ed Colello – Is there anyone in the audience that has any questions or thoughts or opinions in regard to this application? So the net result so that we are all on the same page is that Mr. Ruland is requesting a variance from the north side of the property from the side yard setback requirement of let's call if three feet. He needs 20, he has 50 overall. He has no problem with the 50 overall but he is at 17.8 so if we call it three feet it will give you a little bit of room for error in case you measurements are not perfect. The letter states that "the existing deck is non-conforming in side setback. The proposed conversion to a sunroom will be an enlargement of the present non-conforming use which is prohibited by..." My view is and I wanted to run this by the Board and I talked to Ron Harper and I didn't ask him about this, it is my interpretation, and it depends on what the Board decides if Mr. Ruland is given a variance for the three feet then wouldn't

that override the non-conforming issue? The non-conforming use is what I don't understand.

Ron Kobbe – It is being used as a residence.

Tom Costello – It is a non-conforming structure.

Ed Colello – But he has that word “use” in there.

Tom Costello – Which is not correct.

Ed Colello – But you will notice in the last one he used a different number.

Tom Costello – 138-11 B.

Ed Colello – Now he is using C 1. I believe it is just a mistake or a typo. I will talk to him during the week and address that issue when he gets back. I know I had a couple of things to talk to him about and this is the one thing I forgot because we have seen this before and I wanted to call him and ask him why he is putting down non-conforming use. Personally in my opinion because number one it is not a non-conforming use that we ignore that and just look at the side yard setback requirement, do you agree with that?

Tom Costello – Once they have the side yard then they should be OK.

Ed Colello – Do we have any other questions of the applicant?

Jack Gallagher – Are you living in the house?

Stephen Ruland – Yes.

Jack Gallagher – Is it one family or two family?

Stephen Ruland – One family.

Ed Colello – That is why I am confused. If you look at this letter for Mr. Fraioli again he using 11 B here is using 11C one of them is non-conforming structure one is non-conforming use I don't know where he is going with that use. Especially in a residential neighborhood with single family homes. If you have no further questions, Mr. Ruland is there any final comments you would like to make?

Stephen Ruland – No, other than it is going to be sided and if you saw the construction I am having the house resided so it is going to tie right in to the house.

Ed Colello – Do you think you have had a fair and adequate opportunity to state your case?

Stephen Ruland – Yes.

Ed Colello – We will close the public hearing.

Public hearing closed.

Ed Colello – I would like to make a motion to grant the applicant a three foot variance in relief from the side setback requirement of 20 on the north side of the property. Do I have a second?

Ron Kobbe – Second.

Ed Colello – I will address the criteria.

1. Whether an undesirable change will be produced in the character of the neighborhood, (or a detriment to nearby properties will be created by the grant of the variance).

I don't think it would be in that neighborhood there is a fair amount of obviously decks and there is also some three season rooms, sunrooms whatever you call them, I think they are very common throughout town and again I don't think it will effect the neighborhood whatsoever.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

I don't think he could do without a variance he would have to move the sunroom much further south I think it would look a little odd there I still think he would have a problem because the house is within 20 feet of the property line so he would still need a variance there.

3. Whether the requested variance is substantial.

I don't think it is with a 20 foot setback he has over 17 feet now he is asking for a three foot variance so I would not call it substantial.

4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.

None.

5. Whether the alleged difficulty was self created.

I guess you could always say it is self created the applicant wants to put a sunroom or a three season room on his house and that is the reason but I think with the structure not being centered in the middle of the property there is not a heck of a lot the applicant can do in that situation.

Roll Call Vote:

Tom Costello – In favor

Joseph Castellano

Kevin Sheil – In favor

Jack Gallagher – In favor

Ron Kobbe – In favor

Ed Colello – In favor

The variance was approved by a vote of 6-0, 1 absent.

Ed Colello – Mr. Ruland you are all set. Once again I am going to give you something you can bring to the Building Department to get your building permit.

3) John and Brenda Hamilton
98 Tonetta Lake Way
TM# 56.8-1-21

Ivanka Olcott, architect and John Hamilton appeared for this application.

Tom Costello – Where you here last month?

Ivanka Olcott – Yes.

Tom Costello – You are still under oath.

Ivanka Olcott – We are building a small addition for about 200 square feet to the existing single family one story residence lining up the front basically up this corner. The issue is the side yard setback it is a little bit skewed line from the property to the house. We are coming closer 3.5 inches than the existing house right now. We have photographs how it looks and how it won't affect the neighbors. The house jogs in there it would be lined up single roof. Mr. Hamilton owns the house next door which you can see in this view right there. That is the first neighbor. This is the view from across the street from here. It is really kind of down below lining it up I don't think it will affect the view or anything. On the other side along here there is nothing. It is community property on that side where we are close to the property line. There is an existing fence and Mr. Hamilton and they have a right to use. Obviously it is not our property we have a letter that he is allowed to use that part.

John Hamilton – There is 600 feet going that way it cannot be built on or sold. It is lake rights to the folks in that community. We have been long members of that community and when I was teenager they put that fence up there just to give themselves a buffer between here and this home. So it has been maintained since and you can see the pictures of what is here there.

Ed Colello – We have to use the property line.

Ivanka Olcott – We are going less than 4 inches closer.

John Hamilton – The reason for it is the bedrooms are very small.

Ivanka Olcott – And a nicer entrance for both closets.

John Hamilton – This is a neighborhood of a lot of old summer cottages built on in a hodge podge manner this would beautify the house.

Ivanka Olcott – Here is the elevation view. It will be a single plain roof, a single front wall.

Ed Colello – I don't have a picture of the map of your property.

Ivanka Olcott – We submitted four copies of all the drawings.

Ed Colello – Was it a large full size.

Ivanka Olcott - I have a copy.

Ed Colello – So what are you gaining out of this?

Ivanka Olcott – The bedrooms are tiny.

John Hamilton – And we will have proper closets between them.

Ed Colello – But you are not increasing the number of bedrooms?

Ivanka Olcott – No.

Ed Colello – This right here, the wall starts right now where?

John Hamilton – Right there.

Ed Colello – There is a bedroom?

John Hamilton – There are two bedrooms right here and they are microscopic.

Ed Colello – And there will be no wall here?

John Hamilton – No, that is just the pitch of the room.

Ed Colello – That will be one bedroom and that will be this bedroom.

John Hamilton – And closets here.

Ed Colello – And where are the closets?

John Hamilton – Closet here and closet there. Currently this is the hall closet, the linen closet for the bedroom. And this is the other closet.

Tom Costello – How long have you owned it?

John Hamilton – I have owned it for nine years. And I own the house next door twenty years. It will have a property entrance way which it doesn't have right now.

Ed Colello – I wasn't sure what you are gaining on this. This is the first one that I saw, when you came for a work session. It didn't make any sense. And I knew that is what I had to talk to him about.

Ivanka Olcott – Did you talk to him (Ron Harper) about this application?

Ed Colello – I talked to him about this application I had about four things I had to cover with him and I knew that this was in my notes to talk to him but I didn't ask him about this. But that is OK. All right so, walk with me with your measurements now. You are 7.59 feet to the closest point?

Ivanka Olcott – Right. From the back is 8.78 so we will continue the line it came to 7.59.

Ed Colello – And the other side how far are you?

Ivanka Olcott – There is about 40, I didn't scale it.

Ed Colello – I need that and I will tell you why because your total is supposed to be 50 feet.

Ivanka Olcott – We are.

Ed Colello – If that is 40 and that is 7.5 that is 47.5.

Tom Costello – Can you scale it?

Ivanka Olcott – 51.31 is the total setback. 44 something and here is 44 or a little less. So it is 51.31.

Ed Colello – So you come out at 51. Their numbers? If we give you a variance on .2800 of a foot your pencils better be real sharp or otherwise you might be in someone else's yard. So all the applicant then needs after all is said and done is relief from the 7.59, let's call it 7.5 feet, there need relief from the 20 foot side setback which is on what side of the property?

John Hamilton – So this is north.

Ed Colello – South. Any questions, any thoughts or opinions from anyone in the audience?

Tom Costello – I can say I went to look at it, the neighborhood is fairly compact but surprising this house has a lot of room around it and...

Ed Colello – It looks it too because of where the fence is.

Tom Costello – Well, partly but most of the other houses are much closer together than this one is, it doesn't have any neighbor on the one side and the house on the other side has some room. Even if they were going up I would have more of a concern. The house across the street is a higher elevation what they are planning to do is not going to disturb anybody's view from across the street. It seems like considering everything it seems like a reasonable request for me.

