

**TOWN OF BEDFORD
January 19, 2016
ZONING BOARD OF ADJUSTMENT
MINUTES**

A regular meeting of the Bedford Zoning Board of Adjustment was held on Tuesday, January 19, 2016 at 7:00 p.m. in the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: John Morin (Chairman), Bill Duschatko (Town Council Alternate), Sharon Stirling, Terry Radke (Alternate), Chris Swiniarski (Alternate), Gigi Georges (Alternate), and Rick Sawyer (Planning Director)

Chairman Morin called the meeting to order at 7:00 p.m. and introduced members of the Board. Town Councilor Kelleigh Domaingue Murphy and regular member Adrian Thomas were absent. Town Councilor Bill Duschatko, Mr. Swiniarski and Ms. Georges were appointed to vote on all applications.

Minutes – December 15, 2015

MOTION by Councilor Duschatko to approve the minutes of the December 15, 2015 meeting of the Zoning Board of Adjustment as written. Ms. Stirling duly seconded the motion. Vote taken - all in favor. Motion carried.

Chairman Morin reviewed the rules of procedure and swore in members of the public.

Applications:

- 1. Kellogg Christian Child Center (Applicant), Northern NE Conference of Seventh Day Adventists (Owner) – Requests a variance from Article III, Section 275-21.A (1) & Table 2 in order to operate a childcare center where it is not an allowed use at 41 Back River Road. Lot 22-41, Zoned R&A. (Continued)**

Attorney Andy Sullivan and Kathleen Lewis, childcare director, were present to address this variance request.

Attorney Sullivan stated this is a variance for what used to be the old Kellogg Christian School. Looking at the posted aerial photo you can see there is a rectangle shape and that is the play area for the children in the school. The school will be located in the lower floor, which is approximately 3,800 square feet. I mention that because I'm looking at the Table 2 requirement for childcare home schools of 50 square feet per child. The previous childcare center there had a license for 49 children. We don't know what the State will give us for a license. Ms. Lewis says she doesn't anticipate more than 30 children, but we may go for the 49 children. In the packet it was 30, which is our anticipation, but if the State says you can go higher, we are still within the 50 square feet per child.

Attorney Sullivan continued as we all know, that is one of the oldest standing schools in Bedford. To the left of this is the Peter Woodbury School, to the right is the Seventh Day Adventist Church, who owns this building, then there are two residences, and further up the street there is the New Morning School. So on that same side of the street, there is a school, a school, church, residence, residence, and school. Cross Street is all residential, it is in the R/A zone but historically that side of the street has been either school or education or a church and we hope for it to stay that way. I mention that because allowing a daycare where there used to be a daycare in a school building, next to a school, next to the church of the same denomination that runs the school and a daycare, and two doors down from another daycare, is not going to devalue the neighborhood. It is going to be in the spirit of the ordinance because it is incorporating and allowing a use that used to be there and that is consistent with that section of the neighborhood. The last childcare center there had 49 children, which was the Little Apples Daycare, and that license expired in 2002. Basically the application here is to allow a daycare again to be onsite with no other modifications to the site. I know the plan that was submitted was an old, old plan that showed a planned 50-foot gravel driveway looping around to the church, that is not on the table, that is not planned anymore, but that was the available plan. Down below you see the little horseshoe that is there and that little turn exists. Ms. Lewis stated that she doesn't anticipate more than four cars there at any one time other than pickup and drop-off of the children. They plan to have four staff members. Ms. Lewis stated they will be rotating in and out and they won't all be there at the same time.

Attorney Sullivan proceeded to address the criteria for this variance application. He stated it meets the playground areas of Table 2 even at 49 children, which are not anticipated, and there will still be more than 50 square feet per child. It is next to Peter Woodbury School, it is next to the church, two residences, and another daycare.

