

Town of Clinton
Zoning Board of Appeals Virtual Meeting Transcript
September 24, 2020

1

00:00:00.000 --> 00:00:02.580

Charles Canham: Minutes for the rest of the board to get on

2

00:00:03.629 --> 00:00:07.470

TOC - Tech Support: Yeah, I get nervous about the live feed not working. So I started up fast.

3

00:00:08.639 --> 00:00:09.269

Joseph Malcarne: Thanks Fred

4

00:00:09.330 --> 00:00:11.460

TOC - Tech Support: given me a minute or two. In case it doesn't work.

5

00:00:11.580 --> 00:00:14.429

Joseph Malcarne: Yeah, yeah. We appreciate you taking care of us and getting us all.

6

00:00:16.289 --> 00:00:20.700

Joseph Malcarne: Legal and out there so everyone can see us. Hey john welcome.

7

00:00:21.150 --> 00:00:22.350

johncalogero: Everyone hear

8

00:00:22.380 --> 00:00:22.710

Me.

9

00:00:24.600 --> 00:00:25.440

Norma Dolan: HELLO JOHN

10

00:00:27.270 --> 00:00:28.200

Arlene Campbell: Hey, Joe.

11

00:00:29.370 --> 00:00:30.270

johncalogero: How are we

12

00:00:34.350 --> 00:00:35.370

johncalogero: First interruption.

13

00:01:04.140 --> 00:01:06.540

johncalogero: Too many things going on. One time

14

00:01:07.410 --> 00:01:08.310

johncalogero: can't cope

15

00:01:08.520 --> 00:01:09.390

Joseph Malcarne: Keeping us busy.

16

00:01:14.160 --> 00:01:14.850

Joseph Malcarne: All right.

17

00:01:15.540 --> 00:01:16.200

TOC - Tech Support: Ready to go. I

18

00:01:16.230 --> 00:01:18.270

Joseph Malcarne: Think I think we're good to go. So

19

00:01:18.450 --> 00:01:19.290

TOC - Tech Support: Here comes our three

20

00:01:20.040 --> 00:01:21.810

Joseph Malcarne: Yeah, if it's coming in.

21

00:01:25.230 --> 00:01:25.650

johncalogero: Hey. All right.

22

00:01:30.390 --> 00:01:32.160

Joseph Malcarne: Welcome, welcome. Okay, so I think

23

00:01:33.450 --> 00:01:37.860

Joseph Malcarne: Let's get started. We can allow Cathy in

24

00:01:39.480 --> 00:01:42.570

Joseph Malcarne: When I bring her in and then we can get going.

25

00:01:44.250 --> 00:01:47.700

Joseph Malcarne: Everybody read more or less. Yes. Great.

26

00:01:52.800 --> 00:01:53.520

Joseph Malcarne: Okay.

27

00:01:56.220 --> 00:01:59.550

TOC - Tech Support: I click the submit button. She's not moving into the meeting fast.

28

00:02:01.560 --> 00:02:03.450

Joseph Malcarne: We're waiting for. It's June.

29

00:02:06.930 --> 00:02:07.920

johncalogero: That's better or worse.

30

00:02:11.490 --> 00:02:13.320

Joseph Malcarne: Okay, Kathy. Can you hear us.

31

00:02:26.610 --> 00:02:29.910

Joseph Malcarne: All right, Kathy. Can we, can you hear us.

32

00:02:30.060 --> 00:02:31.170

Kathy Motashami: Yes, I can hear you.

33

00:02:31.380 --> 00:02:41.130

Joseph Malcarne: Okay, great. Welcome. My name is Joseph Mal Carney and I am the chairman of the town of Clinton zoning board of appeals and I am calling this meeting.

34

00:02:41.130 --> 00:02:41.670

Joseph Malcarne: To order.

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00:02:42.090 --> 00:02:52.980

Joseph Malcarne: At approximately 7:31pm tonight's meeting has been convened in accordance with the governor's march 13 2020 executive order.

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00:02:53.490 --> 00:03:07.950

Joseph Malcarne: To 2.1 as extended which suspends certain provisions of the Open Meetings law to allow the CDA to convene a meeting the video conference like zoom

37

00:03:08.760 --> 00:03:22.080

Joseph Malcarne: In accordance with the executive order. The public has been provided with the ability to view tonight's zoom meeting via YouTube and perhaps other means like

38

00:03:24.510 --> 00:03:25.110

TOC - Tech Support: Just YouTube

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00:03:25.470 --> 00:03:27.090

Joseph Malcarne: You're just you're so via YouTube

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00:03:28.440 --> 00:03:36.090

Joseph Malcarne: Links to the town YouTube channel has been provided and the you know that in a transcription will be provided.

41

00:03:38.400 --> 00:03:48.780

Joseph Malcarne: So now you have some of the legal mumbo jumbo. Now we get to go into the attendance. So for the ease of

42

00:03:49.890 --> 00:04:06.210

Joseph Malcarne: Going around the virtual room. As I mentioned earlier, my name is Joseph milk honey. I am the chairman, I see on the meeting. We have john college arrow Charles cannon Norma Dolan on Mr. Hello, and Arthur while

43

00:04:08.130 --> 00:04:21.750

Joseph Malcarne: So we are here and two on the agenda today. We have the Cathy, is it pronounced. Well, look, Tasha me I've added pronounce your last

44

00:04:21.750 --> 00:04:21.990

Name.

45

00:04:24.210 --> 00:04:25.260

Kathy Motashami: Motor Xiaomi

46

00:04:25.620 --> 00:04:25.980

Motor

47

00:04:30.630 --> 00:04:31.350

Joseph Malcarne: Motor Shannon

48

00:04:33.780 --> 00:04:51.210

Joseph Malcarne: You are our soul applicants this evening. But before we get started, I wanted to just turn the floor over to Charles to kind of walk us through this particular area variance requested.

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00:04:51.720 --> 00:05:00.270

Charles Canham: And and before we we discuss the details of Kathy's application. The planning board.

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00:05:01.320 --> 00:05:16.650

Charles Canham: Motion brought up an issue that I propose we discuss, just in general as an interpretation, in particular, there's a provision of the town zoning law that deals with accessory dwelling units.

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00:05:17.850 --> 00:05:19.260

Charles Canham: That states and this is

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00:05:21.390 --> 00:05:33.930

Charles Canham: Dash 29 see to this is not a provision that I was familiar with. I will freely confess it, not one that we've come up against in the years I've been on the Zoning Board. Some of you may have in earlier cases.

53

00:05:34.620 --> 00:05:42.840

Charles Canham: But this but this regulation says no accessory dwelling unit within a principal structure Shelby allowed and buildings issue.

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00:05:43.290 --> 00:05:53.820

Charles Canham: A certificate of occupancy after the effective date of this chapter, except buildings covered by section 215 92 we that that exception is for

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00:05:54.150 --> 00:06:05.190

Charles Canham: buildings that were quite a bit older, but that may not have had were old enough that they may have never gotten a modern city. Let's see. But put you can go to the building inspector, he will come in and and

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00:06:06.720 --> 00:06:10.320

Charles Canham: assert that it was clearly built before that, in fact, that

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00:06:12.240 --> 00:06:32.580

Charles Canham: That we have makes it pretty simple to look back and see if the house was there in 1990, for instance, for which we have coverage and the issue here is that this is what a shame is home is was built in 1994 the date of the of this section is August 19 1991 and so

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00:06:34.200 --> 00:06:36.180

Charles Canham: This section see to

59

00:06:37.500 --> 00:06:47.100

Charles Canham: The planning board concluded comes into play and their conclusion was that relief from this provision would require a use hearings.

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00:06:48.510 --> 00:06:53.970

Charles Canham: I looked at the law. And I actually, I will say that I agree with that conclusion.

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00:06:55.980 --> 00:06:58.290

Charles Canham: An accessory dwelling unit is a use

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00:06:59.940 --> 00:07:10.050

Charles Canham: Adding an accessory dwelling unit in this parcel would come under the schedule of uses not under the schedule of area in bulk, Reggie regulations under which most area variances.

63

00:07:12.570 --> 00:07:23.160

Charles Canham: But it's not you know it's not necessarily the law does not say for instance that that a variance to this provision is a huge experience. And so my proposal is that the

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00:07:23.700 --> 00:07:38.580

Charles Canham: CVA needs to discuss among ourselves in general, in principle, not necessarily with respect to the application before us, whether we agree with the planning board that relief from this particular provision.

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00:07:40.170 --> 00:07:55.350

Charles Canham: Now requires a huge experience and so that I'm going to stop there and basically asked for discussion from the CDA members on how they view this issue in general, without respect to the particular application before us.

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00:07:59.070 --> 00:08:06.210

Norma Dolan: I feel that that protection is is pretty straightforward and that the use variance is required.

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00:08:10.230 --> 00:08:14.490

Norma Dolan: A user experience would be required under any circumstances, similar to this.

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00:08:18.480 --> 00:08:18.930

Charles Canham: Others.