Ed Colello – I am also familiar with the area it is not on the road which is good, the applicant all he doing is coming forward a little bit to get some more bedroom space he is not infringing on neighbors or anything like that at all. Do we have any other questions of the applicant? Are there any final statements you would like to make?

John Hamilton – The neighbors all see it as an enhancement to the neighborhood giving us the uniform look. I thank you for your time and consideration.

Ed Colello – Do you think you have had a fair and adequate opportunity to state your case?

John Hamilton – Yes.

Ed Colello – I will close the public hearing.

Public hearing closed.

Ed Colello – I will make a motion to grant the applicant a variance for relief for the 20 foot side yard setback requirement on the south side of the property a variance of 13 feet. Do I have a second?

Jack Gallagher – Second

Ed Colello – I will address the criteria.

1. Whether an undesirable change will be produced in the character of the neighborhood, (or a detriment to nearby properties will be created by the grant of the variance).

No, I think of anything it will be positive change in the neighborhood not that the Hamilton's house is not a good looking house now but as the applicant said it would look like one house now instead of pieced together. **Tom Costello** brought up the point that there is a lot of land and there is and it is not crammed in he does have more land than most of the people in the neighborhood I think it will look nice it will bring some continuity to the front of the house.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

I don't think he really could the applicant's intent is to increase bedroom space he is not increasing the number of bedrooms he is just increasing the bedroom space the only way he could do that is to go up and if he went up in the location he would still need a variance because he is still only 7 feet from the property line so I really don't if he could do it without a variance.

3. Whether the requested variance is substantial.

I would say it is substantial on a 20 foot requirement he only has seven feet he needs a 13 foot variance but again if you went to places as we deal with all the time like Lake Tonetta, Vails, places like that where at one point at lot of these communities were cottage communities with the upzoning that has happened in our town everyone in Vail's no matter what they do they need a variance probably the vast majority of the people in the Lake Tonetta area anything they do they need a variance so I don't think it is substantial.

4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.

I can't see where it would have any effect whatsoever.

5. Whether the alleged difficulty was self created.

As I said earlier you could call it self created because the applicant is looking to add onto his house but again I believe it is minimal it is in the front of the house so he is not getting any closer to the property line and infringing on any neighbors and the side he is adding on to there are no real neighbors so I don't really think it has that big an issue.

Roll Call Vote:

Tom Costello – In favor

Ron Kobbe – In favor

Jack Gallagher – In favor

Kevin Sheil – In favor

Joseph Castellano – In favor

Ed Colello – In favor

The variance was approved by a vote of 6-0, 1 absent.

Ed Colello – Mr. Hamilton you are all set. You can take that to the Building Department and they will give you your building permit.

4) Stefan and Tara Karlson

277 Guinea Road

TM# 78.1-6

Stefan Karlson appeared for this application.

Stefan Karlson – To revisit the project for the people that were not here last month we are currently residing at 277 Guinea Road. Due to rezoning and restructuring the Town's zones the zone went from a residential zone into a commercial NB 1 zone. Our existing house is 1880's farm house it is approximately 1,264 square foot includes the basement. We are proposing an addition that would give us a total square footage 2,130 square feet. The addition that we are proposing would basically be on the back portion house it wouldn't encroach on the road at all. It would fill in these blank areas of the house now it has a notch in there and extend back possible six, eight feet into this back portion of the property. It wouldn't encroach on the road. This is the view of the existing house.

Ed Colello – What is your lot size?

Stefan Karlson – 1.030 acres. This is just a location map, we are towards the south end of Guinea Road. This is Salinger's Orchard here and there are residences all up and down this road.

Joseph Castellano – Which is the house with the driveway that goes toward the left, is that yours?

Stefan Karlson – We don't share but the common driveway, they have an easement over our driveway here. They come up here. Our new addition would bump out two feet in the front here to have this little turret in the front but otherwise most of the work is being done in the back and on the side of the house. The front elevation would basically be extended out this way but it is not seen from the road except on an angle. The left side of the house as seen from the road, I am sorry this is the back of the house. This is where

the bulk of the square footage will be gained. There will be a second floor added over this half story right in here so that will also pick up the remainder of the square footage up on top.

Tom Costello – How much incremental square footage, we had this discussion last month?

Stefan Karlson – Yes, I recalculated everything including the basement we are at 1,264 now and we are going up to 2,132.

Tom Costello – That seems more like it from the pictures.

Ed Colello – Can we look at the pictures, I don't know if all the Board members have seen the property.

Tom Costello – I have actually been out to see the property and I don't know if it is clear from this picture but the second view B you can how steep it is in the rear of the property.

Stefan Karlson – Correct, this is a retaining wall but there is a rock cliff, rock ledge right behind the project, 20 feet if not 30 feet behind the house.

Tom Costello – So if the Town had any ideas that this would be developed commercial putting it into OP zone the typography doesn't lend itself into developing for an OP kind of use. There wouldn't be sufficient room for parking or anything in my view.

Stefan Karlson – I do have calculations on it that I will go into later into what is required in OP in terms of the max coverage and setbacks and all. It is not feasible to use as a commercial piece of property without variances but the variances would be much more impactable than the existing residence.

Tom Costello – And just the setting of that road it is a very winding narrow road there would have to be some major changes to that district to some deal make this some day into a feasible commercial area. How many houses are there in a row there?

Stefan Karlson – Pretty much all throughout this area here starting from the border of North Salem, this is a house lot 2, lot 3, lot 4, lot 5, lot 6 is a house. There are two houses on the orchard. Up in back of the orchard there was a variance granted in 1979 to construct two houses for the family who owns the orchard. Down on this lot down here 90 there is a house in here and this is a small factory, I am not sure what it produces. Lot 88 is another house in here.

Tom Costello – What is that lot 1? That is orchard property?

Stefan Karlson – It straddles the road.

Tom Costello – The bottom?

Stefan Karlson – I believe it is part of a piece of property that runs between North Salem and Brewster I want to say is they were planning on doing a hotel way back when it was squashed.

Tom Costello – As far as you know it is not developed?

Stefan Karlson – No, and it is not possible because of the topography and if anything were to happen it would happen toward Hardscrabble Road in North Salem.

Ron Kobbe – The orchard has a store.

Stefan Karlson – The store is probably located in this number right here.

Ed Colello – Mr. Karlson in your application, if you could hold that up for one second, you have approval letters so to speak from Bruce Salinger, obviously across the street, the orchard, but which house is the Rivera's?

Stefan Karlson – Five.

Ed Colello – And Waltz?

Stefan Karlson – Four and Waltz owns lot 3 here.

Tom Costello – The area above the garage what is that used for?

Stefan Karlson – That is a guest cottage so to speak there is two rooms in there that I used to use for an office, I have since moved out. Now it is used as a guest cottage.

Tom Costello – Does it have a bathroom?

Stefan Karlson – Yes.

Tom Costello – Does it have a kitchen?

Stefan Karlson – No.

Tom Costello – You are not planning any alternations to that?

Stefan Karlson – No. One of the underlining reasons for the proposed recently we have been blessed with two children so our cute newlywed home went from being very quaint to very cramped so we are hoping to gain another bedroom for the newborn as well as increase the kitchen and increase the playroom, the den.

Tom Costello – Can you tell us how long you have lived there?

Stefan Karlson – Seven years, almost eight.

Tom Costello – It seems to me that the proposal will have minimal impact there is nobody that is going to lose a view. There is hardly anybody that will even see it. It is not that densely populated. Most of the houses are of the same vintage I think and are relatively small so we will probably be seeing some other applications like this over time. And my personal feeling is that it is not out of character of the property size and the historic construction of the house.

Ed Colello – Here is a case where 13811 C really is the issue.

Tom Costello – Absolutely right.

Ed Colello – So if we look at this, section C is obviously non-conforming use of structure. “The non-conforming use of a building or structure can be continued, provided that (a) such building or structure shall not be enlarged or extended unless the use therein is changed to a conforming use” which does not apply, let me rephrase that Mr. Karlson is not adding on to his house to make it a conforming use and (b) such non-conforming building or structure shall not be structurally altered or reconstructed, except for such alteration, maintenance and repair work as is required to keep said building or structure in a safe condition.” And obviously we can’t use that argument. And (c) such non-conforming use shall be changed only to a conforming use” which again he is not doing. So the way I look at it and I want your opinion on this one I think Ron Harper is right in his denial letter if the Board sees fit what Mr. Karlson is asking for is relief from 138-11 C 1, a, b, c.

