CALL TO ORDER: Bill Moore, Chairman, called the meeting to order at 6:33 P.M.

SALUTE TO THE FLAG:

PRESENT: Bill Moore, Chairman; Keith Kaplan, Vice Chairman; Brad Gallagher, Secretary; Cheryl Grey; Jerry Lund; Suzanne Morris; Kathleen O'Connor, Alternate

ABSENT: Chris Hemstead

STAFF: Amanda Tucker, Senior Planner, City of Saratoga Springs
       Susan Barden, Principal Planner, City of Saratoga Springs
       Patrick Cogan, Zoning Officer, Assistant Building Inspector
       Tony Izzo, Assistant City Attorney, City of Saratoga Springs
       Vince DeLeonardis, City Attorney, City of Saratoga Springs-exited at 7:25 P.M.
       Mark Schachner, Counsel to the Land Use Boards

ANNOUNCEMENT OF RECORDING OF PROCEEDING:

The proceedings of this meeting are being recorded for the benefit of the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript of the recording.

ANNOUNCEMENT OF ADJOURNED APPLICATIONS:

1. 20190171 AGIUS PROPERTIES, Tomahawk Lane (Arrowhead Road rear), Initiation of Coordinated SEQRA Review and consideration of LEAD AGENCY status for an area variance associated with a proposed three-lot subdivision; seeking relief from the minimum average lot width for two of the proposed lots, minimum rear yard setback on proposed lot 1, and minimum front and rear yard setbacks on proposed lot 2 in the Suburban Residential-2 District.

2. #20190225 BISHOP SUBDIVISION, 223 Maple Avenue, area variance associated with a proposed two-lot subdivision seeking relief from the minimum average lot width and minimum lot size requirements for proposed lot 2 in the Urban Residential-2 District.

3. #3022 DEVALL SUBDIVISION, 59 Franklin Street, area variance associated with a two-lot subdivision; seeking relief from the minimum average lot width for the proposed lot and minimum side yard setback to parking in the Urban Residential-4 District.

4. 20190414 ECS PSYCHOLOGICAL SERVICES, 210 Church Street, area variance for a second-story open deck and additions on an existing medical office building; seeking relief from the minimum side yard setback and overall minimum lot permeability in the Office/Medical Business-2 (OMB-2) District.

5. #20190156 MAIORIELLO RESIDENCE, 663 Crescent Avenue, area variance associated with a proposed two-lot subdivision, seeking relief from the maximum average lot width and minimum lot size requirements for the Rural Residential District.
6. **#20190071 STELLATO RESIDENCE**, 148 Woodlawn Avenue, area variance for an addition to an existing single family dwelling and construction of a carport addition to the existing carriage house, seeking relief from the maximum side yard, total side yard and rear yard setbacks and maximum principal building coverage requirements in the Urban Residential-3 District.

7. **#20190052 WILLARD RESIDENCE**, 832 North Broadway, area variance for a new single-family residence and detached garage; seeking relief from the minimum front yard setback (Fourth St.) for the detached garage (accessory structure) in the Urban Residential-1 District.

8. **#20190025 ELDER RESIDENCE**, 704 North Broadway, area variance to convert an existing detached garage to a guest house and construction of a pool cabana; seeking relief from the minimum front yard setback and to permit more than one principal building on a lot for the guest house and to permit finished space in an accessory structure for the pool cabana in the Urban Residential-1 District.

9. **#20190460 TOWNE RESIDENCE**, 18 MacArthur Drive, area variance for the demolition of an existing 1-story garage and reconstruction of a 2-story garage with second floor living area; seeking relief from the minimum side yard setback, minimum front yard setback, total side yard setback, and maximum principal building coverage in the Urban Residential-1 (UR-1) District.

10. **#20190029 VAL KILL RESIDENCE**, 40 Second Street, area variance to permit a dwelling unit as constructed in an accessory structure; seeking relief from the minimum side yard and rear side yard setbacks, maximum principal building coverage, maximum number of principal buildings on a lot and minimum lot size requirements in the Urban Residential-2 District.