- 1. Granting the variance would not be contrary to the public interest: (1) Whether granting the variance would alter the essential character of the locality:** It will be in the public interest because it will provide a needed service to the community. I don't think anybody can argue that there is a need for childcare virtually in every town and certainly in Bedford. It is on a street that already has childcare, it is already used to buses in those morning and afternoon pickup and drop-off times, so its usage both in terms of what it is and in terms of how it will be used in terms of traffic flow, it is consistent with that street and that neighborhood.
- (2) Whether granting the variance would threaten public health, safety and welfare:** There will be no threat to the public health, safety or welfare.
- 2. The spirit of the ordinance is observed:** It is a continuation of the overall educational/childcare purpose of that business as owned by the Kellogg Christian School and the Seventh Day Adventist Church. I know it is a daycare, I know it is a business, but in reality it is people taking care of children. The school takes care of the children, it is in a different ballpark, it is a different license with the State of New Hampshire but we're still dealing with the same basic core group.
- 3. Granting the variance would do substantial justice:** It is a non-profit designed to help the Town's families by providing needed child care.
- 4. The values of the surrounding properties will not be diminished for the following reasons:** It is not going to decrease the value of the

surrounding neighborhood because it is just reincorporating what was already there. The neighborhood is already used to that use, that side of the street is not going to impact anybody at all; it is sandwiched between a school and a church. There should be no diminution of value. **5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area:** One of the special conditions is that it is an old school, it is designed that way, it is perfect for a daycare, and it will be hard pressed to have any other use. In fact, as we know, a church or a school can go into virtually any zoning district in this town. What else could you use that for other than a school or in this case a daycare? Not much, if anything. At the same time it is a beautiful building. You don't want to tear it down. **A. Denial of the variance would result in unnecessary hardship:**

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property:** They don't plan to have more than 30 children there, but if the license allows up to 49 children, as it was before, they will ask for it even though they don't plan to maximize that use. There is no plan for any more than four cars; it doesn't see any need for any more than four cars. It has more than adequate square footage for the play area even at 49 children. At 50 square feet per child, the 3,800 square feet of the bottom floor is more than adequate. It is not going to diminish property values by incorporating what was already there before and what is a school/church daycare street.
- ii. The proposed use is a reasonable one:** It is consistent with the spirit of the ordinance. You are allowing a use that is tailor-made. Parking is underutilized and the play area will be underutilized as well.

Ms. Stirling asked what is it currently being used for? Attorney Sullivan replied right now it is not being used at all. Ms. Stirling asked when did you purchase it? Attorney Sullivan replied in 1967. Off and on it is been a school and a daycare. I think the last use for this facility, which is downstairs, according to the Town was some active skill type operation. Ms. Stirling asked if you were having parent/teacher conferences, special events, maybe putting on plays, how would you park all those additional cars? Ms. Lewis replied we can utilize the church, which is associated with the school. They can just walk across the field and they can utilize that big church parking lot. Ms. Stirling asked will you be giving preferential treatment to church members? Ms. Lewis replied no. This is open for the public.

Councilor Duschatko asked what happened to the earlier use? Ms. Lewis replied Little Apples was renting from the school and what happened was they got much bigger than they use could accommodate because we were utilizing the upstairs for our elementary school, which were grades 1 through 8. They were getting way too big, so they moved to the location, which is now in Hooksett, and she still owns that. Councilor Duschatko asked do you have any intention of trying to open up the other part of the school? Ms. Lewis replied yes we do. We have intentions of hoping that the childcare center will relegate some money so we can then get back to opening up the Kellogg Christian School back where it was. Mr. Swinarski asked there is nothing operating there right now? Ms. Lewis replied there is nothing upstairs. We are just looking for the downstairs, which was licensed for the childcare center. We are isolated right in the basement. Councilor

Duschatko stated so you would have to close sometime in the future if you're going to expand into upper grades? Ms. Lewis replied yes; if our childcare center is expanding and we're able to utilize the upstairs, yes, we can utilize the upstairs too because the State could license us. But right now we're just licensing the downstairs, isolating it just to the two rooms that are downstairs. Attorney Sullivan stated I think the response would be, if they went for a school, I don't believe they need a variance, they might need site plan review, but if they went to expand the daycare, they would need to come back. Councilor Duschatko stated I was just trying to understand the sequence. Chairman Morin asked the school has only been closed for two years? Ms. Lewis replied yes.

Mr. Swiniarski stated does the deceleration lane exist? Chairman Morin replied it does. It looks more like parking. Ms. Lewis stated what we would have is parents would come in one way, and what they did in the past was make the loop around the circle and then park, and then walk their child into the front entrance. Mr. Swiniarski stated that would be literally the only concern I would have is making sure people don't park there. Ms. Lewis replied they won't be allowed to because we're putting a fence right around there to barricade it from the swings. So if the kids are on the swings and they see their parent coming, and we don't want to see them go running into the parking lot. We don't want that. So when the weather gets better, we will have a little barrier around that will extend from the woods all the way around the loop, all the way to the end of the building.