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00:08:24.270 --> 00:08:25.620

johncalogero: Give me one minute girl.

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00:08:31.410 --> 00:08:44.160

Joseph Malcarne: Girls. Were there any. Is there any part of this that kind of lead you to see that there may be an exception where, you know, we could possibly see it as not a US fairy anything that

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00:08:44.400 --> 00:08:45.060

Well,

72

00:08:46.350 --> 00:08:50.520

Joseph Malcarne: You've always been good about saying like if there. I always look to see if there's any

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00:08:50.760 --> 00:09:04.590

Charles Canham: Well, some of you will remember the three hours that the the representative from Stuart spent convincing me opening earlier was not a US but that sense time was a dimension. It was an area very

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00:09:07.080 --> 00:09:14.280

Charles Canham: I it took me a long time to accept that. But we did in that case.

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00:09:15.390 --> 00:09:27.900

Charles Canham: Conclude that changing the business hours or a business in a Hamlet was an area of variance. That's the only, you know, I, to be honest, I

76

00:09:28.440 --> 00:09:39.420

Charles Canham: can't recall, I guess I think I've been on the zoning board a dozen years. I don't know that we've had. I can't remember. Another use variance that's come before us, they are such a high bar that

77

00:09:39.960 --> 00:09:40.260

Joseph Malcarne: Yeah.

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00:09:40.380 --> 00:09:41.610

Charles Canham: They very rarely happen.

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00:09:42.930 --> 00:09:43.380

Joseph Malcarne: Arthur

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00:09:47.280 --> 00:09:48.060

Arthur Weiland: Um,

81

00:09:50.640 --> 00:09:51.120

Arthur Weiland: One.

82

00:09:52.440 --> 00:09:54.870

Arthur Weiland: Time that we had an issue was

83

00:09:57.840 --> 00:10:03.810

Arthur Weiland: Turning an empty building into or an unused building into the rest a restaurant.

84

00:10:06.510 --> 00:10:07.650

Arthur Weiland: Over by the parkway

85

00:10:08.820 --> 00:10:14.940

Arthur Weiland: And whether this was a huge variance, which I thought it was

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00:10:16.020 --> 00:10:20.130

Arthur Weiland: Was a huge variance, as well as an increase

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00:10:21.750 --> 00:10:25.950

Arthur Weiland: Increase in the in the US in the density of us just

88

00:10:27.060 --> 00:10:29.700

Arthur Weiland: What that's that's one that comes to mind where

89

00:10:31.170 --> 00:10:32.310

Arthur Weiland: And that that went through.

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00:10:33.720 --> 00:10:34.230

Arthur Weiland: Anyway,

91

00:10:35.760 --> 00:10:36.030

Arthur Weiland: So,

92

00:10:43.290 --> 00:10:44.520

johncalogero: I'm thinking of

93

00:10:45.600 --> 00:10:49.620

johncalogero: The recent case where we were asked to consider.

94

00:10:51.270 --> 00:10:58.050

johncalogero: Taking a garage and allowing it to be converted into a rental unit.

95

00:10:59.250 --> 00:10:59.730

johncalogero: And

96

00:11:02.670 --> 00:11:11.040

johncalogero: If I remember correctly, the applicant ran into the same kind of a high bar.

97

00:11:11.580 --> 00:11:13.470

Joseph Malcarne: Unlike drive that happen.

98

00:11:14.370 --> 00:11:14.670

Kathy Motashami: And then

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00:11:15.120 --> 00:11:22.410

Joseph Malcarne: Ultimately, we kind of came up with the same determination there that it's a huge variance

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00:11:23.730 --> 00:11:27.930

Joseph Malcarne: And it was a bar, beyond which they practically and reasonably can attain

101

00:11:28.350 --> 00:11:28.710

Right.

102

00:11:32.190 --> 00:11:32.550

Charles Canham: The

103

00:11:32.940 --> 00:11:36.570

Joseph Malcarne: Place that did a great job of fixing it up now that you remind me.

104

00:11:37.050 --> 00:11:54.390

Charles Canham: You know, I have to confess I i mean i was around when the zoning law was passed in 1991 I was in live in a town. But I wasn't involved in I don't frankly understand this particular reference why house. I mean, I suppose it was because

105

00:11:55.650 --> 00:12:09.660

Charles Canham: People who built a house after the zoning law was in place should us presumably understand the zoning law and know that accessory dwelling units were not encouraged it within a otherwise within the principal residence.

106

00:12:10.740 --> 00:12:11.160

Charles Canham: But

107

00:12:13.230 --> 00:12:18.210

Charles Canham: But either way, regardless of why it's there. The language seems pretty pretty clear.

108

00:12:21.330 --> 00:12:22.860

Norma Dolan: They may not understand them.

109

00:12:24.210 --> 00:12:32.460

Norma Dolan: Or use like this couldn't be added, but they certainly would have purchased the place, knowing it was restricted to single family dwelling.

110

00:12:32.700 --> 00:12:33.810

Norma Dolan: Yeah, that

111

00:12:35.160 --> 00:12:36.600

Norma Dolan: Would be the other

112

00:12:37.680 --> 00:12:38.520

Norma Dolan: Way to look at it.

113

00:12:40.740 --> 00:12:49.320

johncalogero: Well, in the in the schedule of use regulations to 50 attachment one it is

114

00:12:51.060 --> 00:12:55.530

johncalogero: The way it's laid out. It says residential uses

115

00:12:56.790 --> 00:13:02.310

johncalogero: One residential uses a one family dwelling. Another is a two family dwelling.

116

00:13:03.870 --> 00:13:04.500

johncalogero: So,

117

00:13:07.500 --> 00:13:13.650

johncalogero: Then it goes on to say that accessory uses are in a separate table after principle uses

118

00:13:14.760 --> 00:13:15.210

johncalogero: And

119

00:13:16.590 --> 00:13:33.810

johncalogero: This, this would not be converting single family dwelling to a two family dwelling, but to a single family dwelling with Desiree, you know this word use keeps coming back into

120

00:13:35.070 --> 00:13:39.060

johncalogero: Into usage in every aspect of this

121

00:13:40.680 --> 00:13:45.030

johncalogero: So let's you know maybe try to consider what the intent.

122

00:13:47.580 --> 00:13:52.710

johncalogero: Of the code was when this was written and

123

00:13:54.570 --> 00:14:00.600

johncalogero: I tried to do that to some extent today and you know

124

00:14:01.860 --> 00:14:19.500

johncalogero: If you go back to Article one objectives, all through it, it speaks to the chapter, providing for, you know, clean air security, safety from floods dangerous pollution.

125

00:14:20.880 --> 00:14:38.940

johncalogero: Safe and efficient transportation. Yeah, tell me how that worked out economic opportunities that are consistent with the primarily rural residential character of the town and in in that area. You know, I can see this running afoul and

126

00:14:43.290 --> 00:14:46.350

johncalogero: Where, where they might say that

127

00:14:47.520 --> 00:14:48.360

johncalogero: Use

128

00:14:52.140 --> 00:14:53.070

johncalogero: My general thoughts.

129

00:15:03.000 --> 00:15:04.500

Joseph Malcarne: Me further thoughts are

130

00:15:07.440 --> 00:15:09.570

Joseph Malcarne: We have anything

131

00:15:14.790 --> 00:15:15.750

Charles Canham: You want to weigh in.

132

00:15:17.430 --> 00:15:18.570

Ron M: No, I don't have the

133

00:15:19.800 --> 00:15:20.940

Ron M: Energy to tenure or the

134

00:15:20.940 --> 00:15:21.930

Ron M: Experience that

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00:15:22.050 --> 00:15:34.470

Ron M: The rest of the board does. But, you know, on the surface, I would heavily towards new agreement in that, you know, like, which seems pretty straightforward. And I think we have

136

00:15:37.200 --> 00:15:39.630

Ron M: consensus as to what

137

00:15:40.710 --> 00:15:45.210

Ron M: What we should or shouldn't be doing here in this particular instance as it relates to the language.

138

00:15:47.610 --> 00:15:48.330

Charles Canham: Yeah, and

139

00:15:49.470 --> 00:15:50.340

Charles Canham: You know,

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00:15:51.510 --> 00:15:54.450

Charles Canham: This is more Xiaomi and I had a long discussion yesterday evening.

141

00:15:56.160 --> 00:16:04.170

Charles Canham: This is it. We have much less discretion with us. For instance, the standards for granting us for an answer very

142

00:16:04.170 --> 00:16:05.460

Kathy Motashami: Specific well

143

00:16:06.090 --> 00:16:11.400

Charles Canham: Very high on the language is big enough that I'm not even sure how much

144

00:16:11.940 --> 00:16:15.120

Charles Canham: What it would actually take to the seniors.

145

00:16:16.590 --> 00:16:21.420

Charles Canham: But, but they involve a lot of economic analysis and very concrete data.