**NEW BUSINESS:**

1. **#20180178 (3024) FAHY RESIDENCE**, 166 Lincoln Avenue, area variance to construct a single-story addition to an existing single-family residence; seeking relief from the minimum side yard setback in the Urban Residential-2 District (UR-2).

**SEQRA:**

Action appears to be a Type II action and therefore exempt from further SEQRA review.

**PARCEL HISTORY:**

Application was originally heard on April 9, 2018 with a proposal for a detached cottage with an in-law apartment. Negative feedback was received from neighbors and project was abandoned.

**AREA VARIANCE:**

<table>
<thead>
<tr>
<th>TYPE OF REQUIREMENT</th>
<th>DISTRICT DIMENSIONAL REQUIREMENT</th>
<th>PROPOSED</th>
<th>RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side yard setback: Side 1</td>
<td>8 ft.</td>
<td>3.2 ft.</td>
<td>4.8 ft. (60%)</td>
</tr>
</tbody>
</table>

Applicant: Joe Fahy

Mr. Fahy stated they are proposing adding an addition to their home for an aging parent. The applicant was before the Board last year with a more extensive project which never came to fruition. A visual of the proposed project was presented to the Board. This project will square up the house. The addition will have a minimal visible effect from the street or surrounding yards. The addition will be surrounded by fencing. Other homes in the area have additions on their properties, so this is in keeping with the character of the neighborhood.
Jerry Lund questioned the roof runoff due to the slope of the roof and questioned water mitigation.

Mr. Fahy spoke regarding the location of the addition and the water mitigation is to be handled on the property.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 6:43 P.M.

Bill Moore, Chairman asked if anyone in the audience wished to comment on this application. None heard.

Bill Moore, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA meeting scheduled for July 8, 2019.

2. #20190500 DELARM RESIDENCE, 96 Quevic Drive, area variance for the demolition of an existing 1-story garage and construction of a 2-story residential addition, construction of a 1-story single car garage, and maintenance of a shed; seeking relief from the minimum front and side yard setbacks for the residential addition and minimum side yard setback for the shed maintenance in the Urban Residential-1 (UR-1) District.

SEQRA:

Action appears to be a Type II action and therefore exempt from further SEQRA review.

PARCEL HISTORY:

The applicants received a variance on October 24, 2016 for a similar project. It was never built and variance expired.

AREA VARIANCE:

<table>
<thead>
<tr>
<th>TYPE OF REQUIREMENT</th>
<th>DISTRICT DIMENSIONAL REQUIREMENT</th>
<th>PROPOSED</th>
<th>TOTAL RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Accessory Coverage</td>
<td>8%</td>
<td>12.4%</td>
<td>4.4% (35.5%)</td>
</tr>
<tr>
<td>Front yard setback</td>
<td>30 ft.</td>
<td>19 ft.</td>
<td>11 ft. (36.7%)</td>
</tr>
<tr>
<td>Side yard setback: Side 1</td>
<td>8.5%</td>
<td>3.5 ft</td>
<td>29.2%</td>
</tr>
</tbody>
</table>

Applicant: Marybeth DeLarm

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated the applicant was before this Board in 2016 and received variance approvals which were never acted upon and they have expired. There are minor changes to the footprint of the prior project. Ms. Yasenchak reviewed the prior project. They are proposing pulling the side garage forward and covering the front door. The revisions we are requesting are minor and are not changing the coverage of the accessory structures, they will remain the same. The only changes as stated are pulling the side garage forward and the front stoop being covered.

DISCLOSURE:

Cherie Grey stated she does know the applicant. It will not influence her decision making and she can remain objective in voting for this project.

Keith Kaplan, Vice Chairman, spoke regarding the garage side and moving it forward. How much room can we get and still achieve the benefit we are looking for.
Ms. Yasenchak stated they might be able to push the garage back about one foot.

Keith Kaplan, Vice Chairman also questioned runoff and drainage and what impact it will have on the property line.

