

Town of Claverack  
Zoning Board of Appeals  
MINUTES  
July 27, 2022

Chairman David Graziano called the July 27, 2022 meeting to order at 7:30 p.m.

Members in attendance were: Chairman David Graziano, Steven Melnyk, August Abatecola, John Porto, Chris Post, George Schmitt; engineer, Rob Fitzsimmons; attorney and Jodi Keyser; secretary

Chairman Graziano led members of the Board and audience with the Pledge of Allegiance

Members reviewed the minutes of the June 22, 2022 meeting.

Motion to approve the minutes of June 22, 2022 was made by Steven Melnyk with a second from John Porto.

All members were in favor. Motion carried

**Bell, Justin & Lauren Area Variance: Tax Map #(SBL) 113 . – 1 – 27 . 200 Located at 2435 County Rte. 11. Area Variance of 40-feet for front yard setback of 80-feet to construct a 40-foot by 40-foot garage.**

Justin and Lauren Bell were present for the application. Mrs. Bell paid final fees of \$21.44 for final fees. Chairman Graziano read off the outstanding information that was requested for the application. Chairman Graziano continued that the deed and survey were received. Chairman Graziano asked Mrs. Bell if she had posted a meeting notice sign at her property. Mrs. Bell answered no she forgot. Rob Fitzsimmons stated that posting a hearing notice sign is a Zoning Code requirement. Chairman Graziano informed Mr. & Mrs. Bell that they would need to post a sign two weeks prior to the August meeting. Mrs. Bell agreed and apologized. Continued to August 24, 2022.

**Getaway Interpretation of Use: Tax Map #(SBL) 132 . – 1 – 4 through 132 . – 1 – 74. Located on NYS Rte. 23 Interpretation of Use for a proposed campground.**

Chairman Graziano informed the audience that the application actually contains two separate issues that the ZBA needs to make a determination with one if the applicant filed a timely application of the interpretation and then the interpretation itself. Chairman Graziano continued the explanation that if the ZBA rules that the application was filed in an untimely manner then the application returns to the Planning Board to continue with the review, but if the ZBA deems that the application was filed in a timely manner then the ZBA will proceed to the issue of the interpretation.

Chairman Graziano asked for each representative to give a brief summary of their arguments for the Board and audience. Matt Liponis representing Getaway proceeded. Mr. Liponis informed the audience that Getaway is seeking to construct a campground on a 90-acre parcel directly across Rte. 23 from the Yorkshire Hotel. Mr. Liponis continued that the property is currently subdivided into 16 separate building parcels. Mr. Liponis continued that Getaway is seeking a Site Plan/Special Exception. Mr. Liponis continued that Getaway is a company that builds campgrounds of tiny cabins for temporary stays to allow people to connect to nature. Mr. Liponis continued that his client's position is that the applicant filed their appeal to the interpretation well over the 60-day time period and therefore do not meet the timely filing and the ZBA will take precedents with looking back because they filed the application with obtaining the building department's CEO letter of

determination on January 19, 2022 and the application for the appeal of the interpretation was filed in April which is beyond the timeframe. Mr. Liponis continued that the applicant lagged in filing the interpretation and precedence should have the Board go back to the date that the Building Department CEO letter stating that it is an application for a campground and said that it looks like a campground. Mr. Liponis continued that zoning laws are specific descriptions of what types of uses are allowed and where these different uses are allowed. Mr. Liponis stated that this application is construed against the property owner with a very broad description of a campground being anything above ground, even on wheels and what Getaway is proposing is plain as day that the proposed use is a campground and any vagueness within the law the Board needs to vote in favor of Getaway.

Chairman Graziano informed the audience that the maximum occupancy for the room is 150 people and Stephen Hook will inform the Board when they reach 145 people. Mr. Lyons representing Ms. Bradford and Mr. Kirkpatrick applicants of the Interpretation began his remarks. Mr. Lyons started with timeliness of the Interpretation filing agreeing that it is true there is a 60-day timeframe generally to bring an appeal but there are extenuating circumstances that the courts have recognized such as people not finding out about an application. Mr. Lyons continued that his clients didn't find out about the project and the determination from the Town of Claverack Building Department until they received a letter from Getaway and upon receipt of this letter, they began their research and when they found out what was proposed they filed their appeal. Mr. Lyons continued that the courts recognize that appeals are allowed upon learning of the project so his clients are well within the 60-day timeframe with their interpretation appeal. Mr. Lyons continued that the main issue is whether the proposed project meets the Claverack Zoning Law of the definition of a campground. Mr. Lyons continued that he disagrees with Mr. Liponis that the definition of a campground is not broad but is specific and his clients have demonstrated that the application does not fit within the definition because it is not seasonal as required by the Town of Claverack Zoning laws. Mr. Lyons continued that the Town of Claverack Zoning Laws defines cabins as structures for seasonal use. Mr. Lyons stated that this project fits the definition of hotel/motel exactly. Mr. Lyons continued that when broken down every aspect of the project is that of a hotel/motel with the cabins only hotel rooms within the woods. Mr. Lyons stated that it is the Zoning Board of Appeals job to interpret the zoning laws by looking and reviewing the facts but it is not the Zoning Boards job to determine land use because that is up to the Town Board. Mr. Lyons continued that it is not the Zoning Board's job to implement land use policy and if the use doesn't fit the zoning ordinance, then it is up to the Town Board. Mr. Lyons thanked the Zoning Board and public for their work and time with this consideration. Laura Bradford was granted permission to address the Board with remarks. Ms. Bradford informed the Board that she and her husband purchased their home on Thielman Rd. in October 2021 to give their children a rural setting to grow up. Ms. Bradford continued that they fell in love with the area and the neighborhood because of the rural character, beautiful land and quietness of the area. Ms. Bradford stated that she believes that Getaway is a good company but that their model is in actuality a hotel room disguised as a cabin and a hotel/motel disguised as a campground with all of the amenities afforded to hotel/motel guests such as linen service, food, cleaning service, etc.

