



**ICHUD FOUNDATION** – Joel Kohn & Chaim Schwartz

A motion to reopen this hearing was made by Richard Benson seconded by Bob Hoose.

4 in favor

0 opposed

The discussion at the last meeting regarding this hearing had to do with open violations on the property and the board's policy not to act with outstanding issues. The dining hall, newly built, requires a sprinkler system. The property owner has attempted to get a waiver from the DOH. The application was denied; and a new application is required. New information has been supplied to the attorney for the owner with a copy to Logan Ottino, building inspector. No response has been received yet, although the papers may not have actually been submitted to the DOH.

Chairman Carnell said there were also deviations on the site plan. The site plan indicates 109 acres but the location map shows 105.56 acres. Chairman Carnell asked the applicant if the buffer was taken into consideration when the density calculations were made.

Mr. Kohn said that according to the most recent survey there is 109.2 acres.

Chairman Carnell noted that a road was built into the setback along the property line. Was that approved by the Planning Board?

Kohn: yes; about a year ago. It will give access to the new dwellings.

Chairman Carnell asked what kind of restrictions were in the buffer zone? Were the bulk tables calculated with the buffer taken out?

Paula Kay: the buffer would be similar to a road or wetland; the buffer zone should be taken out of the gross acreage and then the density calculated.

Kohn: why should the buffer be taken out?

Chairman Carnell: since you cannot build in the buffer and no clearing should be done it would be similar to any other restricted area, steep slopes, wetlands etc. the acreage dedicated to the buffer should be removed from the total before the density is calculated. For all we know the density could actually be 4.6 d.u. per acre.

The board would like to see a copy of the agreement regarding the buffer.

Chairman Carnell: the board still wants to see progress with the other issue regarding the sprinkler system in the dining hall.

Schwartz: what can we do tonight?

Chairman Carnell: we are still at the same place as the last meeting; outstanding issues on the property

Paula Kay: I believe that Dick would require that the buffer zone be removed before the density is calculated

Chairman Carnell also reviewed the 239M review letter with the applicant.

Paula Kay advised she will review the letter with SC Planning to be sure there are no other issues.

The applicant will be required to have a full hearing with respect to the sprinkler system waiver.

Paula: what I think I am hearing is the board is willing to keep the hearing open until January.

Chaim Schwartz asked if there was anything else, so we don't get pushed off again next month

Chairman Carnell: that's why we were pushing you to get the other issue squared away; we are trying to be user friendly and keep the hearing open so that you don't have to notify again. I believe that if the board voted tonight you might not get the result you hoped for. Get the agreement to Paula and the board to review before the next meeting.

Paula: depending on what the actual density is the board may have a different look at it with regard to which type of variance you need.

A motion to keep the hearing open until the January meeting was made by Richard Benson seconded by Pamela Zaitchick.

4 in favor

0 opposed

Sharon Kazansky returned to the meeting.

**KENNETH BABCOCK** – Kenneth Babcock

Chairman Carnell read the legal notice. The applicant submitted proof of mailing with “Certificate of Mailing” receipts. Paula advised the applicant that type of mailing is not according to town code. The requirement is certified even though no one was quite sure of the difference.

The applicant is requesting area variances for the purpose of (1) decreasing the minimum rear yard setback from 50’ to 18.3’ (2) decreasing the minimum combined side yard setbacks from 50’ to 43’ (3) increasing a non-conforming structure (4) decreasing the shed setback from 10’ to 7.7’ (5) decreasing the shed setback from 10’ to less than 1’ & (6) decrease the required lot size from 2 acres to .5314 acres in order to construct an addition and leave a shed (built without a permit) to remain in the existing location.

The Wolf Lake Homeowners Association sent approval letters for each of the variances requested. The site plan indicated a right of way / easement. The property line is dead center of the easement. Based on the slope of the land the right of way has limited use.

It was determined that the 1’ setback was between the shed and the overhang; not a property line setback.

There was no public comment.

The criterion for area variances was discussed.