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00:16:23.160 --> 00:16:23.820

Charles Canham: So,

147

00:16:25.650 --> 00:16:43.800

Charles Canham: You know, I, I've always been proud of this boards open mindedness when it comes to thinking about applications before us and the law gives us, you know, that kind of discretion on area variances, it sets a much different standard on the experiences and

148

00:16:45.150 --> 00:16:45.480

Charles Canham: I

149

00:16:47.220 --> 00:16:56.880

Charles Canham: So before we get into that, so I'd like to go ahead and propose a motion for an interpretation this so that we get this on the discussion on the record.

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00:16:57.840 --> 00:17:12.210

Charles Canham: And then hopefully, you know, if their future cases, people can be alerted that you know if they're going to try to do this particular thing. It's going to, you know, fall into the use variance. So can I make emotion Joseph

151

00:17:13.200 --> 00:17:17.610

Joseph Malcarne: Certainly. Yeah, we do. We do have emotion, you want to make. I mean,

152

00:17:17.850 --> 00:17:23.340

Charles Canham: I do I say actually send a draft around to everybody in an email so that you could read it on your own screens.

153

00:17:24.420 --> 00:17:35.700

Charles Canham: And the wording is starts section 215 29 see of the tenant of Clinton zoning law does not allow accessory dwelling units within a principal structure.

154

00:17:36.120 --> 00:17:46.110

Charles Canham: Issue the certificate of occupancy after the effective date of that chapter, August 19 1991 the town of Clinton zoning board of appeals interpret

155

00:17:46.590 --> 00:18:03.870

Charles Canham: interpret this provision as requiring and granting of the use variance for the establishment of an accessory dwelling within a principal structure, issue a certificate of occupancy after that day, subject to the exception provided by section 215 92 eight

156

00:18:04.770 --> 00:18:08.220

Charles Canham: So unless it's pretty bare bones, but basically

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00:18:09.360 --> 00:18:15.390

Charles Canham: Says that we interpret this particular provisions require me to use bearings to grant relief from

158

00:18:17.610 --> 00:18:18.810

Joseph Malcarne: Second for discussion.

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00:18:20.910 --> 00:18:21.390

johncalogero: Second,

160

00:18:22.230 --> 00:18:24.120

Joseph Malcarne: Okay discussion.

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00:18:25.290 --> 00:18:32.070

Joseph Malcarne: So I would be. I like that we have, you know, clarity that we're providing

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00:18:33.180 --> 00:18:36.840

Joseph Malcarne: The question is, and you know, just a minor

163

00:18:37.860 --> 00:18:45.570

Joseph Malcarne: technicality is how, you know, since we haven't received a specific interpretation request. If you want to

164

00:18:46.080 --> 00:18:59.430

Joseph Malcarne: Present this as an interpretation or as like these are findings from the board. It's kind of like an informational recommendation for people. So if they're coming up against you know if they're looking at this, this can kind of be

165

00:18:59.790 --> 00:19:06.060

Joseph Malcarne: Maybe a helpful guidance. We've, we've heard this before. And this was this current zoning boards take on it.

166

00:19:06.390 --> 00:19:10.830

Charles Canham: Well, and the fact of the matter is a future zoning board could decide we were all nuts and

167

00:19:12.180 --> 00:19:15.540

Charles Canham: And and come up with a different interpretation and

168

00:19:16.920 --> 00:19:18.390

Charles Canham: That's just the way the system.

169

00:19:18.390 --> 00:19:32.940

Charles Canham: Works and I understand it, so I don't know that this has any. It's not like we are amending the town law or adding to town law what you're saying right now the six of us have considered this and this is how we voted on.

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00:19:34.200 --> 00:19:35.220

Charles Canham: You know, I just letters.

171

00:19:35.430 --> 00:19:38.010

Joseph Malcarne: That we. That's how we interpret and see

172

00:19:38.520 --> 00:19:40.080

Charles Canham: This is mostly a way to

173

00:19:40.290 --> 00:19:46.260

Charles Canham: To be able to then turn to the applicant and say this is the sense of the board.

174

00:19:47.670 --> 00:19:51.120

Charles Canham: Or against whether it's unanimous or not so

175

00:19:52.170 --> 00:19:53.250

Charles Canham: You know, I didn't want to

176

00:19:54.030 --> 00:19:57.420

Charles Canham: Get into the details of the application until we knew

177

00:19:59.580 --> 00:20:00.810

Charles Canham: What the status of the board. Once

178

00:20:01.020 --> 00:20:01.890

Joseph Malcarne: Yeah, good.

179

00:20:03.000 --> 00:20:03.390

Joseph Malcarne: Arthur

180

00:20:04.020 --> 00:20:04.980

Arthur Weiland: Yeah, I'm

181

00:20:07.050 --> 00:20:10.170

Arthur Weiland: Not sure that I perceive this to be

182

00:20:11.490 --> 00:20:14.190

Arthur Weiland: A different use than

183

00:20:20.100 --> 00:20:25.560

Arthur Weiland: All the other options for accessory dwelling units accessory dwelling units all have

184

00:20:27.090 --> 00:20:28.470

Arthur Weiland: I have more trouble with

185

00:20:29.550 --> 00:20:29.880

Arthur Weiland: The

186

00:20:32.670 --> 00:20:33.810

Arthur Weiland: Variance from

187

00:20:35.370 --> 00:20:36.780

Arthur Weiland: The data building

188

00:20:42.120 --> 00:20:43.350

johncalogero: And again, author, I'm not sure.

189

00:20:43.350 --> 00:20:44.100

johncalogero: I followed you

190

00:20:44.220 --> 00:20:54.000

Arthur Weiland: Yeah, I think the the lot is too small. If this were a ton. A WHAT IS THIS A five acre zone. If this were a 10 acre lot and they were

191

00:20:55.170 --> 00:21:12.480

Arthur Weiland: Trying to increase the density to basically two families, then I would think that the, it would be the data building doesn't concern me as much as the density. The township does need

192

00:21:14.700 --> 00:21:26.040

Arthur Weiland: Space for people to live the neighbor has brought up the issue of density. And the reason they moved to this area was for its lower density and that also goes with

193

00:21:27.060 --> 00:21:32.580

Arthur Weiland: The survey done for the Comprehensive Plan is less dense environment.

194

00:21:34.770 --> 00:21:37.170

Charles Canham: So you would call this an area variance

195

00:21:38.130 --> 00:21:39.120

Um,

196

00:21:42.150 --> 00:21:43.080

Arthur Weiland: I

197

00:21:52.470 --> 00:21:54.450

Arthur Weiland: I'm struggling without a because

198

00:22:04.050 --> 00:22:05.610

Arthur Weiland: So that's, that's

199

00:22:06.210 --> 00:22:07.170

Arthur Weiland: My take on it. I

200

00:22:07.590 --> 00:22:08.730

Arthur Weiland: See the

201

00:22:12.720 --> 00:22:19.770

Arthur Weiland: It would be amending the code to say that any bill that will no longer pay attention to the code in relation to date of building

202

00:22:20.340 --> 00:22:20.580

Right.

203

00:22:21.750 --> 00:22:24.660

johncalogero: That's, that's, that's a big trouble point for me.

204

00:22:29.910 --> 00:22:33.840

johncalogero: It's almost creating legislation which is not what we do.

205

00:22:34.650 --> 00:22:46.320

Arthur Weiland: That's a good point. Yeah, I, I'm more concerned, as I said, more concerned with density that data building but I as john is reiterating

206

00:22:48.180 --> 00:22:49.440

Arthur Weiland: We don't legislate

207

00:22:49.620 --> 00:22:51.000

Arthur Weiland: Yeah, interpret, which

208

00:22:51.960 --> 00:23:05.790

Charles Canham: I share your setup. I don't understand this provision of the code and I had never noticed it before, but I don't feel like we have the we can willing to, you know, just ignore it. Unfortunately,

209

00:23:06.300 --> 00:23:23.610

Joseph Malcarne: So would we feel better. Again, rather than kind of creating a motion or an interpretation on this section of code in general just say, you know, here we have a specific application and

210

00:23:24.720 --> 00:23:44.250

Joseph Malcarne: You know, we've looked through the application. I guess the first question is, you know, kind of, there's a general census that I'm hearing with this particular application that our feeling is that this is a use variance or something akin to it, based upon again this specific application.

211

00:23:46.320 --> 00:23:47.430

Joseph Malcarne: Am I kind of

212

00:23:47.880 --> 00:23:49.080

Charles Canham: Pick your dodging this

213

00:23:49.500 --> 00:24:05.850

Charles Canham: Joseph. I don't see how there's anything unique about this application that's different in with regard to this section than any other proposal to build to carve out a separate accessory dwelling apartment you within a principal residence and

214

00:24:06.900 --> 00:24:13.290

Joseph Malcarne: So is there, you know, Arthur and John. Do you see that just as clearly with this or do you

215

00:24:13.440 --> 00:24:16.110

johncalogero: Yeah, I find that that that

216

00:24:17.790 --> 00:24:21.150

johncalogero: Part of the code is is very difficult to skip over

217

00:24:22.710 --> 00:24:24.990

johncalogero: It would be like, you know, saying,

218

00:24:27.090 --> 00:24:33.990

johncalogero: A person doesn't need five acres in a five acre zone. You know, it's the kind of same kind of a thing.

