

MINUTES

**Town of Wappinger
Zoning Board of Appeals
October 25, 2016
Time: 7:00PM**

**Town Hall
20 Middlebush Road
Wappinger Falls, NY**

Summarized Minutes

Members:

Mr. Prager	Chairman	Present
Mr. Casella	Member	Present
Mr. Johnston	Member	Present
Mr. Galotti	Member	Present
Mr. Travis	Member	Present

Others Present:

Mrs. Roberti Zoning Administrator
Mrs. Ogunti Secretary

SUMMARY

Adjourned Public Hearing:

Catherine Pendzuk Adjourned to November 15, 2016

Public Hearing:

Robert Harless	Adjourned to November 15, 2016
Jacqueline Egan	Variance Granted
Thomas Glazer	Variance Granted
Dean Colombo	Variance Granted

Discussion:

Ilene Sommer	Public Hearing on November 15, 2016
Michael Spidalieri	Public Hearing on November 15, 2016

Mr. Johnston: Motion to accept the Minutes from October 11, 2016.
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

Adjourned Public Hearing:

Appeal No. 16-7588 (Variance)

Catherine Pendzuk: Seeking an area variance Section 240-37 and 240-30 of District Regulations in an R40 Zoning District.

-Where **no more than two accessory buildings shall be permitted in any 1-Family Residence District., the applicant is requesting a variance to allow three sheds to remain (two have Shed Amnesty- 8'x12' & 10'x20')** and for the construction of a **12' x 30' carport to enable homeowner to store items in yard,** thus requesting a variance to allow three sheds.

-Where **Outdoor storage of 1 auto trailer or 1 unoccupied recreation vehicle or 1 boat or 1 other single vehicle owned by the residents of the premises, provided that such trailer, boat or other single vehicle is effectively screened from adjoining properties. Such storage area shall comply with all minimum yard setback requirements for buildings for buildings, but in no case shall it be permitted in the front yard, the applicant is requesting a variance to allow three trailer/campers to remain.**

The property is located at **20 Valley Road** and is identified as **Tax Grid No. 6258-02-936733** in the Town of Wappinger.

Mr. Casella: Motion to open the Adjourned Public Hearing.
Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Mr. Prager: We will schedule the site inspection for November 12th.

Mr. Casella: Motion to adjourn the Public Hearing to November 15, 2016.
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

Appeal No. 16-7594 (Variance)

Robert R. Harless: Seeking an area variance Sections 240-37 and 240-30 of District Regulations in an R-40 Zoning District.

-Where **no more than two accessory buildings shall be permitted in any 1-Family Residence District. No such accessory building shall have a footprint greater than**

600 square feet nor a height in excess of 20 feet. The applicant is proposing a 18' x 40' (720 sf.) storage building, thus requesting a variance of 120 square feet.
The property is located at **26 Birchwood Drive** and is identified as **Tax Grid No. 6256-02-883774** in the Town of Wappinger.

Mr. Johnston: **Motion to open the Public Hearing.**
Mr. Casella: Second the Motion.
Vote: All present voted Aye.

Mr. Prager: Is there anybody here who would like to speak for or against this variance?

Mr. Casella: **Motion to adjourn the Public Hearing to November 15, 2016.**
Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Appeal No. 16-7595 (Variance)

Jacqueline Egan: Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where **50 feet** to the rear yard property line is required, the applicant can only provide **35 feet** for the construction of a **12' x 12'** deck, thus requesting a variance of **15 feet**.

The property is located at **4 Sherwood Heights** and is identified as **Tax Grid No. 6258-04-668440** in the Town of Wappinger.

Mr. Prager: Bea, are all the mailings in order?

Mrs. Ogunti: Yes, they are.

Mr. Prager: Please come up and state your name for the record.

Mrs. Nostro: My name is Gerri Norsto, 8 Sherwood Heights. I live next door to Mrs. Egan and I have absolutely no problem with them doing this.

Mr. Prager: Thank you very much. Mrs. Egan, please come up and state your name for the record.

Mrs. Egan: Jacqueline Egan.

Mr. Prager: Just explain to everyone what you need and why you need it in case someone has a question.