Ms. Yasenchak spoke regarding the roof and setbacks and the property line. There are sandy soils in this area and runoff and drainage will not be an issue.

Keith Kaplan, Vice Chairman questioned the pool surround and why is it being included in the coverage area.

Amanda Tucker spoke regarding what is considered an accessory structure and what is not and coverage figures.

Ms. Yasenchak stated she will provide the concrete surround footage for the Boards review.

Cherie Grey questioned the second story garage.

Ms. Yasenchak stated we are using attic trusses and there is a storage area only.

**PUBLIC HEARING:**

Bill Moore, Chairman opened the public hearing at 6:58 P.M.

Bill Moore, Chairman asked if anyone in the audience wished to comment on this application. None heard.

Bill Moore, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA meeting scheduled for July 8, 2019.

3. **#20190504 DRAMBOUR RESIDENCE, 42 Newton Avenue, area variance to construct an addition to connect an existing single-family residence to an existing accessory garage; seeking relief from the minimum side yard setback and minimum total side yard setback in the Urban Residential-2 District (UR-2).**

**SEQRA:**

Action appears to be a Type II action and therefore exempt from further SEQRA review.

**PARCEL HISTORY:**

Property received citations from Code Enforcement for illegal in-law apartment and illegal construction of a 2 story shed. The building department has no building permits on file for any decks or porches attached to the in-law apartment or any conversion of the permitted storage shed.

<table>
<thead>
<tr>
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<th>PROPOSED</th>
<th>TOTAL RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side yard setback: side 1</td>
<td>8 ft.</td>
<td>3 ft.</td>
<td>5 ft (62.5%)</td>
</tr>
<tr>
<td>Side yard setback: side 2</td>
<td>8 ft.</td>
<td>5 ft.</td>
<td>3 ft (37.5%)</td>
</tr>
<tr>
<td>Total side yard</td>
<td>20 ft.</td>
<td>8 ft.</td>
<td>12 ft (60.0%)</td>
</tr>
</tbody>
</table>

Applicant: Elizabeth Drambour

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated the applicant purchased the property in 2006 with a barn structure on the property which housed a finished apartment, and has had someone living in the barn apartment since that time. Some decks and a shed have
been added and she has received a non-compliance citation from code enforcement due to the sheds and the deck locations. Also, because the barn is being used as an apartment. We are trying to make this as compliant as possible. No changes have been made to the barn apartment since she purchased it. We are proposing to make an addition to the structure with a new entrance and have it remain as an in-law apartment. We are suggesting a sunroom addition to connect the two. One principal structure with an in-law apartment, which needs to meet code requirements for setbacks. A visual of the site was provided to the Board. The south side setback will be improved with the removal of the existing steps. The north side setback requested is 3 feet and this may appear substantial but the condition is a pre-existing, nonconforming with the barn located at 3 feet. Several changes are being modified or removed to improve the current compliance issues such as the existing sheds will be relocated to meet the side and rear yard setbacks and distance from principal structure requirements. Attaching the barn to the house will resolve the illegal in-law apartment.

The existing southern side setback to the wood porch is pre-existing nonconforming at 1.2 feet. The project includes removal of this porch with the new setback to the house at 5 feet. The side yard setback to the barn is pre-existing nonconforming at 3 feet and that will not change. The overall principal building coverage will be less than existing once the changes proposed are made.

Cherie Grey stated this is a narrow lot for this to be considered as a two-family.

Amanda Tucker, Senior Planner, stated as it sits now it is considered a separate living space. The applicant is requesting to attach the two structures to create one large principal structure. Per zoning requirements they need to either remove the kitchen or shower facility or sleeping facility and have only one entrance to the structure. The applicant provided plans.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 7:08 P.M.

Bill Moore, Chairman asked if anyone in the audience wished to comment on this application.

Kate Farley, 29 Bensonhurst. The neighbors voiced concern regarding one of the sheds. Is a use variance required? Is it a two family home or three family? Concerns were voiced regarding a mini-house. This benefits only the applicant. It is fairly obstructive and hurts our property values. It is a change to a two family or even a three family.