219

00:24:35.310 --> 00:24:38.070

johncalogero: To negate something that's in the code.

220

00:24:39.150 --> 00:24:42.060

johncalogero: Not to, you know, instead of trying to find someone

221

00:24:42.240 --> 00:24:43.440

johncalogero: Getting circumstance.

222

00:24:46.230 --> 00:24:49.680

johncalogero: You that, to me it equates

223

00:24:49.740 --> 00:24:51.480

johncalogero: To sleep at

224

00:24:52.860 --> 00:24:55.290

johncalogero: The town board should propose as a

225

00:24:56.460 --> 00:25:01.440

johncalogero: Law amendment, and if it was popular and affordable.

226

00:25:02.490 --> 00:25:04.170

johncalogero: It could be passed that way.

227

00:25:05.850 --> 00:25:09.690

johncalogero: And since interestingly, I haven't heard much about

228

00:25:10.410 --> 00:25:29.280

johncalogero: The revisions to the zoning code lately. Since the craziness of the past few months, but those are the kinds of things that the board was the town board was weighing during the hearings on the various pieces of of the revision proposals.

229

00:25:30.990 --> 00:25:34.110

johncalogero: But even at that. I don't remember hearing

230

00:25:34.680 --> 00:25:36.480

johncalogero: This particular one before.

231

00:25:37.890 --> 00:25:40.320

johncalogero: I didn't attend to all those hearings, but

232

00:25:42.690 --> 00:25:52.350

johncalogero: You know, it's something that I think it comes under the heading of the duties of the town board and to put it into their

233

00:25:52.710 --> 00:25:54.120

johncalogero: proposal and the

234

00:25:55.020 --> 00:25:56.010

johncalogero: zoning codes.

235

00:25:57.570 --> 00:25:59.610

johncalogero: And then town votes on it.

236

00:26:02.490 --> 00:26:04.290

Arthur Weiland: I bring up some paperwork.

237

00:26:06.510 --> 00:26:07.080

Arthur Weiland: Yes.

238

00:26:08.370 --> 00:26:11.760

Arthur Weiland: So letters, letters were sent out to the neighbors.

239

00:26:14.580 --> 00:26:17.130

Arthur Weiland: This application only

240

00:26:18.840 --> 00:26:22.560

Arthur Weiland: seems to indicate a one.

241

00:26:23.910 --> 00:26:25.230

Arthur Weiland: Variants request to

242

00:26:26.310 --> 00:26:28.410

Arthur Weiland: Join that 29 see one.

243

00:26:29.490 --> 00:26:32.430

Arthur Weiland: The planning board has four sections.

244

00:26:33.720 --> 00:26:39.390

Arthur Weiland: This application really does not ask to even address

245

00:26:40.500 --> 00:26:41.250

Arthur Weiland: The

246

00:26:42.990 --> 00:26:43.470

Joseph Malcarne: Right.

247

00:26:44.190 --> 00:26:45.240

Arthur Weiland: Hi, nice to see you.

248

00:26:45.540 --> 00:26:46.470

Charles Canham: Know this.

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00:26:46.590 --> 00:26:50.460

Charles Canham: Notice sent to the neighbors didn't include mention of the US variance

250

00:26:51.090 --> 00:26:53.580

Arthur Weiland: Okay, thank you. Good. All right. So,

251

00:26:55.770 --> 00:26:58.140

Arthur Weiland: If it hadn't that will be one big

252

00:26:59.940 --> 00:27:00.630

Sort of binary

253

00:27:01.710 --> 00:27:14.430

Arthur Weiland: Asked bureaucratic aspect of this in terms of paperwork. We often bend over backwards to get the paperwork into an acceptable format. But in this case, I think it's very important that the

254

00:27:16.410 --> 00:27:28.920

Arthur Weiland: Real you know the application and the neighbors reflect this particular political issue. So the neighbors have had notification of this. That's, that's one step properly.

255

00:27:30.240 --> 00:27:47.310

Joseph Malcarne: So what what I think. And this comes to the point of what Charles is mentioning is are we viewing this as a board, you know, we're kind of looking at two things. One is we have the specific application. And then we have what Charles has proposed as an interpretation of this section.

256

00:27:48.780 --> 00:28:00.240

Joseph Malcarne: You know and as a board. We need to decide how we move on this. For example, if we as a board view this application as needing to use variance, then the applicant may, you know, reconsider.

257

00:28:00.990 --> 00:28:09.540

Joseph Malcarne: The submitted, which again would would change, you know, even the need for any of this. Maybe we should withdraw the application of course that's entirely up to her.

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00:28:11.070 --> 00:28:18.330

Joseph Malcarne: Though again we're looking at two things here. One is this specific case, but also as Charles has just mentioned his proposed.

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00:28:18.840 --> 00:28:27.000

Joseph Malcarne: Interpretation of this section of the law. So since that right now. That's what we have on the table as he's proposed and seconded.

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00:28:27.300 --> 00:28:44.550

Joseph Malcarne: I'd like to, you know, kind of focus on that to say, Are we comfortable in in, you know, going around. Are we comfortable with this motion as an interpretation or do we want to send again this this is this boards General, you know, this is our take on this section.

261

00:28:47.070 --> 00:28:49.350

Charles Canham: Early. We don't need that right now, we can

262

00:28:50.760 --> 00:28:54.660

Arlene Campbell: Only see the legal and I was going to show you all of them, or be

263

00:28:54.870 --> 00:28:57.930

Joseph Malcarne: Yeah, no, I don't. I don't think we need them at this at this time.

264

00:28:58.560 --> 00:29:01.710

Charles Canham: I mean it. It was in a while it was in my pocket.

265

00:29:02.520 --> 00:29:04.080

Oh, yeah, yeah.

266

00:29:05.520 --> 00:29:09.420

Joseph Malcarne: OK. So again, let's come back to what Charles has notion is

267

00:29:11.250 --> 00:29:20.760

Joseph Malcarne: Are there any reservations about what he's saying as an interpretation or as a point of general information. So we have a preference on

268

00:29:23.670 --> 00:29:25.170

Arthur Weiland: Pointed general information.

269

00:29:26.400 --> 00:29:28.890

Joseph Malcarne: About finding of the board of this book. Okay.

270

00:29:30.870 --> 00:29:37.950

Arthur Weiland: Carpet the section. I think we're just noting that detection applauds and

271

00:29:39.360 --> 00:29:40.620

Arthur Weiland: Is it as a use variants

272

00:29:45.060 --> 00:29:45.990

Joseph Malcarne: Any other comments.

273

00:29:46.530 --> 00:29:53.760

johncalogero: I concur with author. I think the language is just so cut and dry that I don't think there's much room.

274

00:29:54.390 --> 00:29:58.350

Charles Canham: To interpret anything. I just did interpretations or three states the language.

275

00:29:58.350 --> 00:30:10.980

Joseph Malcarne: Right, so, so I think that, again, we don't have an official application, of course, any member of the Board could always submit an interpretation request. But I think, Charles. Would you be okay with rather than

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00:30:11.550 --> 00:30:20.460

Joseph Malcarne: Having this as an interpretation, just as a basically a notice of information we've had this come up. This is our current boards you aren't

277

00:30:20.670 --> 00:30:31.830

Charles Canham: No, that's, that's fine with me. I mean it. It's not clear to me that there is anywhere in the zoning law that defines what an interpretation is it

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00:30:32.700 --> 00:30:40.140

Charles Canham: You know, in many ways, any reading of our minutes could help someone interpret how the Zoning Board views initially

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00:30:41.100 --> 00:30:52.560

Charles Canham: And so I first. I couldn't even figure out how to write something that would formally represent an interpretation, because we don't have you know when when we have a variance motion. There are factors and there are conditions and

280

00:30:52.770 --> 00:30:56.220

Joseph Malcarne: They're actually there, there is a specific process that people can

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00:30:56.220 --> 00:30:57.990

Joseph Malcarne: Go through for an interpretation.

282

00:30:58.020 --> 00:31:00.570

Charles Canham: Was there oh well that's if someone requests and

283

00:31:01.350 --> 00:31:03.360

Charles Canham: Yeah, I, you're right. I'm sorry.

284

00:31:03.660 --> 00:31:06.870

Charles Canham: So this is just but again I

285

00:31:07.440 --> 00:31:18.630

Joseph Malcarne: Before I think it's the same thing that you're saying we're not just doing the official request because there's the request for an interpretation from the zoning board your VA that we're just, this is just a notice, so to speak, of how that's

286

00:31:18.630 --> 00:31:19.650

Charles Canham: Fine with me. I just

287

00:31:19.650 --> 00:31:20.940

Joseph Malcarne: Know that the clarification.