Mrs. Egan: I'm having a small deck built in the back of the house. My husband is in a wheelchair and I can't get him outside to sit. At the back of my house on the left is a 12' x 12' concrete patio and I would like the deck to match it in length. Also, I need the deck because my husband is in a wheelchair and he cannot walk. I would like to have him outside to get some fresh air. I think the previous owner at one time had a swimming pool that he filled in so the ground is all lumpy.

Mr. Prager: We did have a site inspection as you know and we saw everything that we needed to see. Is there anybody on the board or in the audience that has any questions?

Mr. Johnston: Motion to close the Public Hearing.

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Johnston: Motion the grant the variance. The benefit cannot be achieved by any other feasible means. It's not an undesirable change to the character of the neighborhood. It is somewhat substantial but there is no other means of doing it. I don't believe it will have any adverse effect or impact on the physical or environmental conditions in the neighborhood.

Mr. Casella: Second the Motion.

Roll Call Vote:

Mr. Casella	YES
Mr. Galotti	YES
Mr. Johnston:	YES
Mr. Travis	YES
Mr. Prager	YES

Appeal No. 16-7596 (Variance)

Thomas Glazer: Seeking an area variance Section 240-37 of District Regulations in an R20 Zoning District.

-Where **40 feet** to the rear yard property line is required, the applicant can only provide **36 feet** for an existing **26' 6" x 5'** deck, thus requesting a variance of **4 feet**.

The property is located at **27 Split Tree Drive** and is identified as **Tax Grid No. 6158-04-929450** in the Town of Wappinger.

Mr. Prager: Bea, are all the mailings in order?

Mrs. Ogunti: Yes, they are.

Mr. Johnston:

Motion to open the Public Hearing.

Mr. Galotti:

Second the Motion.

Vote:

All present voted Aye.

Mr. Prager:

Do we have someone here to speak for this?

Mr. Rapa:

Yes. I'm here representing the current trustee.

Mr. Prager:

What's your name?

Mr. Rapa:

Angelo Rapa.

Mr. Prager:

Please explain for everybody what you need and why you need it.

Mr. Rapa:

There's an existing deck that was built in the 1980s. It's an addition to the house and it is 36 feet from the property line in the back and the allowance is 40 feet. So we are looking for the extra 4 feet for the deck that has been there for a long time.

Mr. Prager:

We did do a site inspection on Saturday to see where the deck is and we didn't realize at the time that the shed in the back has an amnesty with a CO on it.

Mr. Johnston:

Did you say the deck was built in the 1980s?

Mr. Rapa:

I don't know for sure but my guess is it's been there for a while.

Mr. Johnston:

Are you saying the current deck that's there now was built in the 1980s?

Mr. Rapa:

I only guessed that but I don't know that for sure. The treks that are on it looks pretty weathered and the support columns are new. I don't know who put it in and what the story is on that. They probably were replacing 4'x4' posts that were there before and I only based the age of the deck based on the weathering treks.

Mr. Prager:

In speaking with Mrs. Roberti, the building Inspector has been out there and there are some questions.

Mrs. Roberti:

Yes, I went out there with the building inspector and we went over it. The items that we found had not been legalized yet. They came in and opened building

permits for everything and that includes the generator, the air conditioning, above ground fuel tank and the furnace and they are all being worked on.

Mr. Johnston: There was electrical next to the shed.

Mrs. Roberti: The shed was CO with electric.

Mr. Prager: Is there anybody in the audience who would like to speak for or against this variance?

Mr. Travis: **Motion to close the Public Hearing.**

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: **Motion to grant the variance. I don't believe the benefit can be achieved by any other feasible means. It does not create any undesirable effect or detriment to the nearby properties or the neighborhood. The request is not substantial and does not create physical effects to the environment.**

Mr. Casella: Second the Motion.

Roll Call Vote:

Mr. Casella	YES
Mr. Galotti	YES
Mr. Johnston:	YES
Mr. Travis	YES
Mr. Prager	YES

Appeal No. 16-7597 (Variance)

Dean Colombo: Seeking an area variance Section 240-37 and 240-30 of District Regulations in an R-40 Zoning District.

-Where **75 feet** to the front property line is required on a state or county road, the applicant can only provide **70 feet** to the front property line for a shed to be on side of driveway, thus requesting a variance of **5 feet**.