Gerard Wise, 31 Bensonhurst. I understand the applicant's desire to remedy the situation. Occupying a temporary structure since 2006 is not temporary. Really look at the use and if it's appropriate.

Steve Kasteleman, lives across the street from Gerard Wise and Kate. I share their concern it should be a use variance. It should be pretty obvious. I agree with their points concerning property values and I am concerned regarding precedence.

Bill Moore, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA meeting scheduled for July 8, 2019.

4. #20190516 DGD HOLDINGS, RESIDENCE, 19 Shaw Drive, area variance to construct a new single-family residence; seeking relief from the maximum principal building coverage in the Urban Residential-3 District (UR-3).

SEQRA:

Action appears to be a Type II action, and therefore exempt from further SEQRA review.
AREA VARIANCES:

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Maximum principal building coverage</td>
<td>30%</td>
<td>39.4%</td>
<td>9.4%(23.9%)</td>
</tr>
</tbody>
</table>

Agent: Bob Flansburg, Dreamscapes Unlimited

Mr. Flansburg provided a visual of the site – 19 Shaw Drive. This is a corner lot so we do not have a rear setback. We have two fronts and two sides. We are seeking relief for the principal building coverage. We are allowed 40% with an accessory structure and we are falling just under. A review of the survey was provided to the Board. The applicants requested Mr. Flansburg review the survey to see if any changes can be made. There is not much room to change the design and still achieve what the applicants are requesting.

Keith Kaplan, Vice Chairman questioned feasible alternatives. This is not the first Shaw Drive home to come before this Board. One thing which is concerning is that every house in this development has come to this Board with this dilemma. This is disconcerting since each house is looking for relief. These are significant amounts of relief.

Mr. Flansburg stated what we are looking at is eliminating 700 square feet, which is significant. Floor plans were provided and reviewed.

Bill Moore, Chairman reviewed the floor plans of the proposed home and stated they need to build a smaller home, or lose some of the porches. I am not in favor of this application.

Mr. Flansburg stated this is one of the last remaining lots in this location. Most of the lots are built out.

Keith Kaplan, Vice Chairman requested some statistics on surrounding homes, principal lot coverages in the surrounding neighborhood.

Cherie Grey spoke regarding the two car garage.

DISCLOSURE:

Brad Gallagher stated he does live in the neighborhood. He stated this is not a true corner lot.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 7:30 P.M.

Bill Moore, Chairman asked if anyone in the audience wished to comment on this application. None heard.

Bill Moore, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA meeting scheduled for July 8, 2019.

5. #20190520 MALONEY RESIDENCE, 30 Ludlow Street, area variance to construct a covered porch attached to an existing single-family residence; seeking relief from the maximum principal building coverage and the minimum setback from an accessory structure in the Urban Residential-3 District. (UR-3)

SEQRA:

Action appears to be a Type II action and therefore exempt from further SEQRA review.
PARCEL HISTORY:

Applicant received a variance on September 17, 2009 for an addition to the Principal Structure and the construction of a new accessory garage.

AREA VARIANCE:

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</tr>
</thead>
<tbody>
<tr>
<td>Maximum principal coverage</td>
<td>30%</td>
<td>34.4%</td>
<td>3.3% (%)</td>
</tr>
<tr>
<td>Accessory to principal</td>
<td>5</td>
<td>4.8 ft.</td>
<td>0.2 ft. (4.0%)</td>
</tr>
</tbody>
</table>

Applicant: Tim Maloney

Mr. Maloney stated in 2009 they received a variance for an addition to the home as well as the construction of a new accessory garage. They are having a tremendous amount of water difficulty. A covered entranceway would protect the home from the elements and will match the front porch. Same colors and same turning on the post and standing seam roof.

Brad Gallagher questioned looking at reducing the size of the covered porch.

Mr. Maloney stated the roofs will not line up; however he will review the plans.

Cherie Grey questioned the lot coverage. You are currently over lot coverage now without this project.

