

PLANNING BOARD MINUTES

April 12, 2021

On the above date, via Zoom Meeting, Chairman Barry Horas called the meeting to order at 7:00 PM and made a statement in compliance with Sunshine Law.

Roll Call

Members Present: Kathy Brady, Kevin Cain, Mayor Gary Giberson, Gail Haviland, Robert Haviland, Barry Horas, Doreen Kelly, Joe Martin, Bill Montag, Paul Smisek and Donna Riegel.

Board Attorney Joe McGroarty and Board Secretary Vicki Cantell

Absent: None

Minutes – On the motion of Mrs. Brady second of Mayor Giberson and carried unanimously to accept the minutes of February 8, 2021.

City Council Report – Mrs. Reigel informed the Board that the new pole installation is 99% complete. The moving of the wires and old pole removal will follow shortly but no timeline has been provided.

She brought to the Board's attention that the recently passed marijuana legislation said if a town does not adopt any measures to prohibit any cannabis establishments within 180 days, growing and selling will be automatically permitted for 5 years. She asked if the Board was interested in having our attorney look into being able to make a recommendation to City Council. The Board supported that research and the matter be will added to the agenda for discussion next month.

NEW BUSINESS

Zarillo, Block 11, Lot 33 – Gary Zarillo was sworn in and presented his request to obtain a variance to erect a 6-foot-high fence to replace an existing section of 4-foot fence along his front yard property line. His neighbor has placed a chicken coop a foot and a half from the property line and near his well. He is requesting the fence to protect his property from the sight, noise and smell. He would then like to plant cedar trees to further block the view. Mr. Smisek questioned whether the placement of the chicken coop was permitted and asked if the applicant had tried to speak with the neighbor. Mr. Zarillo stated that he had attempted to speak with the neighbor twice but it only resulted in him receiving a disorderly persons citation. After some discussion it was clear that Mr. Zarillo would prefer that the chicken coop be moved. Mr. Cain, Zoning Officer, stated that the ordinance is clear and will cite him to have the coop moved. Mr. Haviland inquired if this was a County Health issue since the coop is close to the well. Mr. Zarillo stated that he would not like to involve them at this time. Attorney McGroarty suggested that since the application was already submitted that the Board proceed, as if granted, Mr. Zarillo would not be required to install the higher fence but would have the option should he feel it is needed. There was a discussion on how many feet of fencing would be required so it can be added to the record and Mr. Zarillo agreed to submitted the information within 30 days.

The meeting was opened to the public but no response was received.

On the motion of Mrs. Riegel, second of Mr. Haviland to approved the Hardship variance due to unique circumstances and contingent on the footage being supplied the motion carried by 10 to 1 vote. In favor: Kathy Brady, Mayor Gary Giberson, Gail Haviland, Robert Haviland, Barry Horas, Doreen Kelly, Joe Martin, Bill Montag, Paul Smisek and Donna Riegel. No: Kevin Cain.

Allen, Block 14, Lot 7 – Clark Allen was sworn in and presented his application to construct a pole barn for his motor home that would necessitate a building with an opening of 14 feet which is 2 foot higher than the ordinance allows. It was noted that the application included an expired Priority Wetlands delineation. City Engineer Matt Doran stated that the DEP letter states that there is to be a 150-foot buffer zone that should remain undisturbed. Mr. Clark stated that there are no wetlands on his property but that they are on his adjoining lot (Block14, Lot 14.) It was further noted by members that the survey supplied was not dated and Mrs. Kelly inquired as to how recent it was. She also noted that the site had been altered considerably. Mr. Clark stated that trees had been removed for installation of more solar panels and that to save money the company doing the work was asked to level the ground while on site rather than having to have them return at another point. Multiple members expressed concerns that the proposed barn appears to be in the wetlands. Mr. Clark stated that the survey was showing the tree line rather than the buffer. Mr. Doran stated that as the survey copy was reduced, he could not make an accurate calculation on the distances. Mr. Cain asked what would be needed for clarity and Mr. Doran stated that a surveyor would need to verify in writing that the pole barn was at least 150 feet from the wetlands. The 2003 letter submitted from Rami Nassar refers to wetlands not being within 100 feet of the home and does not address the pole barn.

Mrs. Sheryl Allen was sworn in and stated that the barn would only have electric and a 6-foot apron to connect the bard to the existing driveway. She agreed to obtain and submit the 150-foot verification as requested.

The meeting was opened to the public but no response was received.

On the motion of Mr. Smisek, second of Mayor Giberson and carried unanimously to approve the variance to allow a two-foot increase in height with the condition that there be professional verification submitted that the pole barn will be at least 150 feet from the wetlands.

OPEN TO THE PUBLIC

Mr. Catano joined the meeting late and inquired if the Zarillo application had been heard. Mr. McGroarty stated that it had and informed him of the approval. Mr. Catano expressed his displeasure that the Board would grant him permission to start a new project when he hadn't completed the old one. After some questioning from Board members, it was determined that he was not opposed to Mr. Zarillo installing the 6-foot fence in the front of the property, that in fact he welcomed it, rather he felt that the back portion of the fence stopped in the middle of his swimming pool and did not provide him with enough privacy. He was informed multiple

times that the only matter before the Board was the variance to allow the 6-foot fence in the front yard and that we could not required him to build a fence. Members inquired as to the
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placement of the coop and were informed that the matter had been before a mediator and the site was agreed to about three years ago. Members then inquired as to whether it had been expanded or more chickens included as well as the placement of the 6-foot-high stockade fence around sections of the coop was raised. He and Mrs. Catano stated that the chicken wire had been replaced due to deterioration and that a fox had gotten into the coop so that chickens needed to be replaced but denied any expansion and the stockade fence. They continued to expressed their concerns about their privacy being invaded. Mr. McGroarty again stated that only the fence height variance was an issue for the Board and asked if any of the members wished to reopen the application. There was no response.

OLD BUSINESS

Manis, Block 6, Lot 17 Resolution On the motion of Mayor Giberson, second of Mrs. Brady and carried by unanimous eligible members to approve the resolution granting the subdivision - Kathy Brady, Kevin Cain, Mayor Gary Giberson, Gail Haviland, Robert Haviland, Joe Martin, Bill Montag, and Paul Smisek.

CORRESPONDENCE – None

BILLS – No bills at this time.

ADJOURNMENT – On the motion of Gail Haviland, second of Kathy Brady and carried unanimously to adjourn the meeting at 8:42 PM.

Respectively submitted,

Vicki L. Cantell, Board Secretary