Tom Costello – So you are talking about C 1 c?

Ed Colello – Yes.

Tom Costello – No, because he is not changing the use. If he was changing the use the only thing he could change it to would be a conforming use.

Ed Colello – All right, C 1, a and b.

Tom Costello – C 1 a and b are the ones that I think apply. This is OP 1?

Stefan Karlson – Yes.

Ed Colello – I don’t want to confuse matters but I have to ask this, are we in agreement that the applicant is asking for an area variance and not a use variance?

Tom Costello – No, it is pre-existing non-conforming use, he is not asking for a change, but he does fall into this one that says he cannot expand or alter a structure that used for a non-conforming use.

Ed Colello – I agree with you but I am just playing devil's advocate so we are all out here in the open. What the applicant is doing is asking us to give him relief from a and b which the whole context or the whole subject of a and b is based on the use in the property. Again I don't think we have to look at this as a use variance but I just want to make sure how the Board feels that we can look at this as an area variance. Because if we look at this as a use variance application now we have a whole other cans of worms I will tell you right now.

Tom Costello – He is not changing the use, the is enlarging the use.

Ed Colello – OK, everybody agree with that? That is a good thing. Any questions, thoughts, opinions?

Lynn Eckardt – Just a quick clarification, I am not against this at all necessarily, but last time we were here it was rural commercial not it is OP 1. On my map it is rural commercial, do you know which one it really is?

Tom Costello – I was just trying to verify that.

Stefan Karlson – Byer Associates researched it and has gone back and classified it as OP 1 zone, what did Ron Harper say?

Ed Colello – RC.

Lynn Eckardt – I think on the map you could actually probably look at Mr. Costello's map or I have it here you could point out what lot it is. I think it is rural commercial.

Tom Costello – You can see that the lot is a unique shape.

Ed Colello – If I could read you your denial letter from Mr. Harper "the existing residential use pre-dates the establishment of the Commercial District RC and is therefore allowed to continue under Code Section 138-11C" which is what he is saying I thought we agreed on last month that it was rural commercial.

Stefan Karlson – For some reason this was mismarked.

Ed Colello – What is the date on that?

Stefan Karlson – It is not more than a couple of months old.

Ed Colello – It probably was OP 1.

Tom Costello – This is dated August 2003.

Stefan Karlson – It was updated in July.

Tom Costello – See it here it is the odd shaped lot, it is easy to spot it. Residential is not a permitted use in a RC zone either.

Lynn Eckardt – I think it might be in Ridgeline Protection I am not sure if you want to look at the map. Which is a new zone.

Ed Colello – It looks like it bumps up to R60, that is what it looks like to us.

Tom Costello – She is talking about the Ridgeline.

Stefan Karlson – What is that?

Lynn Eckardt – Ridgeline Protection protects the ridgeline from any encroachments.

Stefan Karlson – Most of the addition is coming in from behind the house. The height stays the same.

Lynn Eckardt – For the record I don't have a problem with it but I thought you might want to consider it.

Tom Costello – Thank you.

Ron Kobbe – These are the commercial setbacks.

Stefan Karlson – I don't know how they differ from OP1.

Ed Colello – I don't know how the Board feels but personally I feel that we can look at this in essence that the applicant is seeking relief from 138-11 C a, b, I think that will cover us. Do you agree with that?

Tom Costello – Yes.

Ed Colello – Any other questions? Do we have any other questions from the applicant? Mr. Karlson is there any other final comments you would like to make?

Stefan Karlson – Yes, I don't want to beat a dead horse but just to emphasize a couple of important points, the application is very important to us, it was our first house when we got married, we enjoy the area, we want to stay in the area, we enjoy the house, we enjoy the property. We put a lot into the property I am a gardener by trade, by heart, I am in love with the property so I want to try to stay there and make it work. Fortunately, our family has grown, unfortunately our house has not. We are trying to make an application where we can stay in the area and work with our existing property with we feel is a reasonable addition to the house that we are living. I just want to point out a couple of things whether it is RC or OP 1 with confidence I can especially say with the Ridgeline Protection issue now brought up which is a good point it is almost impossible to develop this property it is commercial use because of the small building envelope that we have, setbacks, zoning regulations it would be a very hard pressed application to develop that area as a commercial use. The area's infrastructure in terms of the road there is no public water, no public sewer, very little telecommunications, a know we electrical lines, telephone line, but there is no cable coming into the area. That also would make it very undesirable for a commercial entity to want to have anything to do with that particular property. Those infrastructures whether they were a feasible project whether it is taken on by the individual residents on that road or the individual businesses on that road would be a very expensive proposition for the Town or the residents of that road commercial or whatever it be to undertake those improvements on the road to let it fit into a commercial use. Because of the way it butts up to North Salem and part of Guinea Road does spill out to North Salem if that area were to explode and develop into commercial zone it would also require cooperation from North Salem to improve their infrastructures to support other commercial activity in the area. With all these factors put into the mix it is my opinion, I am not a realty expert, but in conversation with certain people who are, the property from a commercial standpoint, a one acre piece of property with these confines and these restrictions is virtually worthless from a commercial standpoint. The area is primarily residential baring the farm which does have a retail store on it. There is small factory down here on this lot, but other than that the bulk of the area is residential, the other half of Guinea Road is residential. So what we are proposing to do to this residence is in keeping with the existing area. The house has been there since 1880. The zoning laws have changed relatively speaking recently so the house and the property is kind of a victim of time changing and the zoning ordinances changing around it. We feel we have worked very hard with an architect, we have put our personal expressions into the house, we feel that the house revisions/addition will work to compliment the area. It won't subtract from the beauty of the area, it won't distract from the beauty of the area. We feel it is a positive improvement area. The project was presented to all our abutting neighbors. No one has a problem with the project. They have all been in favor of it. We

have a very good relationship with everybody in the area, that would like to have us stay there. They know that this is our only feasible way to stay there, especially with our growing family. This has been very little public interest in the project, it has been presented twice in a public hearing. There have been a minimal amount of comments made towards it. There has been other variances granted in the area back in 1979 the Salinger's did build two houses in the RC zoning after the zoning has been changed and there has been variances granted in the past, granted it has been a couple of years, but it there has been variances presented and granted in the past in this area. With all these factors in the mix we hope you consider our application with favor and give us approval for renovations and additions.

Ed Colello – Very good. Do you think you have had a fair and adequate opportunity to state your case?

Stefan Karlson – Yes.

Ed Colello – We will close the public hearing.

Public hearing closed.

Tom Costello – I will make a motion grant the variance applied for to vary the requirements of Section 138 11 C 1 a, b which prohibits the enlargement, alteration or extension of a pre-existing non-conforming use or structure and the motion applies to the detailed drawings and map submitted with the application dated 6/7/04 and the survey lasted dated 7/2/04.

Ed Colello – Second?

Kevin Sheil – Second.

Ed Colello – Will you address the criteria please.

1. Whether an undesirable change will be produced in the character of the neighborhood, (or a detriment to nearby properties will be created by the grant of the variance).

I would say no it is currently a residence, it is a residential use in a RC zone so it is a non-conforming as stated in the application and the testimony the residence predates all of our zoning laws and therefore is a pre-existing non-conforming use. The neighbor is largely residential currently so it is in the character of the neighborhood even though most of the neighborhood is RC zone. I don't believe there will be a detriment to any properties nearby by the construction of this addition and any enlargement on the residence would require a variance.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

No, really the property is unusually shaped and in a commercial zone so any kind of changes to the residence would require a variance in order to enlarge it.

3. Whether the requested variance is substantial.

The current house is approximately 1,200 square feet as the applicant has testified and the plan to add on will come out to about 2,100 square feet so it is a substantial enlargement but a 1,200 square foot house in this town is a relatively small one and a 2,100 square

foot house is more typical so I believe the request is mitigated and the substantial nature of the request is mitigated by the fact that he is asking for an enlargement to a more average size house.

4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.

As we discussed the Ridgeline Protection rules come into play on this property as part of the rear of the property falls in the ridgeline but based upon the applicant's testimony and the drawings he submitted I believe it will have no environmental impact or impact on the site lines from neighboring properties or non of the proposed construction will extend beyond the ridgeline.

5. Whether the alleged difficulty was self created.

It is really not self created the house has been there longer than anybody living in this room so the fact that this applicant bought the house a number of years ago and his family is expanding and needs additional space in order to remain in the house I believe the granting of the variance would be in the spirit of our ordinance.