288

00:31:21.570 --> 00:31:23.130

Charles Canham: Tortured the applicant with

289

00:31:23.190 --> 00:31:24.750

Charles Canham: With all the details. I wanted

290

00:31:25.260 --> 00:31:37.170

Charles Canham: Right, depending on how we resolve how we uncomfortably. I don't want to say that I'm comfortable with this conclusion because I wish there were an alternative, I really honestly do

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00:31:38.280 --> 00:31:53.160

Charles Canham: But I can't see my way around it personally. That's my, my take on this. I spent a lot of time, staring at that one sentence in the code, wondering why it's there and how to how to deal with it and I

292

00:31:53.220 --> 00:31:53.460

Joseph Malcarne: Okay.

293

00:31:53.670 --> 00:31:54.570

Charles Canham: I'm not way everyone

294

00:31:55.380 --> 00:32:05.220

Joseph Malcarne: Charles, do you mind just repeating that and then just again, rather than will use the word interpretation, just you know basically providing information to the public.

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00:32:05.490 --> 00:32:05.730

Charles Canham: Yeah.

296

00:32:05.850 --> 00:32:09.540

Joseph Malcarne: It'll be in a minute or hour we see the section.

297

00:32:09.570 --> 00:32:10.380

So section.

298

00:32:12.480 --> 00:32:22.560

Charles Canham: accessory dwelling units subsection c sub sub section two says no accessory dwelling unit within a principal structures now be allowed.

299

00:32:23.010 --> 00:32:35.370

Charles Canham: In buildings issue the certificate of occupancy after the effective date of this chapter, except buildings covered by section 215 92 he was just, that's just one long sentence.

300

00:32:35.430 --> 00:32:42.900

Joseph Malcarne: Right, and I think it's, again, whether that helps with the clarification. And if it does, then. Excellent. Great.

301

00:32:43.620 --> 00:33:01.410

Joseph Malcarne: Um, any, any other comments or is this something in general that we feel is accurate, what Charles was saying that we can again that helps us with this particular section with this particular application and may be helpful for future before for the Minutes and

302

00:33:06.450 --> 00:33:06.720

Okay.

303

00:33:08.550 --> 00:33:15.930

Joseph Malcarne: All right. So then let's tie this now art Charles into this particular application. And what that means, perhaps

304

00:33:16.680 --> 00:33:29.760

Charles Canham: Okay. Um, I mean, I think, well, so how we proceed depends on whether the board has concluded that a use springs is required by this app.

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00:33:31.260 --> 00:33:35.970

Charles Canham: If the board feels that then we can proceed with the application because

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00:33:37.770 --> 00:33:52.020

Charles Canham: They are applicant didn't, didn't know this, and obviously didn't have the time or the information required to do a huge variance. And as I've said, it's a very high bar and with a lot of very strict requirements and so

307

00:33:53.160 --> 00:34:03.720

Charles Canham: We can we can we can ask, Kathy to describe the project, we can go through all the other things. But at the end of the day, if there's a huge variance require

308

00:34:05.010 --> 00:34:05.640

Charles Canham: Were

309

00:34:07.230 --> 00:34:19.980

Charles Canham: You know this motion can't have this this process can't proceed. It would have to be tabled and then to to allow the applicant time to to decide whether to withdraw or to try to prepare the materials for us, perhaps, so I

310

00:34:21.540 --> 00:34:27.720

Charles Canham: I'm happy to proceed and drag this out, but I don't know that that's going to help anybody

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00:34:30.690 --> 00:34:36.750

Joseph Malcarne: So let me just kind of pull the board and you know from what we talked about earlier.

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00:34:38.700 --> 00:34:45.690

Joseph Malcarne: It sounds like the general consensus is that this will require a use various does anyone feel different.

313

00:34:48.570 --> 00:34:53.040

johncalogero: Well, I just, you know, pointing to the planning board resolution.

314

00:34:54.660 --> 00:34:57.060

johncalogero: Their recommendation to us.

315

00:34:59.700 --> 00:35:21.750

johncalogero: Included the, the, the use of the word adage of the use variants, allowing accessory dwelling accessory dwelling within principles structure that does not predate so it's not like we dream this up. We're, we're basically we find that that is necessary.

316

00:35:22.800 --> 00:35:25.500

johncalogero: In for her to go forward.

317

00:35:27.810 --> 00:35:34.950

johncalogero: I am a little puzzled as to why they didn't expand on that, so she could have had clarification sooner.

318

00:35:37.710 --> 00:35:40.140

johncalogero: Right, but I can't judge what they were thinking

319

00:35:41.400 --> 00:35:56.160

Arlene Campbell: Are they well they did, um, but they they know they're just recommendation. So it's they they're leaving it up to you guys. That's why it's laid out. That's the reason why they did, they they issued neutral.

320

00:35:57.720 --> 00:35:58.920

Joseph Malcarne: Jessica, did you have a comment.

321

00:36:00.780 --> 00:36:01.200

Kathy.

322

00:36:02.970 --> 00:36:03.660

Arlene Campbell: Kathy.

323

00:36:04.290 --> 00:36:05.640

Kathy Motashami: Alright me

324

00:36:06.000 --> 00:36:06.240

Joseph Malcarne: Yeah.

325

00:36:06.300 --> 00:36:07.680

Kathy Motashami: You're talking to me. Yes.

326

00:36:07.770 --> 00:36:23.910

Kathy Motashami: Okay cuz I can't hear everything if you guys would go in and out. So I thought if the question was, um, I do not that i did talk to Charles yesterday and I explained to him, I said, I do remember them saying something, but nothing quote on

327

00:36:25.770 --> 00:36:27.540

Kathy Motashami: Quote, about a usage.

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00:36:27.570 --> 00:36:30.810

Kathy Motashami: About that fourth thing about the usage, I did not.

329

00:36:33.990 --> 00:36:41.400

Kathy Motashami: And for what Charles explained to me to be able to my understanding is to be able

330

00:36:41.400 --> 00:36:43.680

Kathy Motashami: To do something for this.

331

00:36:43.680 --> 00:36:45.630

Kathy Motashami: Uses situation had to do with

332

00:36:47.250 --> 00:36:53.460

Kathy Motashami: Is it going to make my home more valuable if I put this in there was my understanding.

333

00:36:55.710 --> 00:37:04.050

Kathy Motashami: That I would need to have somebody come to me. You know, I make. None of this makes any sense to me whatsoever. I do understand

334

00:37:04.620 --> 00:37:13.500

Kathy Motashami: I wonder how some people have done mother and daughter situations in their residences without having to have the five

335

00:37:14.310 --> 00:37:25.170

Kathy Motashami: Acres. Um, I could understand having the five acres. If I was going to do an accessory apartment outside my living dwelling.

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00:37:25.590 --> 00:37:35.490

Kathy Motashami: But inside my dwelling. This is what I don't understand what I'm doing, will not be seen by anybody. It's not going. I think somebody said they were going to

337

00:37:35.670 --> 00:37:47.190

Kathy Motashami: Come by my property. I don't know whether they did or not, they would have seen that whatever I was going to do would not interfere with anything in the environment around us, or any other neighbors.

338

00:37:48.060 --> 00:37:58.380

Kathy Motashami: So this is where I get confused of the town's stipulation but Charles says that that one thing probably came from what the state requires

339

00:37:58.650 --> 00:38:06.090

Kathy Motashami: And the town just followed, whatever the State said so that sort of was my interpretation of what we discussed yesterday.

340

00:38:06.450 --> 00:38:21.990

Kathy Motashami: And I said, No, I am not going to invest more money than I have to into something like this and higher lawyer and higher appraiser to come in to come up with a reason to be able to for this to get a usage variance. It doesn't make sense to me.

341

00:38:26.490 --> 00:38:27.960

Kathy Motashami: Answer everybody's question.

342

00:38:29.670 --> 00:38:31.260

johncalogero: Arlene, do we have

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00:38:32.640 --> 00:38:33.480

johncalogero: Anything.

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00:38:34.620 --> 00:38:43.800

johncalogero: In the form of a handout that explains how we use variance works in what the requirements are, and the criteria.

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00:38:45.900 --> 00:38:47.220

johncalogero: That we could share with her.

346

00:38:49.020 --> 00:38:52.320

johncalogero: She could see the kinds of things that are required.

347

00:38:53.910 --> 00:39:03.690

Arlene Campbell: It's actually on the application form that the first pages is the area variance and the following is about a huge variance. You have to, you have to

348

00:39:05.010 --> 00:39:05.670

Arlene Campbell: Show.

349

00:39:07.380 --> 00:39:11.880

Arlene Campbell: Financial financial hardship and stuff like that.

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00:39:14.220 --> 00:39:19.380

johncalogero: There is something in the code that is more detailed, I believe.

351

00:39:23.550 --> 00:39:26.910

Norma Dolan: A little detail about that in the duties of the Zoning Board.

352

00:39:27.000 --> 00:39:29.580

johncalogero: On the duties of the Zoning Board. That's right. No, I mean,

353

00:39:29.670 --> 00:39:33.690

Norma Dolan: That could be that could be shared by email at this at this point.