-Where **No accessory structure is permitted in the front yard, the applicant is seeking a variance to allow a 10' x 14' shed to be placed in their front yard.**

- The property is located at **6 Lor-Mar Court** and is identified as **Tax Grid No. 6258-02-875575** in the Town of Wappinger.

Mr. Prager: Bea, are all the mailings in order?

Mrs. Ogunti: Yes, they are.

Mr. Casella: **Motion to open the Public Hearing.**
Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Mr. Prager: Hi there, please state your name for the record.

Mr. Colombo: Dean Colombo.

Mr. Prager: We did do a site inspection the other day but for the audience, please tell us what you need and why you need it.

Mr. Colombo: I want to put a 10' x 14' shed to put all my lawn equipment but I really don't have the backyard. It slopes and wooded and it's on a corner lot with two front yards. Therefore I need a variance.

Mr. Prager; Mr. Colombo's property is on a corner lot and it's just a matter of the location of the shed. Are there any questions?

Mr. Johnston: Do you have any intentions of taking down the trees that are there that buffers between you and Myers Corners Road?

Mr. Colombo: Not at all.

Mr. Casella: Will it be the same footprint?

Mr. Colombo: Yes, it will.

Mr. Johnston: **Motion to close the Public Hearing.**
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

Mr. Casella: **Motion to grant the variance. The benefit cannot be achieved by any other means. It's only 5 feet away from the protection of the trees and it's off Myers Corners Road. It does not create any undesirable change to the character of the neighborhood. It is not a substantial request and it is only 5 feet. The request has no physical or environmental effects.**

Mr. Johnston: Second the Motion.

Roll Call Vote: Mr. Casella YES
Mr. Galotti YES
Mr. Johnston: YES

Mr. Travis YES
Mr. Prager YES

Discussion:

Appeal No. 16-7599 (Variance)

Ilene Sommer: Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where **50 feet** to the rear property line is required, the applicant can only provide **34 feet** for a new **25' x 20'** rear deck to the rear property line, thus requesting a variance of **16 feet**.

Where **50 feet** to the rear property line is required, the applicant can only provide **40 feet** to the rear yard for a proposed **18' x 20'** screened in porch, thus requesting a variance of **10 feet**.

The property is located at **220 Cedar Hill Road** and is identified as **Tax Grid No. 6257-03-329144** in the Town of Wappinger.

Mr. Prager: Hi there, come on up. Please state your name for the record.

Ms. Sommer: Ilene Sommer.

Mr. Prager: Please tell us a little bit about what you are planning to do there.

Ms. Sommer: The house has no outdoor living space and there's a door that exists approximately 3 feet from the ground, off the dining room. There's a small patio off of the kitchen which has no railings and is about 3 feet from the ground and it's dangerous. It needs renovation and I just wanted to create some outdoor living space. The property is adjacent to 12.5 acres owned by my closest neighbor in a forested area. I did meet with them and they have not objections with me doing this.

Mr. Prager: So basically you want to get rid of what you have there and add on to it?

Ms. Sommer: I just want to make it safe and functional.

Mr. Travis: Is that the rear property where it's all wooded?

Ms. Sommer: It's the rear of the house.

- Mr. Travis: Where are you located off Old Hopewell on Cedar Hill?
Are you on the right side?
- Ms. Sommer: Coming from Old Hopewell Road, I'm on the right. The setback of the house is on 1.5 acres but as you can see it was constructed very close to the rear property line. Unfortunately, there's all this space in the front and there's not much of an option.
- Mr. Johnston: You plan on taking down those stairs off the kitchen?
- Ms. Sommer: Yes, they will be replaced by the deck. What I would like to do is put a deck off the kitchen with an adjacent screened in porch off the dining room.
- Mr. Johnston: Will they meet?
- Ms. Sommer: They would meet a screened door from a to-be-built porch onto the deck. It would be one contiguous structure off the back of the house.
- Mr. Prager: We will set a site inspection for this Saturday, October 29th at 9:00am.
- Ms. Sommer: I just want to mention that I have not yet hired an architect or a construction person. I requested the amount of variance in case I needed it.
- Mr. Prager: We would like you to mark out the footprint of what you are doing. We would also like you to mark the back line of your property.
- Ms. Sommer: It is marked. There's a deer fence along the property line.
- Mr. Prager: We will set the Public Hearing for November 15th.
- Ms. Sommer: Thank you.