Mr. Maloney stated some asphalt areas will be removed.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 7:42 P.M.

Bill Moore, Chairman asked if anyone in the audience wished to comment on this application. None heard.

Bill Moore, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA meeting scheduled for July 8, 2019.

OLD BUSINESS:

1. #20190263 Sautter Residence, 150 Washington Street, area variance for placement of two AC condensers units; seeking relief from the minimum side yard setback for accessory structure requirement in the Urban Residential-1 District.

DISCLOSURE:

Bill Moore, Chairman disclosed that he did view the webcast on May 6, 2019 and is comfortable voting on this application.

This application was heard at the May 6, 2019. Information regarding the replacement of the front porch was required. The applicant supplied the information. The public hearing was opened and remains open.
PUBLIC HEARING:

Bill Moore, Chairman stated the public hearing was opened and remains open.

Bill Moore, Chairman asked if anyone in the audience wished to comment on this application. None heard.

Bill Moore, Chairman closed the public hearing at 7:43 P.M.

Cherie Grey presented the following

#20190263
IN THE MATTER OF THE APPEAL OF
Ron Sautter
150 Washington Street
Saratoga Springs NY 12866

from the Building Inspector’s determination involving a multi family residence at 150 Washington Street, in the City of Saratoga Springs, New York, being Tax Parcel #165.66-1-22 on the assessment map of said City.

The applicant having applied for an area variance under the Zoning Ordinance of said City to permit installation of A/C units and maintain an existing rebuilt front porch to the existing multi-family residence in a UR-3 District and public notice having been duly given of a hearing on said application held on May 6 and June 3 and 17, 2019.

In consideration of the balance between benefit to the applicant with detriment to the health, safety and welfare of the community, I move that the following area variance for the amount of relief:

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>Minimum front yard setback principal:</td>
<td>10'</td>
<td>4.7'</td>
<td>5.3’ (53%)</td>
</tr>
<tr>
<td>Minimum side yard setback principal:</td>
<td>4'</td>
<td>3.1’</td>
<td>.9’ (22.5%)</td>
</tr>
<tr>
<td>Minimum lot permeability:</td>
<td>25%</td>
<td>21%</td>
<td>4% (16%)</td>
</tr>
<tr>
<td>Minimum side yard setback, accessory (A/C):</td>
<td>5'</td>
<td>1’</td>
<td>4’ (80%)</td>
</tr>
</tbody>
</table>

As per the submitted plans or lesser dimensions, be APPROVED for the following reasons:

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. In order to install A/C units for two of the units, it was determined that the west side of the property would be accessible to the power source. The applicant states that moving the units to the rear of the property would have been cost prohibitive and reduce operating efficiency of the units.

2. The applicant has demonstrated that granting this variance will not create an undesirable change in the neighborhood character or detriment to nearby properties. The condensers are 2x2’ and 24” high for one and the second one is 30” high. The neighbor’s bushes hide the units from view.

3. The relief requested is considered substantial at 80%, however this is a pre-existing non-conforming property with no property available for purchase to offset the side setbacks of the A/C units. The front porch setbacks are pre-existing to when the house was built and when the porch was rebuilt, the overhangs extended into the setback by an additional .9’. The lot permeability is not considered to be substantial at 16%, paving in the rear allows for parking three vehicles.
4. The applicant has demonstrated this variance will not have an adverse physical or environmental effect on the neighborhood.

5. The alleged difficulty could be considered self-created, but this is not necessarily fatal to the application.

Keith Kaplan, Vice Chairman seconded the motion.

Bill Moore, Chairman asked if there was any further discussion. None heard.

**VOTE:**

Bill Moore, Chairman, in favor; Keith Kaplan, Vice Chairman, in favor; Brad Gallagher, Secretary, in favor; Cherie Grey, in favor; Jerry Lund, in favor; Suzanne Morris, in favor; Kathleen O'Connor, Alternate, in favor

**MOTION PASSES:** 7-0

**RECUASAL:**

Keith Kaplan, Vice Chairman recused from the following application and exited the meeting at 7:45 P.M.