Roll Call Vote:

Joseph Castellano – In favor

Kevin Sheil – In favor

Jack Gallagher – In favor

Ron Kobbe – In favor

Tom Costello – In favor

Ed Colello – In favor

The variance was approved by a vote of 6-0, 1 absent.

Ed Colello – Mr. Karlson you are all set, I want you to do me one favor we are going to keep this one and if you could just sign that.

Tom Costello – And the map as well.

Ed Colello – Great. You can bring that to the Building Department.

Stefan Karlson – Thank you.

Ed Colello – We will take a 15 minute break.

5) Plinio Palmieri

107 Peaceable Hill Road

TM # 56.10-1.-10

Plinio Palmieri and James Nixon, architect appeared for this application.

Ed Colello – I will remind everyone they are still under oath. Again if you can walk us through this again there are some members that weren't here last month.

James Nixon – The property in question is on Peaceable Road it is on the west side of the street it is a non-conforming lot in that is only 9,000 square feet in the R20 zone where 20,000 square feet is required. The property is also non-conforming in that there are two separate houses on the lot, a two story one family house towards the front, 107 Peaceable Hill, and that is where the construction will be, that is what we are asking for tonight. But there is also a one story cottage in the back, 109 Peaceable Hill. The two story house has two bedrooms and the one story cottage is one bedroom. Last month when we were here we discussed the legality of the pre-existing non-conforming with to lot, I spoke with the Building Department again and I will give you this copy, in 1998 the Building Inspector Ed Jasko had issued what is referred to as pre-date letter establishing to the best of our knowledge the original structures were built prior to any building ordinance or building code in the Town of Southeast. They are pre-existing one family structures and no certificate of occupancy is on file. The same letter was reissued in August 2003. Also I see on the first letter from the Town the house was built in 1933. Also in conversation with the Building Department secretary she told me that according to the Tax Assessor records the rear screened in porch where some of the construction is to take place was apparently built in 1950 reestablishing that to the best of our knowledge everything that is there is pre-existing non-conforming. Furthermore, I was told by the Building Department that because of its status in terms of being pre-existing non-conforming two houses on one lot this property is exempt from the rules that came along in 1999 or so regarding a special permit for an accessory apartment. So all that we have to work there is legal as it is as far as the Building Department is concerned.

Ed Colello – Not to interrupt you but I had a conversation with Mr. Harper in regard to that and he echoed exactly what you have researched that the back cottage was built prior to zoning regulations so it is a pre-existing non-conforming structure that is legal. That was one of the issues I brought up. That is a legal apartment, cottage whatever you want to call it.

James Nixon – Both houses are not very big. The two story, two bedroom house is approximately 1,400 square feet in area, 1,420 including the screened porch. At the last meeting we talked about the screened porch included with regard to the question of if we are enlarging the house or not in terms of footprint and I included square footage of the screened porch in our calculations on the zoning information I had given you and the square footage according to the project description because the definition of building in the Southeast Code is any structure having a roof supported by columns and/or walls that are self supporting so therefore I interpret that the porch as a roof is a part of the building and furthermore it goes to gross floor area which is used in ratio in the zoning statistics. The gross floor area specifically includes a covered enclosed porch. So the porch in question therefore as I interpret it is part of the house as a total. It is an enclosed screened in porch. The reason we are here before this Board is that the owner proposes to build over the one story portion of the house, the one story portion in the rear. The one story portion of the house includes the kitchen area and then immediately behind that kitchen area is the screened porch. The owner proposes to turn the screened porch with its existing footprint into a sun room, that is an unheated area that will have walls and windows meaning the building code definition. And over that entire one story wing, the kitchen and then now new sunroom we intend to build a second floor which will be a new bedroom. And in so doing in order to not increase the number of bedrooms now, one of

the bedrooms will be turned into an open area that is basically a part of the hallway. If you make the hallway come through it is therefore not a bedroom in terms of building code and in terms of Health Department code, in terms of the Zoning Ordinance. Which would therefore satisfy the requirements of the Building Department and more specifically the Health Department the two bedroom house will remain a two bedroom house. It will be a slightly larger two bedroom house. It is still not a whole lot larger. The amount of area that we intend to add is only about 300 square feet. So it would be 1,700 square foot it would not be a particularly large house. Last time we were here what this does to the look of the house as I stated before in general this house in terms of its scale and proportion and the way it is sited on the lot it is similar in character to the houses at least on either side of it and generally appropriate to that neighborhood even though it is a much smaller lot. The variances requested here are specifically related to side yard, side setback and with the total setback and front setback because the existing one story portion of the house where the shaded area is on the site plan is according to the survey only 9.5 feet from the property line where 20 feet is required. And therefore enclosing the screened porch to make it a sunroom which changes its use triggers the variance requirement and furthermore adding the second floor which has the same proportions as our first floor area, the second floor would have the non-conformity which is pre-existing for the first floor so therefore a variance is required. Furthermore the existing front yard setback is only 25 feet where 35 feet is required and Mr. Harper has included that in the non-conformities that would need a variance for this project to go forward. What we are proposing if you look at this side view as seen from the north elevation of the house this is the proposed completed from the side. This portion is the one story kitchen followed by a one story porch, now it will have a second story over it. From the rear which is the left side of the house, we will be taking off the roof, raise the roof to the height of the main roof of the second floor add windows in what would now be the sunroom and a bedroom above. Any questions so far?

Tom Costello – How large is the sunroom going to be?

James Nixon – The sunroom is about 8 feet deep by about 16 feet. That is the existing porch dimensions.

Tom Costello – So it will be the same dimensions as the porch?

James Nixon – That is correct.

Ed Colello – Will the sunroom be heated?

James Nixon – Are you going to heat the sunroom?

Plinio Palmieri – I don't think so, I don't think it is necessary.

James Nixon – The room above is part of the house. The sunroom below is not heated.

Ed Colello – Can you back to your picture, what the back it is going to look like? Are there any windows in the side of that sunroom?

James Nixon – On the side of the sunroom?

Ed Colello – On the side. Those two windows are part of the sunroom?

James Nixon – That is correct.

Ed Colello – So those windows are going to generate enough heat so you don't have to heat that room?

James Nixon – That is what makes it a sunroom basically is that it is not intended to be a room that you can use all year. It is a three season room.

Ed Colello – Let me cut right to the chase. One of the concerns that was brought up last month is the number of people living in this house and one of the concerns brought up by the neighbors is, if I am wrong please clarify, one of these concerns is what you are doing is increasing the square footage of the house which may increase the number of people living in the house. What is to stop the applicant from using that as another bedroom?

James Nixon – From using the sunroom as another bedroom?

Ed Colello – Well, it is going to be a full room, it is going to be sided, it is going to be covered, it is not only a roof upon it there is going to be a heated room above it.

James Nixon – I understand that. What really does it is legally it is not a bedroom.

Ed Colello – I understand that, I understand what you are saying. I am not worried about that, what I am worried about is what divides the sunroom from the kitchen on your new plan, is there going to be a wall?

James Nixon – The wall that is there right now will remain.

Ed Colello – So for example if I am leaving the kitchen and going to the sunroom I will just go into a doorway, there will be a full wall, and I will go through a doorway, correct?

James Nixon – Yes.

Ed Colello – Again why can't that be another bedroom?

James Nixon – You would go from the kitchen into a bedroom, therefore we would lose the exit from that kitchen. Nothing exits to a bedroom. Kitchens, living rooms, other bedrooms do not exit from bedrooms so in terms of the New York State Building Code it would not qualify as a bedroom. You could add a dining room back there, which many people do add a dining room behind the kitchen and what keeps them from sleeping in the dining room.

Ed Colello – And talk to me about the addition upstairs that is going to create a new bedroom?

James Nixon – Correct.

Ed Colello – But the two bedrooms that are up there are not going to be kept as bedrooms?

James Nixon – One bedroom will be kept as a bedroom.

Ed Colello – How do you eliminate a bedroom?

James Nixon – The other bedroom which is at the front of the house, as you are looking at the front of the house this window is in the bedroom that we are going to make not a bedroom that is the northeast corner. The southeast corner bedroom or the south side bedroom pretty much remains as is.

Ed Colello – And what are we going to do with that?