Appeal No. 16-7600 (Variance)

Michael Spidalieri: Seeking an area variance Sections 240-37 of District Regulations in an R-80 Zoning District.

-Where **25 feet** to the side yard property line is required, the applicant can only provide **17 feet** for the alteration of a 2 story addition and porch, thus requesting a variance of **8 feet**.

-Where **no more than two accessory buildings shall be permitted in any 1-Family Residence District. No such accessory building shall have a footprint greater than 600 square feet nor a height in excess of 20 feet. The applicant is proposing a 26' x 30' (780 sf.) 2 car garage,** thus requesting a **variance of 180 square feet.**

The property is located at **43-51 Osborne Hill Road** and is identified as **Tax Grid No. 6156-02-658941** in the Town of Wappinger.

Mr. Prager: Good evening. Please state your name for the record.

Mr. Spidalieri: Good evening. Michael Spidalieri.

Mr. Galotti: Bea, for the record Mike is a personal friend of mine.

Mr. Prager: Please tell us a little bit about what you need. I noticed that you sent us a survey.

Mr. Spidalieri: I'm in a small home now about 900 sf and I'm looking to add some space. I have my girlfriend and her son in and out of the house but basically for two others to join me. So I need to be able to stretch my legs a little bit and that's the reason for the addition. The 2-car garage is for storage. I'm a contractor and it would help me to be able to store some material and my cars inside the garage.

Mr. Prager: On this drawing, I notice you have something about a garage addition. You actually have a couple of things on here.

Discussion continues.

Mr. Prager: Is the height going to be okay?

Mr. Spidalieri: Yes, the height is going to be okay.

Mr. Prager: So the only thing you are looking for is the 2-car garage?

Mr. Spidalieri: Correct.

Mr. Johnston: Do you still have this garage?

Mr. Spidalieri: That is there.

Mr. Johnston: So it will be basically two garages? Is it attached to the house?

Mr. Spidalieri: Yes. This is really not a garage.

Mr. Johnston: Will it have the same footprint as the old foundation?

Mr. Spidalieri: No. It would be in the back of it.

Mr. Johnston: How big is it?

Mr. Spidalieri: It's roughly 10' x 20'.

Mr. Prager: We will have a site inspection for next Saturday.

Mr. Johnston: I won't be able to do it this Saturday.

Mr. Spidalieri: I'm leaving the country next Tuesday.

Mr. Johnston: Are you going to be home on Monday?

Mr. Spidalieri: I could be.

Mr. Johnston: What's a good time for you?

Mr. Spidalieri: I'm pretty flexible if you give me a heads up with a phone call.

Mr. Johnston: Will 10:00am work?

Mr. Spidalieri: Sure.

Mr. Prager: Mrs. Roberti, is there an amnesty on that building?

Mrs. Roberti: You mean the shed?

Mr. Prager: Not the shed, it's the little building that's next to the house.

Mrs. Roberti: There's a 12' x 30' structure in the rear.

Mr. Spidalieri: That's gone.

Mrs. Roberti: Then you have an open wood deck, demolition of the chicken coup back in 1999. The garage may pre-date zoning. What year was the garage built?

- Mr. Spidalieri: It's as old as the house which was built in the 1920s. It's up against the property line.
- Mr. Prager: We will do a site inspection this Saturday around 9:30am and the Public Hearing on November 29th.
- Mr. Johnston: Could you layout it.
- Mr. Spidalieri: I have the garage already strung out. I will do the other one during the week for the addition.
- Mr. Johnston: Okay.
- Mr. Galotti: Mike, could you stake out the property line also?
- Mr. Spidalieri: I will show the property line on the garage side where there's a fence and Plant Depot and you guys can see that.
- Mr. Galotti: What kind of storage are you looking to put in the shed?
- Mr. Spidalieri: I'm looking to put my motorcycles and two cars. Upstairs will just be boxes of Christmas trees and stuff like that.
- Mr. Prager: Good. We will see you on Saturday.
- Mr. Spidalieri: Thank you.