2. **#20190069 ARTISANAL BREW WORKS,** 41 Geyser Road, appeal of Zoning Officer determination that the existing brewery use, identified as “bottling plant”, in the Industrial General District does not permit retail, eating and drinking or outdoor activities (such as food vending, recreational activities or special events).

This application was heard at the May 20, 2019 meeting. The Board requests a percentage breakdown of uses: Primary, sales, etc. on site/off site. Supplemental information from attorney Matt Fuller was received. Correspondence was received from Patrick Cogan, Zoning Officer. Received original Notice of Violation/Stop Work Order dated November 1, 2016. Received original Notice of Violation and Order to Remedy dated November 23, 2018.

**PARCEL HISTORY:**

**ORDER OF ACTIONS:**

-08/31/2018 - Application for “Eating and Drinking” and “Cabaret” License submitted (services provided listed as Brewery and Taproom).
-11/01/2016 - Notice of Violation/Stop Work Order (work completed without a Building Permit).
-12/12/1016-Building Permit issued.
-01/04/2017-NYS DOH-Permit to operate a Food Service Establishment (Limited to food items listed on Application-not presented to us)
-06/19/2017-NYS Liquor Authority Farm Brewer License.
-09/11/2018-Renewal Application for “Cabaret” license submitted (services provided listed as Brewery and Taproom).

Project was exempt from Site Plan Review based on Section 7.2.2. Exceptions:

1). The action does not result in an increase in the required number of parking spaces.
2). The action does not alter the impermeable or building coverage by more than 2% or 1200 square feet.

Applicant: Artisanal Brew Works
Agent: Matthew Fuller, Meyer, Fuller and Stockwell, Attorneys

Mr. Fuller, attorney reviewed definitions and also the lack of definitions in the City Code with regard to bottling plant.

Mr. Fuller stated there is no definition of “Bottling Plant” in the City’s Zoning Ordinance. Bottling plant is listed as a permitted use with Site Plan Approval in the Industrial Light Zone where this property is located, as well as the off street parking requirement which we met. Mr. Fuller referred to the Building Permit dated 12/12/16.

Mr. Fuller reviewed the following issues which were cited:
- “The tasting room does not have approval under City Zoning as an eating and drinking establishment.”
- “No food preparation or sale of prepared food for consumption on the premises is permitted.”
- “Retail is not a permitted use in the IND-G zoning district, nor is an Eating and Drinking Establishment.”
- “No outdoor activity such as food vending, recreational activities, or special events associated with the brewery are permitted on the property”.

Mr. Fuller provided percentage breakdowns for 2018 and 2019 were provided as well as additional correspondence from his office. His clients are coming into their season as we head into summer and fall.

Cherie Grey questioned if the applicant has a Special Use Permit. Ms. Grey spoke concerning Special Use Permit. She noted crafting and selling beer are not the issue.

Mr. Fuller stated the applicants do not have a Special Use Permit, nor was it ever stated they needed one.

Jerry Lund questioned ancillary uses.

Mr. Kurt Borchardt, owner stated we are not trying to do anything different than our competitors and doing music 1-2 times per week. Food trucks on Friday or Saturdays. Food increases their revenue by 50% for breweries that do serve food.

Mr. Fuller stated all licenses were received were provided to staff.

Mr. Kurt Borchardt provided a history of Artisanal Brewery from the beginning starting with a first stop at City Hall.

PUBLIC HEARING:

Bill Moore, Chairman stated the public hearing was opened and remains open.

Bill Moore, Chairman asked if anyone in the audience wished to comment on this application. None heard.

Bill Moore, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA meeting scheduled for July 8, 2019.

APPROVAL OF MEETING MINUTES:

Approval of meeting minutes was deferred to the July 8, 2019.

MOTION TO ADJOURN:

There being no further business to discuss Bill Moore, Chairman adjourned the meeting at 8:12 P.M.
Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 7-22-19