James Nixon – What we are doing is reconfiguring the stairs, there will be a hallway that goes through that space and therefore as I said earlier you do not exit as a bedroom if a hallway goes through the space it is not a bedroom. It can be a den, you can walk through a family room to a dining room, you can walk through living room to a kitchen but you don't walk through bedrooms to any of those things. That is New York State Building Code. It is common, not just in our state. But that is how that is resolved. The requirements which are most important to me about the number of bedrooms is the septic system, the septic system is designed on the number of bedrooms and therefore to increase the number of bedrooms in this house would almost certainly require increasing the size of the septic system and just based on the size of the lot I would bet that is not possible. And the Health Department and I have been through this many times on many

properties and the solution is to keep your number of bedrooms the same. You can move them around, you can do all kinds of things, you can combine two and make it one, to meet the requirements of the Health Department and the Health Department will have to be satisfied that your two bedroom is still a two bedroom house and basically they are not dumb. They won't fall for just anything. You can call it a computer room and tomorrow put a bed in there.

Ed Colello – I agree with you a 100%. Years ago people used to call it a sewing room, or a den or all these ridiculous things and they would squeeze four bedrooms into a three bedroom septic. I understand that. But a lot of that was done obviously because there was single family homes and there family size expanded, etc, etc, etc. When you have in my opinion now a rental apartment, house, whatever you want to call it, then rules kind of change because I would be ridiculous if I didn't admit that we have issues in our Town where people are overloading some apartments and some homes and so on. And I will be quite frank with you that is one of my concerns when you have the expansion of a rental property where you are not increasing the number of so called bedrooms but the applicant is willing to spend "x" amount of dollars to increase the square footage of the house, they may not be able to get any more rent for.

James Nixon – They wouldn't be able to get any more rent, you still intend to live there?

Plinio Palmieri – Yes, that is why I would like to spend this money otherwise it doesn't pay to spend the money.

James Nixon – With rent property it is as you said it increases the rentability therefore it would increase the number of units, a three family house, a three family property, in this case Mr. Palmieri and his family live in a four family which they own but they would prefer to live in this house. But the space is not big, as I said it is pretty small, so that is his plan, to make this house livable for himself and his family and then rent out his other property which is not a concern here.

Plinio Palmieri – I have a son, wife, three people, but the concern is that the rooms are too small, that is the reason we bought, I wanted to move there, I live in an apartment, noise and so forth. But then when we decided to live there we see that, my wife didn't like it because the rooms are small and low, by adding that big room in the back and eliminating the other room, when I say eliminating, I mean making it a hall, entry, we would be able to live there. We like the neighborhood it is a nice, Peaceable Hill is a nice road, quiet, you are not far from the village, it is walking distance to the village, it is quiet and we like that.

Jack Gallagher – You are going to live in this house were you are making the renovations?

Plinio Palmieri – Yes.

Jack Gallagher – It is not going to be a rental property?

Plinio Palmieri – No, no, we intended to live there when we bought it but then the rooms are too small?

Joseph Castellano – When did you buy it?

Plinio Palmieri – About eight months ago, not even a year ago. The intention was to move there. It was nice that we had an extra cottage in the back, it was nice, but the nice thing about it is that you have the cottage plus the house in the front, we live there, we want to live there, but unless we do something about it, and I also think it enhances the

neighborhood, it will look nice, and also we will have enough room, it is going to be eight foot, I hope.

Tom Costello – The tenants that are in the house and the cottage, today, are they the same tenants that lived before you owned the house?

Plinio Palmieri – The front house I evicted them because the neighbors didn't like them and I didn't like them either, because they crowded, so I evicted them and I had to re rent it, I rented it to four people, a lady with two kids and her uncle, nice people, nice people, quiet. I think they are quiet, I go there, 10:00 PM, I go there certain hours and I don't really...

Tom Costello – What about in the cottage?

Plinio Palmieri – The cottage the guy that was there living, there is a gentlemen, and another guy that lives there.

Tom Costello – They were there when you bought the house?

Plinio Palmieri – Yes, the gentlemen was there and his friend is now. He came from Guatemala.

Ed Colello – Where do the people park?

Woman in audience – On our lawns.

Ed Colello – Hold on please, let me ask the applicant the question Where do the people park?

Plinio Palmieri – There is a drive way for the cottage.

Ed Colello – Over here?

Plinio Palmieri – This is for the front house, the front here and the side here. For the cottage is beyond, back here.

Ed Colello – On the side of the house?

Plinio Palmieri – Yes. Over here.

Ed Colello – So you have six people living between the house and the cottage, you estimate?

Plinio Palmieri – Yes.

Ed Colello – And how many cars do you think are attributed to that house? And the cottage?

Plinio Palmieri – Two cars for the cottage and two cars for the front house. But I see today she bought another car, the lady that lives in the front and she is going to sell the other one, I noticed today there is three cars here.

Ed Colello – Well, I have to tell you something I drove and stopped by your property yesterday morning at 7:30AM and I counted seven cars. There were cars, as I said before I am not the brightest guy in this building, but I can count. There were, I don't remember the exact breakdown, there were cars here, there were cars here and there were cars here. There were seven cars at 7:30 AM on a Sunday morning.

Plinio Palmieri – Well, Sunday morning that have guests! People have guests. You have to look at during the week.

Ed Colello – That is specifically why I came by at 7:30 AM these aren't people coming for breakfast, they are overnight guests, correct, seven cars?

Plinio Palmieri – I haven't noticed it. During the week I go around, I take a look, I haven't seen that. If that is the case it has to be corrected. I haven't noticed that.

Ed Colello – 7:30 AM there was seven cars attributed to that lot.

Plinio Palmieri – The tenant called me up...

Ed Colello – I drove up your neighbor's driveway, you probably thought you had guests, I drove down there so I could get a better look, because I want to get a whole picture of the whole thing, and there was seven cars.

Plinio Palmieri – All I know is when I pass by there at night, 9:00 PM, 10:00 PM, I don't see that.

Ed Colello – Well, maybe they sneak in late, there is a whole other issues we will talk about that a little later. What else Jim?

James Nixon – Looking at the criteria for an area variance, the variances in question in particular are side setback, side yard, total setback and front setback, front yard. These are all pre-existing non-conformities to the existing house and they would therefore apply the addition. The addition would only be 9.5 feet from the property line where 20 feet is required, the front yard doesn't change but Mr. Harper included that in his list, the 9.5 feet, the total side yard.

Plinio Palmieri – Did you count, because the driveway?

Ed Colello – I counted the cars in front of your house, in the front, on the left side and the right, and not your neighbor's driveway because I drove in his driveway to be able to get a better look.

Plinio Palmieri – I received a call from the cottage tenant that there was a car parked in his driveway and he couldn't come out.

Ed Colello – Maybe it was someone from the house.

Jack Gallagher – Mr. Palmieri, if you make these renovations you are going to evict those people that are in the house right now and then you are going to move in there?

Plinio Palmieri – Yes. If you want me to right it down, sign it, I will sign it.

Tom Costello – Section 138-22, on accessory apartments, says the owner of the lot containing an accessory apartment shall be required to reside in either the principle dwelling or the accessory dwelling. So currently the applicant is violation of the Ordinance pertaining to this and has been since he purchased it.

James Nixon – But it my understanding that the pre-existing non-conformity makes it exempt from that.

Tom Costello – I don't think so. Why would be that case?

James Nixon – I don't know but that is what the Building Inspector's secretary told me the Building Inspector said.

Ed Colello – It is funny you bring up that point because when I talked to Ron Harper, he is very familiar with the property, he specifically told me that the carriage house or the cottage pre-dated Zoning Ordinances but I never talked about that issue in regard to that the owner must live in one of the properties.

Tom Costello – I think it is something that needs to be clarified.

Ed Colello – I will definitely get clarification on that?

Ron Kobbe – On your north elevation, on your floor plan you show a door but on your elevation you don't show a door, you just show windows?

James Nixon – I changed my mind I decided that the door should be on the other side.

Ron Kobbe – So there is still an entrance when you come out the kitchen?

James Nixon – Right.

Ed Colello – There is no door outside from the kitchen?

James Nixon – Without going through the porch?

Ed Colello – Yes.

James Nixon – Correct, there is not a door directly from the kitchen to the outside.

Ed Colello – Before I open it up to questions from the audience is there anyone else that has a question of the applicant? I am going to open it up to questions, or thoughts or opinions all I ask is a couple of things, number one, we are not in any rush or anything like that but for the sake of time I ask that if the person before you stated exactly how you feel or the same comments you certainly more than welcome to stand up and say who you are and say I am in agreement with Mr. or Mrs. So and So but if we can just try and not bring up the same issues over and over again usually these things go a little clearer. I also hope that we understand that the applicant is here and the applicant's professional advisor as well as the people in the auditorium, this is not a court room, nobody is on trial or anything like that so let's try to just ask questions and get some answers. Who wants to go first? Will you state your name and address please?