Appeal No. 16-7598 (Use Variance)

33 Middlebush Road: Seeking use variance Section 240-37 of District Regulations in an R20/40 Zoning District.

-The applicant intends to utilize the existing 4,400 sf. commercial structure as a contractor's storage facility with accessory offices on 1.75 acres in a Residential Zoning District. The applicant intends to combine the two lots into one to extinguish the property line between parcels. The property was originally purchased with the building on it to renovate and use as a church. The building has been in existence since the 1950s. The property is located at **33 Middlebush Road** and is identified as **Tax Grid No. 6157-01-414840 (.88 acres) and 6157-01-396837 (.87 acres)** in the Town of Wappinger.

- Mr. Prager: Good evening.
- Mr. Cappelli: I don't have to say anything else. You did it very well. We were here a couple of months ago and we discussed the possibility of rezoning. I spoke to Jim

Horan informally about it. We followed up with a meeting with the Supervisor, Al Roberts, Barbara Roberti and a number of people. It was decided at this meeting they didn't want to rezone and they thought it would be up to the ZBA and do a use variance. That's why we are here to discuss. We also discussed with the applicant some of the concerns you had and some of the restrictions that might be placed on it. He was very open within reason as to the use and the type of contractor, materials and hours of in and out

Mr. Galotti: What kind of contractor is he?

Mr. Cappelli: He's a general contractor and started as a framer. He lives across the river and does a lot of work over here and is looking for a home base.

Mr. Casella: What kind of stuff will he store in there?

Mr. Cappelli: I think it will probably be in 4,400 sf. and breaking it down into three or four individual users. People have had issues with vehicles being parked in residential neighborhoods. So this would be an opportunity for them to park in there. Ordering materials and storing a limited amount. Whether a plumber takes one section and an electrician takes the other section. I don't even know if he would park a vehicle there and I don't know what he would store over there. There will also be accessory offices and I don't want to say as an accessory use to the function of the storage.

Mr. Casella: I understand the County took some of your property when they did the road work.

Mr. Cappelli: Yes.

Mr. Casella: How does that affect the things you plan on doing at the site? Is it going to impact you?

Mr. Cappelli: I don't think it's going to affect us since they did not take that much and it's not anything we need to be concerned about. I wish we had an opportunity to have a dialogue with the County because they put two curb cuts which is a waste.

- Mr. Prager: On this map it shows two pieces of property. Where are the wetlands on here?
- Mr. Cappelli: I think there are some wetlands on the left parcel but I'm not exactly sure. We have to get that reflagged when we go to the Planning Board.
- Mr. Prager: You had mentioned that everything will be parked inside.
- Mr. Cappelli: Yes, nothing will be parked outside at night.
- Mr. Prager: When these people come to pick up their trucks, will they be parking outside?
- Mr. Cappelli: Yes, they will be parked outside.
- Mr. Prager: Approximately how many contractors he might have in there?
- Mr. Cappelli: We have 4,400 sf so is it reasonable for dividing 1,500 sf for each one of the spaces. Maybe a contractor might want to take a double space. If you want to limit it to 3 or 4 contractors, I have no problem with that.
- Mr. Prager: You don't have a rough sketch?
- Mr. Cappelli: He wants to remove the roof entirely. It leaking, it's damaged and in disrepair and part of it is supported by some internal columns. John Favella is looking to put a peak roof on it and the offices will go up there.
- Mr. Prager: I would feel more comfortable if I could have a feel of what's going in there. I don't need architectural drawings.
- Mr. Cappelli: Sure.
- Mr. Galotti: It's going to have offices and not only storage?
- Mr. Cappelli: Of course.
- Mrs. Roberti: I'm looking to see if you can increase the square footage. That may not be possible.