354

00:39:33.990 --> 00:39:35.100

johncalogero: Yes, we

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00:39:36.180 --> 00:39:38.310

Norma Dolan: Still need to make our decision.

356

00:39:38.610 --> 00:39:42.300

johncalogero: Right, trying to, we want the applicant to understand

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00:39:43.350 --> 00:39:43.680

johncalogero: Yeah.

358

00:39:44.880 --> 00:39:45.120

johncalogero: Yeah.

359

00:39:45.150 --> 00:39:46.890

Norma Dolan: Just takes a while to read that and

360

00:39:47.250 --> 00:39:48.930

Norma Dolan: Right digest it.

361

00:39:49.590 --> 00:39:50.250

Arlene Campbell: And I think

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00:39:50.880 --> 00:39:52.080

Kathy Motashami: I don't have time to read

363

00:39:52.080 --> 00:39:53.010

Kathy Motashami: Anything, I'm

364

00:39:54.210 --> 00:39:58.260

Kathy Motashami: Doing the census out there, knocking on people's doors at all to say

365

00:39:59.310 --> 00:39:59.610

Joseph Malcarne: Oh,

366

00:40:02.310 --> 00:40:06.720

Kathy Motashami: We did hours a day. I've been working, guys, I'm surprised. I'm even here.

367

00:40:06.930 --> 00:40:08.160

Kathy Motashami: And actually a

368

00:40:09.600 --> 00:40:11.010

Kathy Motashami: Listen to after this

369

00:40:12.120 --> 00:40:28.590

Charles Canham: You know, I did try to summarize that the two key requirements of a use variance when Kathy and I talked yesterday that particular ones out of the uniqueness and the reasonable return and you know they're only a couple of sentences in each of those, but they're very

370

00:40:30.210 --> 00:40:34.140

Charles Canham: Days, they set a pretty daunting standard

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00:40:36.540 --> 00:40:37.260

Charles Canham: And so

372

00:40:39.240 --> 00:40:43.050

Charles Canham: You know that's not to say an applicant could decide

373

00:40:43.050 --> 00:40:47.610

Charles Canham: To try to meet those standards, but I think that's up to the app with

374

00:40:50.100 --> 00:40:52.860

Kathy Motashami: I just don't know how I would meet those standards.

375

00:40:55.230 --> 00:41:00.300

Charles Canham: And I, I can't advise you on that. But that's, you know, that's your right, you know,

376

00:41:00.420 --> 00:41:09.900

Joseph Malcarne: So, so, Cathy, just to kind of take a step back, we certainly understand you're working hard to doing a lot of things right now.

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00:41:10.980 --> 00:41:16.410

Joseph Malcarne: And in many ways, you know, I can speak for myself to say we wish that we could just say, you know,

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00:41:16.920 --> 00:41:23.280

Joseph Malcarne: You know, here you go. You know, you're doing a lot. We understand are sympathetic neighbors who want to help you out.

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00:41:23.730 --> 00:41:33.360

Joseph Malcarne: It's just in our role as the Zoning Board only allows us so much latitude. We can we can only work within certain parameters. So those

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00:41:33.780 --> 00:41:47.250

Joseph Malcarne: Those we don't have the ability to kind of shift or move. So where we try and everything is I was mentioning, you know, Charlie's always great about saying, Is there any way we can kind of come up

381

00:41:47.580 --> 00:42:01.500

Joseph Malcarne: With a way to make this work help out the people in our community and anything that we can really do try to do that. It's just that sometimes it's beyond those. And so this is one that's just beyond what we see that we can provide

382

00:42:01.830 --> 00:42:07.860

Joseph Malcarne: Relief to you, you know, as requested in the area variance. So it would be a

383

00:42:08.130 --> 00:42:22.200

Joseph Malcarne: Great process for you to look at for the use variance and to see if that's something that you want to proceed with sense you know it's the general consensus of the board that you do need to use periods for this particular right

384

00:42:23.790 --> 00:42:39.840

Kathy Motashami: Now I can't see me going that route. So I can't afford to go get a lawyer. I can't afford to have this House to praise and all those other extra expenses for the whole purpose of doing what I'm trying to do so I don't lose this House.

385

00:42:42.120 --> 00:42:42.540

Joseph Malcarne: Arlene

386

00:42:42.930 --> 00:42:45.030

Kathy Motashami: I mean, that's what it really comes down to

387

00:42:45.480 --> 00:42:45.900

Joseph Malcarne: Yeah.

388

00:42:45.930 --> 00:42:57.690

Arlene Campbell: I just make a suggestion, because how how chip is she lost her job. She lost her job. Right, so she doesn't have means of keeping the house and doing

389

00:43:00.510 --> 00:43:07.620

Arlene Campbell: converting your basement into another dwelling. It's not feasible, but in your case. So how about a home occupation.

390

00:43:08.700 --> 00:43:19.410

Arlene Campbell: There are other home occupation that you might qualify you might feel you have approval, but it's it's another way of

391

00:43:20.670 --> 00:43:21.660

Arlene Campbell: generating income.

392

00:43:22.320 --> 00:43:38.190

Joseph Malcarne: Again, this is way right you could look and explore options in the zoning, you could talk to people about it. It's just that the way this particular application is presented, you know, it's not a mother daughter, it's not you know as Arlene saying a home occupation, again, whatever.

393

00:43:39.030 --> 00:43:47.700

Joseph Malcarne: Whatever you can again come up with it. If you see parameters within the code. It's just the way this particular application is presented.

394

00:43:47.970 --> 00:43:59.190

Joseph Malcarne: It, it's fairly clearly fits into the use variance. Is there another way. Again, I don't know that. But, you know, certainly you could take a look and talk with people to see.

395

00:44:00.450 --> 00:44:01.470

Joseph Malcarne: You know what your options.

396

00:44:05.430 --> 00:44:08.280

Joseph Malcarne: Are 30 yeah but we can't hear you, you're muted.

397

00:44:12.360 --> 00:44:14.940

Arthur Weiland: Thanks. Sorry. Another accessory uses

398

00:44:16.020 --> 00:44:18.420

Arthur Weiland: Boarding or rooming house so

399

00:44:19.980 --> 00:44:20.310

Joseph Malcarne: I don't

400

00:44:20.370 --> 00:44:27.180

Arthur Weiland: Know there would be any problems with renting out rooms versus making a separate units. Yeah.

401

00:44:27.510 --> 00:44:33.600

Joseph Malcarne: Yeah. Again, there may be ways to accomplish what you want to do. It's just the way the application.

402

00:44:34.110 --> 00:44:51.450

Joseph Malcarne: This particular when you may be able to just like the Arthur said you want, what you want to accomplish. You may be able to do through that like importing them or or or other means. So it's not it's not such a stringent and difficult requirement hurdle to reach

403

00:44:51.630 --> 00:44:55.500

Joseph Malcarne: When it probably is going to accomplish what you're looking to do anyway.

404

00:44:58.410 --> 00:45:02.730

Kathy Motashami: Okay, so in other words, what you're saying is I should never put in the word accessory.

405

00:45:05.310 --> 00:45:06.000

Charles Canham: Well,

406

00:45:06.060 --> 00:45:07.590

No, not, not really.

407

00:45:09.270 --> 00:45:14.340

Kathy Motashami: That's, that's sort of what you're saying is I really should never put an accessory anywhere.

408

00:45:15.000 --> 00:45:16.170

Arlene Campbell: Well, you can up with

409

00:45:16.170 --> 00:45:17.310

Arlene Campbell: Kitchen downstairs.

410

00:45:19.080 --> 00:45:20.460

Charles Canham: Or you're willing to willingness to

411

00:45:20.550 --> 00:45:21.210

To abide

412

00:45:22.860 --> 00:45:28.860

Charles Canham: And to follow the zoning on. I really do. Because there are folks in the town who just do something

413

00:45:29.400 --> 00:45:30.540

Kathy Motashami: Good any of this.

414

00:45:30.840 --> 00:45:48.300

Charles Canham: Yeah, but, but, you know, but to call to create a legal accessory dwelling unit requires a whole set of scouts and in this case it ran afoul of this one springs provision to the law and I frankly don't understand and I

415

00:45:50.280 --> 00:45:52.170

Charles Canham: I would be personally happy if

416

00:45:52.170 --> 00:46:01.140

Charles Canham: The town struck that in a future law because I don't understand it, but it is sort of where we are to follow that path. Right. It's just, you know,

417

00:46:01.890 --> 00:46:10.230

Kathy Motashami: Right. And I understand that and that's why that was the one thing I said to you yesterday was then this is something that really needs to be addressed.

418

00:46:10.530 --> 00:46:20.880

Kathy Motashami: So I said, because of what's going on today. There are so many people who are going to be in these financial circumstances they do have to figure out a way

419

00:46:21.330 --> 00:46:39.450

Kathy Motashami: To solve and and and do what they can and with the coven where children are now home and mothers and grandparents, want to be closer to their families. The only way people are going to be able to do this is exactly what I'm trying to do.