Chairman David Graziano stated that the applicant has demonstrated that they received notification of the project on April 18<sup>th</sup> and it is fair to say that everyone doesn't scan the Town of Claverack website for proposed projects or read the local newspaper searching for project that are on the agendas of the Town boards which affords elasticity with the 60-day timeframe. Rob Fitzsimmons agreed that the applicants became aware of the project on April 18<sup>th</sup> and feels that they have provided adequate evidence that they filed their appeal within 60-days. Rob Fitzsimmons continued that the Zoning Board of appeals is free to open the meeting to public hearing

only for the determination of timeliness. Chairman Graziano asked the Board members if they were in agreement to proceed to the public hearing on timeliness. All members agreed. Chairman Graziano opened the meeting to public comment. No comment received. Motion to close the public hearing.

Motion to deem that the application for Interpretation was made in a timely manner was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried.

Mr. Liponis stated that issues classified as a hotel instead of a campground and this is the same as properties listed on air b & b are not hotels. Mr. Liponis continued that Air B & Bs are properties rented out on a temporary basis but it doesn't mean that they are considered hotels. Mr. Liponis continued that Getaway uses fire pits, hiking, no wifi, Adirondack chairs respectfully disagrees with the applicants that this is anything like a hotel. Mr. Liponis then read the definition of a campground any lot or adjoining parcel which is under one owner containing 5 or more campsites allowing vehicles, cabins or other structures so long as it has a structure. Mr. Liponis continued that the definition of a structure is any 4 posts and a roof used for temporary or seasonal use. Mr. Liponis stressed that the word "or" is the key. Mr. Liponis stated temporary or seasonal stays which is what Getaway allows temporary stays. Mr. Liponis continued that Getaway allows for a maximum stay of 7-days which falls into the definition of temporary. Chairman Graziano asked if there were only one cabin could be rented out for 7-days and then for another 7-days and so on. Mr. Liponis answered not with Getaway. Chairman Graziano asked for a yes or no answer if the cabins can be occupied 365 days per year. Mr. Liponis stated that unless short term and temporary are defined under the Zoning Codes they need to come to a common definition. Mr. Liponis continued that the cabins may be occupied 365 days per year but with several different people not the same people which constitutes temporary. Chairman Graziano stated that there are three separate ideas of temporary, different people occupying the property, whether the occupancy is for a few days or if occupancy is only allowed for a period of time less than 365 days per year. Chairman Graziano continued that in his opinion something that can be occupied 365 days per year is full time and not temporary as opposed to a 6-month operation would constitute temporary. Mr. Liponis stated that Getaway looks at the use itself when talking to guests and investors that structures fit the definition of a campground and it is irrelevant on how long the cabins are occupied. Mr. Liponis continued that the Getaway model is a campground and NYS agrees and has permitted their sites in the Catskills as such and the NYS definition of a campground is similar to the Town of Claverack Zoning definition. Mr. Lyons stated that he believes that the Zoning Board of Appeals is tasked with determining that the Zoning definition when written was intended for temporary or seasonal use meaning both not just one. Mr. Lyons continued that the spirit of the definition was not intended to have 7-24-365 occupancy but this is exactly what Getaway is seeking to say is temporary. Mr. Lyons continued that the spirit of the definition was not that different people would occupy the structures at different times making it temporary because it is not temporary if there is occupancy for 365 days per year. Mr. Lyons continued that it is disingenuous of Mr. Liponis to say that they talk to investors and guests describing the use a certain way then wants to cite the old legal way when describing the stays as temporary. Mr. Lyons stated that if it looks like a duck and quacks like a duck then it is a duck? Graziano stated that the Zoning Board of Appeals is tasked with ruling of the definition is contrary and arbitrary to the law and that the building inspector/Code Enforcement Officer was negligent. Chairman Graziano continued that he thinks that Don Smith, TOC CEO was capricious because he used the applicant's submission for a campground, read that it was a campground, looked up the allowed use and set the application in motion. Chairman Graziano continued that the CEO interpretation was prior to any situational analysis. Chairman Graziano asked the ZBA members if they remember any campground issues. No members recollect any campgrounds in their time on the ZBA. Chairman Graziano