- Mr. Cappelli: If I can't do that, I'm going to put a gable roof up there and some fake dormers and I don't get any space up there.
- Mrs. Roberti: Are they buying the lot next door and do you plan on combining them?
- Mr. Cappelli: Yes.
- Mr. Johnston: When you say contractor storage, you mean storage for one contractor?
- Mr. Cappelli: No, for different contractors. A plumber, electrician, a general contractor, a garden guy, I don't know. Maybe the limitations can be placed on the number of contractors. When I initially talked to Jim Horan about limiting the contractors where do we go in terms of listing the possible uses there or occupancy? We can do the best that we can and I have no problem with limiting to A, B, C, D, E, F, G, but there may be an H that comes along. Do we come back to you guys?
- Mr. Travis: You are saying H, as a letter in the alphabet or as a hazard?
- Mr. Cappelli: No, you are thinking from a building inspector's perspective. I mean as another contractor that wants to store in there but you are not on the list.
- Mr. Prager: My concern is, the more contractors, the more people we have in and out of that place. You don't want a lot of traffic in and out of there.
- Mr. Cappelli: They will be in and out of there may be several times a day. It's not like a dentist or a doctor's office where there's constant in and out.
- Mr. Travis: It was just a question. I thought I knew what you were saying. I understand.
- Mr. Prager: We could make this for the next Public Hearing and we can ask Jim.
- Mrs. Roberti: I would prefer you set it for a discussion again and have Jim come in and may be you can give us definitive information that they are looking for.

- Mr. Cappelli: I can certainly bring down drawings but I cannot get more definitive than that. I cannot tell you who the occupants are going to be.
- Mrs. Roberti: It is a use variance so do you want to set escrow?
- Mr. Cappelli: I gave you escrow. You also have two application fees.
- Mrs. Roberti: Did you? I know you came to talk to us during the day and may be that's already used up. As part of the use variance you have to see if it's a hardship or financially not feasible to be anything.
- Mr. Prager: You have to prove to us that cannot be used for anything else.
- Mr. Cappelli: I have that in one of my conclusions and again, how else can we describe the fact that.
- Mr. Casella: Has he already purchased the property next door?
- Mr. Cappelli: Eddy De La Hoz bought both pieces of property for his church.
- Mr. Prager: Why does he want to combine them?
- Mr. Cappelli: Probably because I told him that he should combine them and get rid of the property line then there's no question as to future use here or there.
- Mrs. Roberti: They have to because if they are both in his name, the lot with a building on it is severely nonconforming to the lot. So when you own both then you have to combine.
- Mr. Cappelli: Where is that written? It's preexisting nonconforming.
- Mrs. Roberti: Right. I'll get it for you. You have to get variances.
- Mr. Cappelli: I guess we can argue that but that's okay.
- Mr. Travis: Barbara, what are some of the uses in other districts? Does it vary greatly?
- Mrs. Roberti: This is a residential zone. That's the problem with the property and it's lost its use.

Mr. Travis: I understand that. In some of the other districts where offices, businesses and stores are allowed, does it vary in those zones?

Mrs. Roberti: Yes. It depends what zone you are in.

Mr. Prager: We will review this project in a couple of weeks.

Mr. Cappelli: Thank you very much.

Other Matters:

Mr. Prager: Al's five year term is coming up in January. I would like to ask Bea to write a letter to the Town Board recommending Mr. Al Casella to the ZBA for another five year term.

Mr. Johnston: Motion to authorize Bea Ogunti, Zoning Board secretary to write a letter to the Town Board recommending Al Casella to the ZBA for another five year term.

Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

New & Old Business:

Smart Decision

Mrs. Roberti: Rebecca Valk is your conflict attorney on this. It's a little confusing and we are still trying to figure that out. She was your conflict attorney in 2015 and Lisa Cobb is your conflict attorney for 2016. She may take care of this now but there has been some back and forth of who was on what team at some point. Lisa worked for Al's office so they had to recuse themselves because the Smart's are clients of them. I have to work that out as to who is going to take care of this. If it's Rebecca who is handling your appeal, you may have her continue. You lost your Article 78 and you have less than 30 days to appeal it if you so choose. The mindset is it won't be a smart decision to go ahead.

What I need to know tonight is how do you feel about an appeal?

Mr. Casella: We are not going to win the appeal anyway?

Mrs. Roberti: Most likely not.

Mr. Casella: So why appeal it and it doesn't make sense.

Mr. Prager: I agree.

Mr. Casella: It's not cost effective and it's a financial burden on the Town.

Mrs. Roberti: The bills were very high between them arguing it out here and the first Article 78.

Mr. Prager: **Motion not to pursue the Smart Decision.**

Mr. Casella: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: **Motion to adjourn.**

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

Respectfully Submitted,

Adjourned: 8:00 pm

Bea Ogunti
Secretary
Zoning Board of Appeals