420

00:46:39.930 --> 00:46:40.410

Agree.

421

00:46:41.730 --> 00:46:55.560

Kathy Motashami: So forever. Whoever is the person who's in charge of doing the Zoning Board rules should make sure that that some of the things you guys have to start thinking about when you're going to change your zoning rules.

422

00:46:57.390 --> 00:46:57.870

Joseph Malcarne: About

423

00:46:57.900 --> 00:47:02.280

Kathy Motashami: What's what where this is going. With our situations today.

424

00:47:02.670 --> 00:47:03.810

Kathy Motashami: And 20

425

00:47:04.500 --> 00:47:06.000

Kathy Motashami: Years ago, it was different.

426

00:47:06.420 --> 00:47:17.130

Charles Canham: To be entirely fair for you to send an email to to the members of the town board just saying this is what I wanted to do. I ran up against this provision of zoning law.

427

00:47:17.790 --> 00:47:32.280

Charles Canham: And you could express your opinion about whether it should be changed. And I think that's what the town. The town board wants to hear from people about these things. Otherwise, frankly, I suspect that nobody on board has ever noticed this provision. Yeah, it's

428

00:47:33.630 --> 00:47:34.290

Kathy Motashami: Really not

429

00:47:34.560 --> 00:47:41.640

Charles Canham: It's it's a long, complicated chapter of many chapters of town loft. So, you know, right.

430

00:47:44.640 --> 00:47:49.140

Kathy Motashami: So in my next free time when I'm unemployed after Tuesday again.

431

00:47:50.280 --> 00:47:52.290

Kathy Motashami: All the time to do all of this stuff.

432

00:47:53.850 --> 00:47:54.960

Charles Canham: Go talk to the time

433

00:47:57.870 --> 00:48:02.250

Joseph Malcarne: It would be my right. Okay, so at this point.

434

00:48:03.330 --> 00:48:09.120

Joseph Malcarne: Do you want to withdraw your application. Are you looking to table it. Are they in

435

00:48:09.570 --> 00:48:10.110

Kathy Motashami: And we

436

00:48:10.560 --> 00:48:12.990

Arlene Campbell: Will happen to the emotion. We have a motion hanging

437

00:48:16.020 --> 00:48:21.330

Charles Canham: I think we, I think we effectively when we went through them. I did. Can I withdraw.

438

00:48:21.660 --> 00:48:23.130

Joseph Malcarne: Withdraw you can withdraw the bus.

439

00:48:23.160 --> 00:48:30.120

Charles Canham: I withdraw my motion. It was just for discussion to get a sense of the board. And I think we have the sense of the board. Okay.

440

00:48:32.550 --> 00:48:35.460

Joseph Malcarne: Thank you for following through with that Arlene

441

00:48:35.730 --> 00:48:37.740

Arlene Campbell: Second. Second.

442

00:48:41.220 --> 00:48:43.800

Arthur Weiland: Whoever seconded should agree to withdraw.

443

00:48:44.880 --> 00:48:45.300

Joseph Malcarne: Done.

444

00:48:47.490 --> 00:48:49.650

johncalogero: Okay, let's second for withdrawal.

445

00:48:51.120 --> 00:48:52.110

johncalogero: A new one for me but

446

00:48:53.940 --> 00:48:55.380

Joseph Malcarne: If it's with john it's been strong.

447

00:48:56.280 --> 00:48:58.770

Arlene Campbell: Emotion. No, he said emotion to withdraw it.

448

00:48:58.980 --> 00:48:59.220

Arlene Campbell: Right.

449

00:48:59.730 --> 00:49:00.240

It was

450

00:49:02.430 --> 00:49:03.870

Charles Canham: Right Robert's Rules.

451

00:49:07.500 --> 00:49:10.380

Joseph Malcarne: Okay, it's, it's all good. It's all good.

452

00:49:10.590 --> 00:49:13.140

Charles Canham: But we still haven't left Kathy answer your question.

453

00:49:13.530 --> 00:49:24.420

Joseph Malcarne: Okay. So Kathy, would you like to table this or withdraw your current again if you need to proceed. It requires a use very yes

454

00:49:24.450 --> 00:49:24.720

So,

455

00:49:26.430 --> 00:49:27.120

Joseph Malcarne: Anyways,

456

00:49:27.270 --> 00:49:28.140

Kathy Motashami: I withdraw.

457

00:49:29.040 --> 00:49:29.430

Joseph Malcarne: Okay.

458

00:49:29.700 --> 00:49:31.170

Kathy Motashami: I'll make your life easy.

459

00:49:32.160 --> 00:49:35.280

Kathy Motashami: Make your life easy. If you don't do something to change it.

460

00:49:36.480 --> 00:49:36.960

Charles Canham: Or no

461

00:49:37.020 --> 00:49:38.730

Joseph Malcarne: You go hunt us down. Okay.

462

00:49:39.180 --> 00:49:42.090

Kathy Motashami: We'll have you all have all your names.

463

00:49:45.600 --> 00:49:46.200

Joseph Malcarne: And you probably

464

00:49:47.130 --> 00:49:48.750

Kathy Motashami: Already exists.

465

00:49:51.180 --> 00:50:03.780

Joseph Malcarne: All right. Okay. Kathy Thank you for being here for taking the time. We certainly know that you're busy. Especially after what you said you were, you know, certainly. Sorry about you losing your job.

466

00:50:04.200 --> 00:50:19.140

Joseph Malcarne: And you're part of our neighborhood. We care about you and certainly wish you the best and and hope that you can find some means some methods to be able to provide for yourself and keep your home and continue to be a part of our community. So

467

00:50:20.550 --> 00:50:21.630

I have to supply

468

00:50:24.090 --> 00:50:24.660

Charles Canham: Important

469

00:50:24.900 --> 00:50:26.760

Joseph Malcarne: Yes, yes, yes.

470

00:50:27.570 --> 00:50:32.010

Kathy Motashami: This is her hall or I can't close it until he dies.

471

00:50:32.910 --> 00:50:37.500

Joseph Malcarne: Alright, well I'm sure you'll figure a way out. Are you, do you have a common

472

00:50:38.340 --> 00:50:41.790

Arlene Campbell: You still have to open and close the public hearing you know

473

00:50:41.850 --> 00:50:42.810

Arlene Campbell: It's part of

474

00:50:43.890 --> 00:50:47.250

Arlene Campbell: It even though it's withdrawn. Thank you. Thanks. So now,

475

00:50:47.940 --> 00:50:58.200

Joseph Malcarne: The applications withdrawn, we don't have an application. Just like if someone withdraws emotion. It's with john. We don't need anyone to unless someone wants to second Kathy's withdrawn.

476

00:51:00.600 --> 00:51:00.990

Joseph Malcarne: We're good.

477

00:51:02.340 --> 00:51:02.670

We're good.

478

00:51:04.530 --> 00:51:15.660

Joseph Malcarne: OK. So again, Kathy Thank you. You're welcome to stay on, or you can leave entirely up to you how you want to spend the next few minutes of your, of your evening.

479

00:51:17.400 --> 00:51:21.540

Joseph Malcarne: Do we have any other items to discuss in reference to this motion.

480

00:51:24.540 --> 00:51:27.060

Joseph Malcarne: This this application, rather. All right.

481

00:51:28.080 --> 00:51:29.670

Joseph Malcarne: Do you have minutes to go.

482

00:51:30.720 --> 00:51:31.950

Arlene Campbell: Like Kathy, you're done.

483

00:51:31.980 --> 00:51:34.110

Kathy Motashami: You could go and I'll talk to you tomorrow.

484

00:51:34.170 --> 00:51:34.530

Arlene Campbell: Yes.

485

00:51:34.860 --> 00:51:36.180

Kathy Motashami: All right, I'll call you tomorrow.

486

00:51:37.560 --> 00:51:38.280

Kathy Motashami: Thank you.

487

00:51:40.290 --> 00:51:40.590

johncalogero: Thank you.

488

00:51:53.130 --> 00:51:55.050

Joseph Malcarne: Okay. Do we have minutes

489

00:51:55.320 --> 00:51:55.770

Yes.

490

00:51:59.190 --> 00:51:59.790

Arlene Campbell: Yes.

491

00:52:02.190 --> 00:52:02.760

Arlene Campbell: Yes.

492

00:52:13.980 --> 00:52:17.610

Arlene Campbell: Know why, hold on. Maybe I forgot to hit send.

493

00:52:20.010 --> 00:52:23.100

Arlene Campbell: Happens all the time. And all of a sudden, the phone rang and

494

00:52:24.420 --> 00:52:26.700

Arlene Campbell: I can't believe it. Oh God, I thought

495

00:52:29.100 --> 00:52:30.030

Charles Canham: You ate Arlene

496

00:52:32.580 --> 00:52:33.690

johncalogero: You're on your own.

497

00:52:37.020 --> 00:52:38.910

johncalogero: I'm not seeing them in my, in my feet.