Arnold Ratcliffe – Arnold Ratcliffe, 111 Peaceable Hill Road.

Ed Colello – You live immediately if you face the applicant to the right?

Arnold Ratcliffe – Yes. OK, right now you are saying you are going to build this extension just as high as the roof that is there, correct?

James Nixon – The peak not be as high.

Arnold Ratcliffe – Right now, from what you are telling me, right now in the wintertime I have a problem for about 10 feet of my driveway is always ice due to the size of that house, now you are telling it is going to be about 30 feet that I am going to have to deal with ice because it is going to be casting a shadow from the obstruction of this new thing that you are trying to put up there.

James Nixon – I understanding what you are saying, Mr. Ratcliff's driveway is immediately north of your house, and so therefore it doesn't get winter sun where the house is, the driveway is in a shadow.

Arnold Ratcliffe – Right now I have a problem of about 10 feet, normally I don't even bother with it, I salt it, it doesn't matter it never gets clean. I tried to do everything with it, I have a snowblower, it doesn't matter, when it snows, and once the sun is down I am in trouble, now you telling me I have to go from about 10 feet to about 30 feet, and where he is talking about where this thing is going to end is right where I do a good part of my stuff in my driveway. It is going to be a very big obstruction of view and it is going to be obstruction the sun I am going to be in big trouble. You want to add something that high up.

Ed Colello – That is the proposal.

Arnold Ratcliffe – So now that is going to be casting maybe 20 feet so I will have approximately 30, 35 feet of shadow on my side of the driveway every winter.

Ed Colello – What do we have for measurement here Jim? Approximately?

James Nixon – The length of the second story addition I think is.

Ed Colello – The whole side of the house, how long is that going to be now?

James Nixon – About 35 feet.

James Nixon – The addition is 18 feet.

Arnold Ratcliffe – So what do I do in the interim if this goes through, how do I get around it?

Ed Colello – I have no idea, I could tell you I know but I don't.

Arnold Ratcliffe – It doesn't seem fair.

Ed Colello – Well, it didn't say it was fair, you asked me if it is approved what do you do, you are not going to like my answer but you are going to have to deal with it. I don't mean that to be nasty but I have no answers. There are no answers.

Arnold Ratcliffe – Now according to what you are telling me now about the people in the houses currently you said you saw seven cars, he is saying it is only on the weekends.

Plinio Palmieri – No, I don't say, on weekends there are guests.

Ed Colello – He said they were probably visitors.

Arnold Ratcliffe – You don't know what goes on there I have explained to Mr. Palmieri before and I have said it before again all night long there is constant door opening and closing, opening and closing, in and out, all night long! Just because there is maybe three cars on that side for the cottage in the back doesn't mean there is three people in that house. Last summer on a particular night during the week I can go anywhere from six to nine people in that household and that is just in the back alone.

Ed Colello – Let me interrupt I think we will all agree that everyone has the right to have guests, OK.

Arnold Ratcliffe – But these are different guests.

Ed Colello – Let me finish. Everyone has the right to have guests. I have plenty of guests if someone drove by my house some days they might think there is an awful lot of people living there they are there for a barbecue or something. Why do you think I went by at 7:30 AM it is not because I don't have a life, it is not because I woke up Sunday and had nothing else to do I thought that would be the best time Sunday morning to assess who was in that house when I hear you people telling me there is "x" amount of people sleeping there that is why I went by at 7:30 AM on a Sunday morning. And that is what I found.

Arnold Ratcliffe – What do you of that?

Ed Colello – I think there is obviously some people sleeping there.

Arnold Ratcliffe – I just want to see if we are on the same page because me personally I am there every day.

Ed Colello – Absolutely! And I agree with you, I can't camp out there, but that is why I tried to figure the best time to go there and try to see what was happening.

Arnold Ratcliffe – I know where there are guests and I know when there is not guests. There are certain people you will see there car every day. A particular gentlemen right now is running from the cops who is now longer there because that would have been the fifth car. So now there is four in the front house.

Ed Colello – Can I hold you off for now, you can come back and speak some more, can I get some other people? Go ahead please state your name and address.

Don Palmieri – My name is Don Palmieri, the thing we are talking about is 107 Peaceable Hill Road and I am the son of the applicant. And with all respect to the audience I looked at this pictures upside down, back and forth, right and left and basically the side of the house right now is small compared to the other two houses that are next to them. As far as this addition I will only make is slightly bigger, it won't change the look of the neighborhood. One, two, me and my father go there almost every single night and we check from the hours of 7:00 PM to maybe 11:00 PM sometimes on Friday night and we see no indication of all these cars and number three, if by chance we will and if you approve this we will promise we will move to there and we will eliminate some of the problems that the audience has, this we way we will move there and it all the criticisms

will die down. All these criticisms. And we will promise we will move there if you approve this.

Ed Colello – I appreciate you saying that, but we have no authority to make you move into that house. You can sign anything you wanted, not that we would ask you to do, but we cannot make you move to that house, it is just an enforceable promise so to speak. Not saying that you are lying or anything like that but we can tell you you better move there.

Chris Nugent - Chris Nugent, 3 Hughes Lane, the back of my property faces. I have a couple of questions that I don't understand this is a one family house why are there three electric meters on this house.

Plinio Palmieri – One meter is for the back for the cottage, another meter is for the apartment, for the house, and the basement because they were giving me trouble so I decided to separate the basement. In other words one meter is for house, it includes outside lights, it includes the basement.

Chris Nugent – And you put another meter.

Plinio Palmieri – Because I was having a problem with the tenant they wanted me to pay a certain amount of money because of usage for the outside lights, the basement, the boiler.

James Nixon – It is common in a property where there is more than one tenant that each tenant has their own meter. So it is a two tenant property.

Ed Colello – Can I ask this question? I understand the meter for the cottage and I understand the meter for house, I don't understand the meter for the basement.

James Nixon – It is the owner's meter. For example, I live in an apartment building and every apartment has its own meter, the owners have a meter because they have the lights that we are not going to pay for such as the boiler.

Ed Colello – This is a house, this is not a apartment building, there is no corridors.

James Nixon – But there is a basement. There is electricity You are going to have a light in the basement. The basement is Mr. Palmieri's space, not the tenant's space.

Ed Colello – Let me ask one question, are your tenants allowed to go in the basement?

Plinio Palmieri – Are they allowed to go in the basement, no, I lock it.

Ed Colello – They have no access to the basement. What is in the basement? Storage?

Plinio Palmieri – Storage, the boiler.

Ed Colello – It is common in multi family homes, Jim, it is not common in a one family house that you rent. If I were to move tomorrow and I decided to rent my single family house it is not common for me to go out and get another meter for the basement. Most people that rent the house, rent the house.

James Nixon – But this in essence is a two family property.

Ed Colello – The other meter is for the other house.

Chris Nugent – They shouldn't be in the house, they live in the cottage.

James Nixon – That is a two family property, one family in the front they need a meter, one family in back they need meter and then there is the owner's.

Ed Colello – Let's get off the meter.

Chris Nugent – My other point is you went by there, you were there, did anybody else on the Board go by this piece of property.

Tom Costello – Yes, I stopped by yesterday.

Chris Nugent – Take a look at the cottage and tell me if this man has the best interests in the neighborhood in mind, when there is three or four colors, purple, how much does a paint cost. You have been there a year, you paint it brown for a year if you care about the neighborhood. I look at that thing through my bushes on a daily basis and I want to just be sick besides everything else that goes on there. If you care about the neighborhood.

Plinio Palmieri – It has to be finished painting.

Christ Nugent – It has been that way since you bought the property. It is three different colors. Did you paint it half purple?

Plinio Palmieri – We didn't have enough time.

Ed Colello – I have a picture of it. I got a burgundy and a light blue. Let's stay with the issues. The issue of this variance application is not whether or not you painted the back house, the cottage. It is not that you didn't have a enough time, I don't want to deal with that. Next question?

Lynn Eckardt – Last month you mentioned that the county would have sign off?

Ed Colello – They did.

Lynn Eckardt – So that is the County planner?

Ed Colello – Approved as submitted. Which means nothing as you know, it really doesn't it only counts if they are a negative vote, if they are a positive vote it means nothing.

Lynn Eckardt – And just as an observation, I have been to a lot of meetings now, and I think the Board is very accommodating and informal about public hearings but I think it would help the presentation was given to both sides both your side and our side out here, I know we can go up there, but when it is a bigger group it is a difficult and probably an easel would be a great idea and would be helpful so in the future you can consider that.