Chairman Morin asked is the entrance going to be on the end where it used to be? Ms. Lewis replied no; it is going to be the main entrance on the front of the building. They will walk from the parking lot to the main entrance. The only door that is on the other side is for a fire exit only. Attorney Sullivan asked would you say in every instance a parent is walking them into the school? Ms. Lewis replied yes; they have to walk them in because there is going to be a lock on there and it will lock at a certain time and then I will be able to open it up and the parents will know that.

Chairman Morin asked the public for those wishing to speak in favor, in opposition, or for those having comments neither for nor against this application. There were none.

MOTION by Ms. Stirling to move into deliberations on this application. Councilor Duschatko duly seconded the motion. Vote taken – all in favor. Motion carried.

1. Granting the variance would not be contrary to the public interest: (1) Whether granting the variance would alter the essential character of the locality: Mr. Swiniarski stated I actually think this proposed use is in harmony with the locality. We already have this use right here and we have had it in the past, so it is quite the opposite. It is not contrary to the character at all. All agreed it meets this prong of this criterion. **(2) Whether granting the variance would threaten public health, safety and welfare:** Councilor Duschatko stated I actually think it enhances it. It is a need that we have in this community for more alternative daycares. I really think we have to support that type of thing. All agreed it meets this prong of this criterion. **2. The spirit of the ordinance is observed:** Ms. Stirling stated it is consistent with a former use, so it is within the spirit of

the ordinance. All agreed it meets this criterion. **3. Granting the variance would do substantial justice:** Mr. Swiniarski stated granting the variance is what enables this previous use to be revived and to happen again, and for all of the previous reasons that we stated that we supported this, granting it is the substantial justice that allows it to happen. Councilor Duschatko stated I think it goes a little bit further. I presume it would help your application with the State putting it in a more positive posture. All agreed it meets this criterion. **4. The values of the surrounding properties will not be diminished for the following reasons:** Ms. Stirling stated we have had no testimony to that effect. It is certainly a lovely building, and I think it would be a shame to have it torn down and some ugly building going in its place. So I don't think that anybody would argue that it would diminish surrounding property values just by the nature of something going back in there. All agreed it meets this criterion. **5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area:** Mr. Swiniarski stated the special conditions of it are that it was purposefully built for this type of use, so literal enforcement would prohibit this type of use and force some sort of alternative use. That would be a significant and substantial hardship. All agreed it meets this prong of this criterion. **A. Denial of the variance would result in unnecessary hardship:** **i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property:** Mr. Radke stated even though it is zoned residential, it is not really a residential area per se. It seems to be either church activities or school activities unless it is right in the middle of it. Mr. Swiniarski stated it has almost evolved from that type of zoning. Chairman Morin stated that building has been there for quite a few years. Mr. Radke stated I don't think it is really a commercial enterprise as you typically think of commercial enterprises. It doesn't exactly fit the mold of a commercial enterprise. I don't really think schools would be classified as a commercial enterprise. All agreed it meets this prong of this criterion. **ii. The proposed use is a reasonable one:** Mr. Swiniarski stated it is a use that has been there before, and it is a use that is occurring on three parcels in this area. All agreed it meets this prong of this criterion.

MOTION by Ms. Stirling that the Zoning Board of Adjustment approve the variance request of Kellogg Christian Child Center (Applicant), Northern NE Conference of Seventh Day Adventists (Owner) for a variance from Article III, Section 275-21.A(1) and Table 2 in order to operate a childcare center where it is not an allowed use at 41 Back River Road, Lot 22-41, Zoned R&A, for the reasons that it has met all of the criteria per our deliberations. Mr. Swiniarski duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Ms. Stirling to move out of deliberations on this application. Councilor Duschatko duly seconded the motion. Vote taken – all in favor. Motion carried.

2. Andrew Tamulevich – Requests a variance from Article III, Section 275-22.A & Table 1 in order to construct a shed 17 feet from the side property boundary where 25 feet is required at 24 Riddle Drive. Lot 14-50-10, Zoned R&A.