498

00:52:40.020 --> 00:52:44.880

Arthur Weiland: Are lame. When I looked at the accessory uses

499

00:52:46.170 --> 00:52:56.760

Arthur Weiland: I don't see that she could do boarding are ruling and a are three such if she mentioned that to do a double check make sure that

500

00:52:58.230 --> 00:53:01.440

Arthur Weiland: We don't mislead or and I feel like I missed this letter.

501

00:53:05.760 --> 00:53:12.000

johncalogero: Well, you know, going back to one of my earlier comments. I have no idea where the

502

00:53:13.410 --> 00:53:14.370

johncalogero: Revision

503

00:53:15.870 --> 00:53:16.890

johncalogero: hearings are

504

00:53:18.060 --> 00:53:18.630

johncalogero: But

505

00:53:20.010 --> 00:53:23.610

johncalogero: With all the hoopla over Airbnb.

506

00:53:25.860 --> 00:53:41.370

johncalogero: You know that that also might break into a possibility for her once the law is somehow solidified as to know where where it's going to come down and what the stipulations are going to be

507

00:53:41.850 --> 00:53:44.340

Charles Canham: I mean, we, you know, so for instance.

508

00:53:45.480 --> 00:53:51.690

Charles Canham: Two unrelated people can live in the same house and share expenses. Right.

509

00:53:53.550 --> 00:53:54.150

Joseph Malcarne: Quite often

510

00:53:55.740 --> 00:54:10.320

Charles Canham: And given how rarely people get married anymore that's probably pretty common. And so, you know, I, I didn't want to get into this with her because I don't want to be suggesting things for her that I'm not sure her entire legal but I'm actually get some

511

00:54:11.070 --> 00:54:11.460

johncalogero: This is

512

00:54:14.820 --> 00:54:30.600

Charles Canham: You know if she gets a building permit and legally renovates her basement into usable space. I wasn't clear to me whether our town law allows her to them. The good friend who she's hoping will move in, whether

513

00:54:31.860 --> 00:54:37.920

Charles Canham: I just honestly don't know. I think this Airbnb thing is sort of gets at that issue, and I wasn't

514

00:54:38.100 --> 00:54:42.210

johncalogero: Aware that whatever is sort of driving around in those circles. Yep.

515

00:54:42.870 --> 00:54:46.260

Charles Canham: You know it's short term versus long term. It's so

516

00:54:46.440 --> 00:54:50.190

johncalogero: So how many bathrooms are there in self worth.

517

00:54:50.700 --> 00:54:54.660

johncalogero: Yeah, yeah, it's, it's all very, very confusing right now.

518

00:54:55.590 --> 00:54:56.400

johncalogero: And surrounded by

519

00:54:56.790 --> 00:54:57.540

johncalogero: pulling their hair.

520

00:54:58.020 --> 00:55:08.400

Charles Canham: Yeah I pointed her to the town website to read the law and see if she can figure it out because I I honestly don't know what what's currently allowed and not very

521

00:55:11.910 --> 00:55:14.160

johncalogero: Right, I don't think the town knows. Yeah.

522

00:55:15.390 --> 00:55:15.990

johncalogero: Because

523

00:55:17.280 --> 00:55:31.350

johncalogero: Many of the smaller towns can put up a fight financially against you know the major purveyors of Airbnb. And so it just sort of falls by the wayside. They do nothing say nothing.

524

00:55:32.460 --> 00:55:35.040

johncalogero: not legal. But yeah, it just, yeah.

525

00:55:39.720 --> 00:55:41.130

Joseph Malcarne: Arlene, you're muted.

526

00:55:42.240 --> 00:55:44.910

Joseph Malcarne: So if you want to talk to us. You got unmute yourself.

527

00:55:46.980 --> 00:55:48.300

johncalogero: It's a rare thing for you early

528

00:55:48.300 --> 00:55:48.840

Yeah.

529

00:55:51.180 --> 00:56:03.450

Arlene Campbell: Yeah, I don't, I'm not sure if it's true but supposedly the new zoning law, they're proposing that you're not going to need double the acreage to have an accessory dwelling.

530

00:56:04.200 --> 00:56:07.260

johncalogero: Can you say that again, you're very low. I can't hear you.

531

00:56:08.370 --> 00:56:22.320

Arlene Campbell: Know, I gotta get close to my mic. It says that the new zoning the football saying that you don't need to double the acreage if for an accessory dwelling. You know how right now for an accessory dwelling unit double the acreage

532

00:56:22.590 --> 00:56:24.480

Arlene Campbell: Is that in the new revelations.

533

00:56:25.050 --> 00:56:26.340

Arlene Campbell: That's not going to play anymore.

534

00:56:27.900 --> 00:56:44.400

Arlene Campbell: That's gonna, I mean, imagine if you're in a two acre zoning or two acres or whatever, that's going to be what happened with the density issue and everything. You know, everybody could just have an appointment next to them, everybody. You don't need double the acreage

535

00:56:45.120 --> 00:56:45.450

Right.

536

00:56:46.560 --> 00:56:49.800

Arlene Campbell: I don't know how that's gonna fly but supposedly that's what they

537

00:56:52.800 --> 00:56:54.090

Joseph Malcarne: Did you email out the Minutes.

538

00:56:55.380 --> 00:56:56.310

Arlene Campbell: Oh, I'm checking

539

00:56:58.290 --> 00:56:59.850

Joseph Malcarne: We're waiting for that.

540

00:57:01.980 --> 00:57:03.060

Arlene Campbell: gotta, I gotta

541

00:57:03.690 --> 00:57:04.290

Arlene Campbell: Hold on.

542

00:57:04.380 --> 00:57:05.310

Joseph Malcarne: I got X ma

543

00:57:06.630 --> 00:57:07.320

Joseph Malcarne: You have a meeting.

544

00:57:08.700 --> 00:57:09.600

Arlene Campbell: Yeah, it's over.

545

00:57:09.690 --> 00:57:10.020

You want

546

00:57:11.490 --> 00:57:12.300

Joseph Malcarne: Yeah, that's fine.

547

00:57:12.810 --> 00:57:13.980

Charles Canham: Yeah yeah

548

00:57:14.340 --> 00:57:18.630

Joseph Malcarne: Okay. All right. Well, thank you all for your attendance for helping out

549

00:57:18.960 --> 00:57:27.780

Joseph Malcarne: Charles appreciate you putting all the time and the energy and the thought into working through this, you know, great, great job. It's not always easy, especially when you have to

550

00:57:28.230 --> 00:57:37.170

Joseph Malcarne: sort through it and do those things and you have just a sweet elderly lady that you know is, you know, we want to help out to it just doesn't seem like

551

00:57:37.620 --> 00:57:37.980

Joseph Malcarne: You know,

552

00:57:38.070 --> 00:57:46.950

Joseph Malcarne: Do it so appreciate appreciate you taking the time and also talking with her and helping her the best you can to be the bearer of bad news.

553

00:57:48.090 --> 00:57:48.510

Charles Canham: Certainly.

554

00:57:49.080 --> 00:57:52.560

Joseph Malcarne: Appreciate that. Any other items before we adjourn this meeting.

555

00:57:53.160 --> 00:57:56.220

Arlene Campbell: But I already have a new board member, you want to say.

556

00:57:56.250 --> 00:58:16.470

Joseph Malcarne: Yes. Yeah, we do have a new board member is Russell Tompkins and he is on vacation in Maine today so far this week, so he's not able to join us and what he says is a dead area. I hope for his sake. It is so he's got some seclusion.

557

00:58:17.910 --> 00:58:21.900

Joseph Malcarne: But it's planning on being with us next month so

558

00:58:23.040 --> 00:58:24.270

Joseph Malcarne: We have to remember

559

00:58:25.620 --> 00:58:26.340

Joseph Malcarne: Anything else

560

00:58:27.390 --> 00:58:28.440

Joseph Malcarne: I'd like to make emotional

561

00:58:28.890 --> 00:58:29.640

Mention

562

00:58:31.410 --> 00:58:51.300

Arthur Weiland: I just want to mention that although the applicant, it goes away, understandably, just satisfied. We do have a member of the community who has, you know, gotten the relief that he that he leaves so significantly wished.

563

00:58:52.830 --> 00:59:06.750

Arthur Weiland: You know it's it's it's not a win win, but it's not there. There aren't just losers in this situation. Right. And we do have a responsibility to the community as a whole. So

564

00:59:10.140 --> 00:59:11.160

Joseph Malcarne: Thank you for pointing that out.

565

00:59:12.330 --> 00:59:14.430

Joseph Malcarne: All right, I like to make a motion to adjourn this meeting.

566

00:59:15.570 --> 00:59:15.870

Arthur Weiland: Okay.

567

00:59:16.350 --> 00:59:18.000

johncalogero: All in favor. Hi.

568

00:59:18.900 --> 00:59:22.470

Joseph Malcarne: So move. Thank you all again for your time. Have a good evening.

569

00:59:22.530 --> 00:59:23.070

And you