Ed Colello – Next?

Mrs. Bottge – **Mrs. Bottge**, I live two houses over?

Ed Colello – Which number?

Mrs. Bottge – I am 4 Hubbard Drive. I am just backing up Mrs. Nugent we are all busy people but this house is three colors since they moved in.

Ed Colello – Hey, guys.

Don Palmieri – What is that going to do?

Ed Colello – I will tell you what it is going to do. Everybody has their chance to speak, so the bottom line is I don't remarks, I don't noises, I don't want to hear that crap everybody has their chance to speak. Now if you can sit there and just listen till it is your turn I will ask you live. Are we all in agreement now? Go ahead.

Mrs. Bottge – So my whole point is when push comes into shove if it is OK'ed and the job is done then I think it should be a credit to the neighborhood. So I concur that we would love to have the cottage for this length of time, I am wondering if this second story goes in what is that going to look like. Are we going to have double trouble? It is a nice neighborhood. It is not the thing you want to look out and see. Thank you.

Ed Colello – Let me share with you a couple of things and this is the tricky part that this Board has to deal with, as the applicant said he would state anything and put it in writing that he wants to move into the house. Unfortunately, and I am not saying and I don't disagree with what he is saying or anything like that but this Board has no authority to do that, to force his family to move in there. Number two, there are no regulations in regard to having your house painted. This Board has no authority to say that the house has to be

painted by a certain length of time, has to be painted in one color, that we have no restraints on that whatsoever. That cottage in the back is legal. And the applicant can rent that out and we have to get one more piece of clarification whether he has to be a resident tenant, we will get that, but if the applicant, and as long it is permissible by Board of Health standards, if the applicant, not saying that he would, but if he wanted to paint seven different colors, he could. So this is the tricky issue and I understand that. And I sharing with you and Mr. Nixon that it is a tricky issue I think and what I am seeing here is that the neighborhood wants to have the property cleaned up and would rather have you and your family live there, I think I am right in saying that, then tenants that are coming and going and everybody likes to have permanent residents living next door to them as opposed to tenants I think you will agree with me there and that is the tricky part. But there is an issue of history, and I am not blaming you have only been there eight months, nine months, it is not a long period of time. I don't know the history before you owned the property with the neighborhood and the upkeep of the property, nor do I care because it is irrelevant to this application. But that is the tricky situation that this Board is put in right now. Weighing the benefits to what you want to do in regard to your family and looking at the criteria and the criteria in regard to the character of the neighborhood and changes in services and things like that. Hypothetically, and I am not saying you would do this, if we granted this application and you wanted to keep renting it and it is unbelievably hard enforcement issue if you wanted to bring in more people to live in that house and use that sunroom as a potential bedroom. Would you be in violation as Mr. Nixon said, absolutely, but Jimmy and I both know that what is in violation and what is enforceable are two different things. It is a hard, hard issue.

Mrs. Bottge – Can I ask you a question?

Ed Colello – Sure.

Mrs. Bottge – Is there any way that you could find out what the true definition of a sunroom is? Mine could be different. I picture a sunroom being all open not the closed structure with two windows.

Ed Colello – That is a good point. Mr. Nixon, representing the applicant, is looking to encase and permanently take that screened in porch and make it into a room with a heated room above it. Now it is his terminology of a sunroom but to quite frank whether it is a sunroom or a sitting room as long as it is not another bedroom as we discussed it is almost irrelevant what he calls it. Would you say that is fair?

James Nixon – In a sense but I will say for your purpose, yes. My use of the sunroom was really not just for this Board, it is a building code term in particular with regards to how much ? it has and engineering code requirements. So I can't quote it for you here but New York State Building Department and New York State Energy Conservation Code do define a sunroom. The room in question, these two windows, the sunroom is only that deep. That is the length of the sunroom, these two windows are on this side of the sunroom, this is the existing kitchen. The back of the area there is windows all the way across. In essence a sunroom according to Code where your glazing area is more than 40% of your total wall area. But I don't know if this required for what I am asking for this Board. There is nothing that we have included here that would qualify as a bedroom. It could be dining room. In the building code and energy code you can have a unheated sunroom, you can have a conditioned sunroom, you could put heat in your sunroom. But it is a separate heating system from the rest of the house.

Mrs. Bottge – Those windows that are there in the west side which is the rear side toward the cottage. What is on the south side?

James Nixon – There will be two more like the north side. It is eight feet on the east west dimension.

Tom Costello – But there will be door on the south coming?

James Nixon – A window and a door. There will be a door on the south side because that is the exit from the kitchen.

Mrs. Bottge – The exit from the sunroom is going to be on the south side, the opposite side of the driveway? That driveway runs on the north side, correct?

Ed Colello – Yes.

James Nixon – They only have nine feet to the property line on the north side.

Peter Spannaus – Is there door to the back of the sunroom that goes out?

James Nixon – I am proposing to put the door on the side. That is my intent.

Arnold Ratcliffe – Back to that, you are proposing a sunroom with four windows how much of this is going to cast a shadow on my house? How much sun am I going to missing out due to the extension you are talking about putting on. Because it is not just the driveway.

James Nixon – I wouldn't think that the house would cast a shadow on your house.

Arnold Ratcliffe – Right now it does. That is the problem. That is the problem about the driveway freezing. Now you are telling me you are going to extend it all the way out. Now you are talking about possibly knocking the sunlight in my kitchen and my bathroom.

James Nixon – I don't have an idea as to what extent that would happen without standing out there. But the houses are close together. I don't have a way to mitigate there, there is not a way to mitigate that I know of.

Ed Colello – I don't think there is? Any other questions?

Mrs. Bottge – I have one. When you file for a building permit, how long is that permit good for?

Ed Colello – When you file for a building permit, in this situation, this applicant was denied a building permit, that is why they are here.

Mrs. Bottge – What if it is approved?

Ed Colello – I think a year, I am not sure honestly.

Mrs. Bottge – And then they renew that.

Ed Colello – Hopefully the job will be done.

Mrs. Bottge – What if the job is not done.

James Nixon – Most often it can be renewed?

Mrs. Bottge – Up to a certain point.

James Nixon – It is really a judgment of the Building Inspector but in my experience if you got a permit today and you start the work sometime with the next year but do complete before the year is up there would extend that permit. If you haven't started I don't necessarily know if that is true. And admittedly for some reason it is taking longer and this is a really a question for the Building Inspector, the Zoning Ordinances might have changed, the State Zoning Code may changed or something than the Building Inspector may not want to renew without some additional...

Mrs. Bottge – If you have scaffolding on your house does that deny the Town the right to come in and assess you for taxes?

Ed Colello – No, that used to work. I know a time when people didn't but the front steps on so the house was never done so they never got reassessed. No, they are getting a little smarter. That doesn't work anymore.

Chris Nugent – So you are going to check on the needing to reside or not reside?

Ed Colello – Yes.

Chris Nugent – So that is an issue you can't go anywhere tonight until you find that out?

Ed Colello – That is correct.

Chris Nugent – So let's say he has to reside on his property?

Ed Colello – Well, let's not say anything until we find out what the answers are. If the answer is that he the applicant must reside on the property for that carriage/cottage whatever you want to call it to be a legal apartment then the applicant has a decision to make either move on the property or clear out the cottage.

Chris Nugent – I have been there for 17 years, years ago old Mrs. Ross owned the property. I am sure that dwelling, this cottage, this second house, was shed at some point in time. She moved a family member into it, some other little old lady. And they lived there quietly. We could have cared less, that she had some old lady living in thing in the back of the yard because she lived in her house and there wasn't bedlam going on. It is not like we want to hang people out to dry but if the neighborhood is being bothered severely by what is going on then people are not going to be cooperative. That is the point. She had that person living back there for God knows how long. Nobody gave a rat's butt. When this is going on and now you are talking about making this bigger than that is when everybody gets a little upset. If he needs to reside there or shut the cottage.

Ed Colello – We will deal with that if it comes. Couple of more questions.

Arnold Ratcliffe – I have nothing against Palmieri and his family but there was something you said at the last meeting, there was someone in front of you a Stephen A. Johnson who was trying to do something with the Handy Rental Place on Argonne Road before it even started really getting into good, you shut him down and said...

Ed Colello – I did?

Arnold Ratcliffe – If I don't know what kind of business is going into that place we grant you a thing. That is exactly what we are doing. If the Palmieri's don't move into that, it is not fair.

Ed Colello – You are absolutely right, but there is one big difference.

Arnold Ratcliffe – I know it is commercial.