Andrew Tamulevich was present to address this request for a variance. Mr. Tamulevich stated I have some background for you. In the spring I purchased the residence at 24 Riddle Drive, and as with all real estate there are a lot of surprises. On the plot plan that I had the property came with a 10-foot x 10-foot shed, and it was actually a hand written drawing from 1985, which wasn't very specific. So when I purchased the property I was not informed that the shed that is currently on the property, and probably has been for quite some time as I've heard speaking with my neighbor, it was probably over a decade that the shed has been there out of variance. I wanted to make sure that the shed was acceptable to leave in that location, that I wouldn't be asked to tear it down. I have spoken with Wayne Richardson on numerous occasions throughout 10+ years living in Bedford and I called about the shed to see if there actually had been a permit, if there had been any variances recommendations made at any point during the life of that shed that I just purchased, and the answer was no. My goal was twofold in moving forward to this process and that was I have realized that the saltbox style of this shed does not hold my lawnmower and snow blower and everything, it is quite small and the shed is rather dilapidated, so I wanted to kind of right the wrong that I had purchased the liability of that shed being out of variance but also come forth to try to get approval to put in a bigger shed. I did get a certified plot plan done by Meridian Land Services, which you should have a copy of, and what they have done in the plan is put where the current 10-foot x 10-foot shed is and then they have extended out to show what a 12-foot x 20-foot shed would be. The point I want to make with everybody on the Board is that the current setback of 17 feet would not be encroached any further. So the shed would actually come forward to my property 2 feet and then extend 10 feet maintaining that same back boundary of the shed that is currently there. I thought that would be the easiest thing to look at. In order to put a shed that is within the current setbacks per the Town of Bedford, the shed would actually be right up against my driveway and the ramp and the doors would open up into my driveway. Obviously as well as a 12-foot x 20-foot shed requires to be on either a slab or on sonnet tubes and that could potentially, depending on what kind of rocks I find, put the shed into my driveway, so there would be some hardship there, and I can get into that in the criteria.

Mr. Radke asked why couldn't you just move it up to somewhere in that area where it says existing 10 x 10? Mr. Tamulevich replied what you don't see on the plot plan is my driveway. Mr. Radke stated it says asphalt drive; I'm assuming that is the layout of it. Mr. Tamulevich stated moving the shed up to be within the current setback would actually put the shed into my driveway. I wouldn't be able to back clearly out of the first garage bay; it would be difficult to back up and then make a turn. Mr. Radke stated I'm talking about the gray area. Mr. Tamulevich replied due to the landscaping or the land topography, there would be quite a bit of extensive yard work that would need to be done. Also, as I will get into the question of maintaining the aesthetics of the neighborhood, I think moving the shed out of the location that it is in currently would start to make it look a little bizarre. The shed is nicely tucked back, it is not highly visible from the road, it is really not visible

from my neighbor's house, he is elevated higher than me, and I think moving it up towards the road would actually make it look a little out of place. Mr. Radke asked what are the pavers right there? Mr. Tamulevich replied that was an existing area that is like a turnaround for the driveway because it is pretty tight coming out of the garage, so a lot of times that is used to turn around. Mr. Radke stated that was my next suggestion for movement. Mr. Tamulevich stated what happens is immediately after that area it slopes off and I'm not so sure that that would be the best footing for the shed. In having Meridian come out, I actually had Reed's Ferry shed come out and do a site check, again, it is hearsay for this hearing, but having mentioned where the current location is if I could get a variance, it would be the best location for the shed, and I think it would hold with the aesthetics of the neighborhood. Councilor Duschatko asked could it be moved back towards the fence? What is preventing that? Mr. Tamulevich replied the way the land slopes. There would be a significant amount of fill needed. I have a swimming pool and I had a big tank on the other side of the house for the pool heater. We thought about burying it there and we actually had Chardele come out and so a site check and they said absolutely not, it would not be a good location due to the slope and the fill that would be required to put something there, let alone a tank or a building would be rather dramatic.