Feasible alternative: all voted no; based on the existing layout and the size of the lot

Undesirable change: all voted no

Substantial request: all voted no; based on the size of the exiting lots in the area

Adverse effect: all voted no

Self-created: all voted yes

A negative declaration motion was made by Sharon Kazansky seconded by Bob Hoose.

5 in favor

0 opposed

A motion to grant the six variances as requested contingent on receiving certified mailing receipts and no adverse public comment was made by Bob Hoose seconded by Sharon Kazansky.

5 in favor

0 opposed

A motion to keep the Babcock hearing open until January 14<sup>th</sup> was made by Pamela Zaitchick seconded by Sharon Kazansky.

5 in favor

0 opposed

**HUSEIN LALIC** – Mr. Lalic

Chairman Carnell read the legal notice. Proof of mailing was submitted by the applicant. The applicant is requesting area variances for the purpose of (1) decreasing the minimum property line setback for animal housing from 150' to 87' and (2) increasing the number of animals allowed on lots of less than 5 acres from 2 to 12.

Mr. Lalic stated that he had 12 chickens and 2 goats; TJ told him to put up a fence so he did. He hasn't had any problems until now.

He told the board that the truth was that he had a lot of snakes; he got the chickens to get rid of the snakes. He did find out the prior property owner had a house and when it burned down she had it buried. That's why there are lots of snakes.

The chicken coop is already there; behind the garage. I put up a 6' fence. I have no problems.

Mr. Lalic said in his country chickens are not animals.

Paula Kay said that our code says farm animals. There is no description for farm animals. Ag and markets may have a different description of farm animals vs chickens. They would be considered poultry.

Mr. Lalic said he would like to have 10 chickens and 2 goats; the goats are his pets. He has no family around.

The chickens have already been there for some time. Paula suggested to the board if they had concerns about the number of animals they could restrict it.

Chairman Carnell stated that he would be allowed to have the two goats; based on the code.

The setback for the animal house looks to be more than 87' on the survey.

There was no public comment.

The criterion for area variances was discussed.

Feasible alternative: all voted no; based on the lot size

Undesirable change: all voted no; the chickens have been there for some time

Substantial request: all voted no; the board isn't considering the chickens as farm animals

Adverse effect: all voted no

Self-created: all voted yes

A negative declaration motion was made by Richard Benson seconded by Pamela Zaitchick.

5 in favor

0 opposed

A motion to grant the variances as requested to allow up to 10 chickens pending a favorable 239M review was made by Sharon Kazansky seconded by Bob Hoose.

5 in favor

0 opposed

The board is allowing the animal housing setback since it is a pre-existing building.

### **S&W REALTY**- Allen Frishman

Chairman Carnell read the legal notice. Proof of mailing was submitted.

The applicant is requesting area variances for the purpose of (1) decreasing the minimum rear yard setback from 50' to 10' (2) increasing a non-conforming structure and (3) decrease the required separation distance between bungalows from 25' to 21'.

The existing building does not meet the setbacks. The owner of the building would like to put an addition on which consists of bumping out the corners of the building. Mr. Kugel owns the house and the unit that we are requesting the addition on.

The separation distance is between this unit and a building on another parcel. Logan included this in the disapproval letter to cover the issue in case the board determined that it was, indeed, necessary.

By shifting the building out of the original footprint a few extra feet can be gained in each direction. We can maintain 25' separation and still not have to take down a nearby tree.

There was no public comment.

Criterion for area variances was discussed:

Feasible alternative: all voted no; based on the existing location of the building

Undesirable change: all voted no

Substantial request: all voted no

Adverse effect: all voted no

Self-created: all voted yes

Paula reminded the applicant's representative that the property owners must go to the Planning Board under 250.50 of the Town Code.

A negative declaration motion was made by Sharon Kazansky seconded by Bob Hoose.

5 in favor

0 opposed

A motion to grant the variances as requested was made by Bob Hoose seconded by Sharon Kazansky.

5 in favor

0 opposed

A motion to adjourn at 8:20 PM was made by Bob Hoose.

Respectfully submitted,

Nora Hughson  
Zoning Board of Appeals Secretary