Ed Colello – I could use that analogy, he couldn't tell what was going in there because he doesn't know. He is going for variance where he can't tell us what type of business is moving in there. So that is where I and probably some of the other Board members are very concerned saying what is he going to put in there. Before we grant the variance we want to know what type of business. What Mr. Palmieri is saying to us is that he is moving in there. That is what he is telling us, he is moving in there!

Arnold Ratcliffe – I am not trying to call him a liar but I think is not, all I am saying is I live right next door and everything that is going on, it is hard to hear to that, very hard. When you are saying I am going to build an extra room, or extra anything, flags go up. And they are not good flags. Did you see the beer bottles?

Ed Colello – No, it was dark.

Peter Spannaus – My question would be for Mr. Palmieri when you purchased the home was it was the intent to move in there?

Plinio Palmieri – Yes. Do you remember how the house was?

Peter Spannaus – Why did you change to improve it for an apartment when you planned on moving in there, that is what I am concerned about. When I bought a house, I know most people do, I have to make changes because I am going to move my family I don't make changes for it to be another dwelling for other people to live in.

Plinio Palmieri – I understand what you are saying but I was forced to do that because the tenant said you have to give me \$1,300 because of the extra I said to myself it is not worth so I do this. Furthermore, I didn't buy it 10 years ago.

Ed Colello – Mr. Palmieri can I ask you a question? You purchased the property eight months ago, the tenants in the house, forget the cottage, you had to evict, right?

Plinio Palmieri – Yes. Afterwards, yes.

Ed Colello – You evicted them after how long?

Plinio Palmieri – After a two, three months.

Ed Colello – My question is you stated that your intention was all along to move your family in this house, from the day you bought it?

Plinio Palmieri – Yes.

Ed Colello – The why didn't you start to reconfigure before you rented it out to next group?

Plinio Palmieri – You don't know the way the house were, it was a mess. You should have seen the cottage, I don't know what they mean when they say it doesn't look good. He is witness, he lives next to the house, the cottage was a mess.

Ed Colello – I am not talking about the cottage!

Plinio Palmieri – The other house was a mess too!

Ed Colello – OK, but hear me out, if you bought with the intent to move your family into it, when you evicted the people that were already living then why didn't you start proceedings right then and there to fix it up so you could move your family in? Why did you bring in a whole another set of tenants that you said you wanted to live in?

Plinio Palmieri – When I took wife it is like saying after you get married defects come out. When I took my wife we started measuring. When we went there with the tape measure I find out that the room was too low, it is not even seven foot, it is not standard eight foot, my wife said how I am going to put my furniture in here.

Ed Colello – How are you going put your furniture in now? If we grant this, and you get this, are you going to raise the ceilings.

Plinio Palmieri – The new room will have eight foot clearance.

Ed Colello – Where is the seven foot ceiling?

James Nixon – In the second floor.

Ed Colello – And what kinds of ceilings are in there? Plaster or suspended?

Plinio Palmieri – Sheet rock. There is no way you can make it. It is a big expense.

James Nixon – If you look at the photos the eaves are closer to the tops of the window then you would normally see and that is why. The whole roof is lower. But Mr. Palmieri explained to me when I first looked at the house with me and we had this whole discussion about the timing of things and so on I guess I can corroborate it has been plan to move there all along. I don't know if this applicant situation but it is not uncommon that people buy house think they are going to add onto it but they usually move in. but it not uncommon that they don't add on as soon as they are thinking and I believe that most often because they have just had this major expense of moving into the house and things

like that. In this particular case Mr. Palmieri has a place to live and it is a short distance away it is not like he was moving all the way up here from New Jersey.

Ed Colello – You are absolutely right, you are 100% right, but, my question was you evict the tenants, you buy a house, you are thinking of moving your family in there, you have tenants you don't want there, you evict them, after "x" amount of months, three months and then instead of doing the process of getting the house the way you like it, and I understand he has the right to change the house to way he and his family want the house, but then all of sudden you bring in a whole another set of tenants. That doesn't make any sense to me.

Plinio Palmieri – Because I found out that I couldn't live there because of the circumstances that the ceiling was not a standard height we couldn't fit the furniture there, coming up the stairwell going to the second floor, there is nothing, there is a little hall and two rooms, small rooms, and a bathroom. The bathroom was a mess. I had to redo the whole thing. It was an old bathroom. But then I said to myself she said to me we can not live there, let's wait and see what happens. But nothing that I have spoke to, a few months later I spoke to Mr. Nixon, the idea come up, I said maybe we can do this, let's try. And that is a good idea, if that is approved than we have a standard bedroom that you can live in comfortably and it enhances the neighbor because the house will look better.

Ed Colello – A couple of more questions because we are meeting next month?

Mr. Spannaus – I do know Mr. Palmieri does work, construction and he has renovated and in his other apartments so what I am concerned is when you went in there, you see for yourself.

Plinio Palmieri – The tenants were there. I will be honest, I didn't think, when the occasion came I said what is that, we only went there once because the tenants were there.

Ed Colello – Any other questions?

Lynn Eckardt – I think we are getting off track, I don't think it is really pertinent why they didn't move in, it is irrelevant.

Ed Colello – I don't think it is irrelevant.

Plinio Palmieri – We live in an apartment.

Ed Colello – There is a question on the floor this Board will make a decision on the variance based on the criteria, right, one of the criteria is the character of the neighborhood, and I think there are issues here in regard to intent, in regard to the current situation in the neighborhood and the concerns in the neighborhood in regard to overcrowding, too many cars, noise, etc. I think it has a basis. I don't know if the Supreme Court would think so, they are not here so I am doing it this way. Any other questions, last one?

Arnold Ratcliffe – I think there was a time of two months when nobody lived there?

Plinio Palmieri – I was fixing it up.

Ed Colello – I don't know if that is going to help us if the prior tenants were as bad as you said they were and as bad as he says they were, maybe the house was as bad. Maybe it was a dump that he had to do a lot of work in. I am assuming that. Next month, what day?

Linda Stec – The 20th.

Ed Colello – December holiday mode.

7) Louis and Silvia Pauta
19 Root Avenue
TM# 55.12.1-17

Ed Colello – We have one more item on the agenda. We have to swear you in.
Silvia Pauta was sworn in by Ron Kobbe.

Ed Colello – Can you tell us what you are looking to do?

Silvia Pauta – What we are trying to do is to cover the existing deck because the water is going into the basement.

Ed Colello – So you are getting water in your basement that is coming through the boards of the deck.

Silvia Pauta – Yes, it is going through the deck into the basement. The door is under the deck.

Ed Colello – Is it a bulkhead or a door? Does the door open, or is it a full sized door.

Silvia Pauta – Under the deck.

Ed Colello – A regular door?

Silvia Pauta – Yes. I have a picture.

Ed Colello – How high is the deck off the ground? Three feet, five feet?

Silvia Pauta – I can't stand underneath the deck. We have a little space to go into the basement.

Ed Colello – Four feet.

Silvia Pauta – Yes.

Ed Colello – Where is Root Avenue?

Silvia Pauta – Going towards Carmel, Route 6.

Kevin Sheil – Near Centennial Near Simpson.

Tom Costello – Do you have a drawing of what you want to do?

Silvia Pauta – Yes.

Ed Colello – So there will be no walls?

Silvia Pauta – No. Just cover the deck.

Tom Costello – You are right on the corner?

Silvia Pauta – Yes.

Tom Costello – Can we have a copy of this for the file.

Ed Colello – The letter from Ron Harper refers to 138-11 C.

Tom Costello – We need to talk about that, this whole thing refers to use. There is no section that refers to a non-conforming structure, non-conformity of a structure is setback.

Ed Colello – Here he uses the 138 11C, he used use before now he calls it a non-conforming structure.

Tom Costello – So the application is to cover the existing deck?

Silvia Pauta – Yes.

Ed Colello – How are we doing on mailings?

Linda Stec – They are done.

Ed Colello – So we would like to see the site, which is very common. So in the next month we will go by and look at this and we will vote on this next month. We need county approval.

Silvia Pauta – I have to do the letters again?

Ed Colello – No. Only once. If you could take some pictures of your existing deck and the property line. Any questions of anybody in the audience? Any other questions. So our next meeting is the 20th. You are going to be after that people so it will take a few minutes.

Tom Costello – I will make a motion to accept last month's minutes.

Ed Colello – Second?

Ron Kobbe – Second.

Ed Colello – All in favor?

All members were in favor.

Meeting ended at 11:05 PM.

Submitted by:

Linda Stec