Mr. Tamulevich proceeded to review the criteria for this variance request. **1. Granting the variance would not be contrary to the public interest: (1) Whether granting the variance would alter the essential character of the locality:** The character of the locality will not be altered because there already is a shed there. In fact, the shed that is currently there is not in good condition, I would consider it dilapidated, it has not been well cared for, and I'm not sure how many more years it has left. The shed that I am proposing is a 12-foot x 20-foot shed, and it is called the Grand Victorian by Reeds Ferry. Depending on the features of the shed it will be valued between \$10,000 and \$14,000. As far as sheds go, it is a very nice shed. **(2) Whether granting the variance would threaten public health, safety and welfare:** Public health, safety or welfare will not be threatened. Normal everyday yard tools, bicycles, lawn mower, and a snow blower will be stored in there. There will be nothing out of the ordinary, just everyday yard tools. **2. The spirit of the ordinance is observed:** The shed is typical in the neighborhood. In fact, 46 and 40 Riddle Drive have this exact shed, and a smaller version of this is at 61 Riddle Drive. This would be the fourth almost identical style of shed that are already on the road that are visible from the road. I think it adds to the character, and again, it is one of your more expensive sheds, and they are nice looking and that was important to me to have something that is not only functional but fits in with the character of my property as well as the surrounding properties. **3. Granting the variance would do substantial justice:** The current house I live in here at 24 Riddle Drive has a 2-car garage, and I would like to be able to store a lawnmower, snow blower, yard equipment, and other outdoor toys like bicycles, while being able to put two cars in the garage. Right now I only have one car in the garage, and the other half is filled with all the things that I would typically like to put in a shed. I have two young children and they come with a lot of different outdoor toys and two good sized dogs and they come with a lot of outdoor toys, so the shed would actually do justice to give me a place to store these things. **4. The values of the surrounding properties will not be diminished for the following reasons:** I think this style of shed, the Grand Victorian, will compliment other houses on that street. It will not affect the

aesthetics. If you have ever been down Riddle Drive, it is a very nice drive, I think it is one of the more beautiful streets, and I plan to compliment that with a shed, and I'm willing to spend some money to put something up that just doesn't look like a box and it will compliment my house very much like the picture and the house that has the exact shed at 46 Riddle Drive. It will be designed to look like it is a nice little building or shed. **5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area: A. Denial of the variance would result in unnecessary hardship: i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: ii. The proposed use is a reasonable one:** Due to the placement of my driveway the current setbacks would place the shed almost in my driveway preventing the use of my driveway, as well as, the current shed is out of current setbacks so by granting a variance we would actually be able to put something in its place that is acceptable.

Councilor Duschatko asked the current shed has never been approved? Mr. Tamulevich replied it never was. Unfortunately when you buy real estate the onus is on the buyer to find this out, and it was something that I guess I missed. When I found the original plot plan from 1985, it was on file at the Town, I researched everything I could on this property, but really at the end of the day buying a shed out of variance wouldn't have prevented me from buying the house. Just buy and then try to fix it along the way. I wish I had been informed of that but that is real estate these days unfortunately. Councilor Duschatko stated so we are really being asked to correct a problem that you didn't cause but you want to have the benefit of the person basically violating the ordinance at that time. Are you prepared to go back and get a new building permit on the original one? I see that is not part of the request here. Mr. Tamulevich asked would that be required? Mr. Swiniarski stated it would be needed for the new one. Mr. Tamulevich responded I have spoken with Wayne Richardson and there will be a building permit for this. I was going to tear down the old one but someone actually wants to buy it. I don't know if I would need a permit. I would ask Mr. Richardson about that. Mr. Sawyer stated he would tie it all into the permit for the new shed.

Mr. Swiniarski stated my concern, and it is obviously very minor, I think the only person who is potentially affected by this is your neighbor to the east. I presume we gave them notice. Have you mentioned it to your neighbor at all? Mr. Tamulevich replied we have gone through the entire plan. I've known Mr. Miles since I moved in and he does not have an issue. I have walked him through, I have shown him pictures and he was the one that told me the shed was out of variance. He has been in the neighborhood for quite some time, and I have learned a lot from him. One of the first things I did was walk him through my plan and he supported it. That was important because I don't want to put something in that has somebody looking at it, it is going to be a very nice shed, but I was very forthright with him with what I was hoping to do. Mr. Swiniarski stated I think that is the important thing because in my mind setbacks exist for that reason, which is to have a little bit of harmony among neighbors and to keep neighbors from being too close to each other. That is always my primary concern on things like this to make sure the affected

neighbor is okay with it and presumably if that neighbor received notice and did not come tonight or send any sort of correspondence and the applicant has told us he has talked to the neighbor, I think my concerns are all addressed.

Mr. Tamulevich stated it would be a great shed and it would actually allow me to put my car in the garage and we would be able to turn around. I appreciate your time and your consideration for this request.

MOTION by Councilor Duschatko to move into deliberations on this application. Mr. Swinarski duly seconded the motion. Vote taken – all in favor. Motion carried.

1. Granting the variance would not be contrary to the public interest: (1) Whether granting the variance would alter the essential character of the locality: Mr. Swinarski stated I don't think a shed of this magnitude, even though it is a good sized shed, really is a big enough project to alter the character of a locality in a neighborhood like this. Chairman Morin stated not at all. All agreed it meets this prong of this criterion. **(2) Whether granting the variance would threaten public health, safety and welfare:** Ms. Stirling stated similarly I would not think it would threaten public health, safety or welfare. All agreed it meets this prong of this criterion. **2. The spirit of the ordinance is observed:** Mr. Swinarski stated thinking back to what I was discussing earlier about my concern, the spirit of the ordinance is to make sure that there is not significant encroachment into a buffer zone that is established between neighbors, and here we have a neighbor who doesn't seem to view this as a significant negative impact, so I think by that we have to assume that the spirit of the ordinance is observed. All agreed it meets this criterion. **3. Granting the variance would do substantial justice:** Mr. Swinarski stated the justice is in having adequate storage and the justice for the rest of the neighborhood is actually providing a place for that storage to be inside rather than having dog and child toys strewn about the lawn. All agreed it meets this criterion. **4. The values of the surrounding properties will not be diminished for the following reasons:** Ms. Stirling stated again, we have heard no testimony to that effect. I don't think adding a shed, particularly as nice a shed as this, is going to do anything to the values of surrounding properties. All agreed it meets this this criterion. **5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area:** Ms. Stirling stated we agree that having a shed is a reasonable use in our town and in the neighborhood and he has certain issues with the lot. We have heard topography, the narrow driveway, especially for backing out and turning in that first bay, the propane tank on the other side, again, topography. I personally think neighbors would be less inclined to have it moved forward, which we discussed you would see it before you really see the house. I think for all of those reasons make it that there are special conditions here. While I'm not crazy for giving variances for side setbacks, I think given all that he is working with, it wouldn't make any sense to put it back towards the existing treeline because it simply would be too far away from where you would want to use stuff. I think for that reason it meets this condition. All agreed it meets this prong of this criterion. **A. Denial of the variance would result in unnecessary hardship: i. No fair and**

substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: Mr. Swiniarski stated this goes back to a very similar analysis to criteria 3; in my mind we sort of think the general public purpose of the ordinance is substantial justice, so for the reasons we find that granting this substantial justice, I would think we are probably inclined to find that it also furthers the intent of the purposes of the ordinance. Those were as we discussed, giving someone a place to store outdoor equipment, toys and things like that. If you don't allow a person that place or you make it incredibly difficult, it creates an unnecessary hardship. All agreed it meets this prong of this criterion. **ii. The proposed use is a reasonable one:** Ms. Stirling stated it is the balance between the ability to use your property and reasonable attention to the neighbor, and in this case we had no neighbor opposition, so I think the proposed use is a reasonable one. All agreed it meets this prong of this criterion.

MOTION by Mr. Swiniarski that the Zoning Board of Adjustment approve the variance request from Andrew Tamulevich requesting a variance from Article III, Section 275-22.A and Table 1 in order to construct a shed 17 feet from the side property boundary where 25 feet is required at 24 Riddle Drive, Lot 14-50-10, Zoned R&A, for the reasons that it has met all the criteria per our deliberations. Councilor Duschatko duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Ms. Stirling to move out of deliberations on this application. Councilor Duschatko duly seconded the motion. Vote taken – all in favor. Motion carried.

Mr. Sawyer stated in your packet you also had a copy of the lawsuit on a project that was denied about a month ago; that is in the hands of the Town's attorney at this point. If the Town attorney has any questions for the Zoning Board, he will set up a meeting with you in the future.

New Business: None

Adjournment:

Motion by Ms. Stirling to adjourn at 7:46 PM. Mr. Swiniarski duly seconded the motion. Vote taken – all in favor. Motion carried.

Respectfully submitted by
Valerie J. Emmons