continued that ZBA member Chris Post and himself were members of the Zoning Revision Committee and Chris Post was also a member of the TOC Comprehensive Plan and along with Gretchen Stearns. Chairman Graziano continued that during this process which was approximately 15 years ago tiny cabins were not even thought of or even existed just like cell phones and cell towers were not around long ago. Chairman Graziano continued that he is certain that when the Zoning Codes and definitions were created the people on the committees thought of campgrounds as sleeping on the ground in a sleeping bag maybe in a tent or portable structure, packed food to make on site, and when you left the site, you cleaned up after yourself and it was like no one was there. Chairman Graziano continued that the Getaway exhibit A shows that the cabins have beautiful bathrooms, kitchens, bedrooms, air conditioning, etc. more of a quasi-campground. Chairman Graziano continued that both attorneys have valid arguments but referred to page 105 section 15-3-6 of the Town of Claverack Zoning Code "D. Sanitary facilities. Camps must be kept in a clean and sanitary condition and free of physical or fire hazards at all times and must in all respects conform to the provisions of Chapter I, Part 7, of the New York State Sanitary Code entitled "Temporary Residences," which chapter and part are hereby incorporated herein by reference as though set forth herein at length. E. All camping grounds shall be provided with toilets, showers, slop sinks, and other sanitary facilities which shall conform to the following requirements: i. The toilet and other sanitary facilities for males and females shall be separate buildings or, if in the same building, shall be separated by a sound-proof wall. ii. Toilet facilities shall consist of not less than one flush toilet for every ten camp sites, one urinal for every ten camp sites, one shower with individual dressing accommodations for every ten camp sites, and one lavatory for every five camp sites. iii. There shall be provided in a separate compartment not less than one slop sink or other similar facility with an adequate supply of hot running water. iv. Service buildings housing the toilet and sanitary facilities shall be permanent structures complying with all applicable statutes and ordinances regulating building, electrical codes and plumbing and sanitary systems, and shall be located not closer than 10 feet or farther than 200 feet from any camp site." Chairman Graziano continued that the campground model that Mr. Liponis has provided differs from his world of camping which would be a hard-sided tent or shelter area without a sink or toilet which was what the Zoning Committee envisioned when determining the definition of a campground not tiny cabins on wheels because they didn't exist back in 2010 to even have in the zoning code or definition. Chairman Graziano continued that in his opinion these are not temporary structures and personally he feels that this is more of a cabin colony. Nico Turek responded that all of their cabins are registered as Recreational Vehicles which fit the definition. Rob Fitzsimmons suggested to open the public hearing. Rob Fitzsimmons explained that the process for the ZBA to apply the facts when making their determination and public comments need to be held to the issues of the interpretation. Rob Fitzsimmons continued that the TOC Planning Board has been reviewing the application for a Special Exception/Site Plan as supplied by the applicant and TOC CEO determination. ? Is this decision final and binding. Rob Fitzsimmons answered there could be an appeal but it would not be with the TOC ZBA. Chairman Graziano opened the meeting to the public hearing at 8:00 p.m.

Gretchen Stearns member of the TOC Comprehensive Committee and Zoning Revision Committee stated that these committees were formed to create a plan for the future of the Town based on citizen input. Ms. Stearns continued that the goal was to maintain as much rural area and to be pro-agriculture. Ms. Stearns continued that when these committees were creating the definitions and allowed uses, they imagined that campgrounds would be people staying in tents that they carried into the sites, coolers holding food, sleeping outside, etc. not glamping as it is called now. Ms. Stearns continued that these tiny cabins weren't something that even existed and was not what the spirit of the law and definition were even thinking of during the Comprehensive Plan and the Revision Committees. Ms. Stearns continued that these tiny cabins are more like a cluster of Air B & B sites which are not allowed within the Town of Claverack and are illegal.

Ed Beatty-most impacted, owned property since 2009- landlocked by Getaway property-must go through Getaway property to access home and Rte. 23.-worried that overtime he has seen commercial businesses decline-feels that Getaway will bring jobs and tax money to Town.

Diane Rope-Snydertown Rd.-has children-has camped before with tents, etc. for about \$20.00 at NYS campground-investigated Getaway stay would spend \$987.80 for 2-night stay-found that could also order charcuterie board for \$65.00-loves nature but not camping-GPS brings people to the site over Snydertown Rd. which is a scary thought.

Joe Costa-asked average stay per night. Mr. Mauldin stated \$130.00 to \$400.00 per night. Mr. Costa stated he feels that people are against the project because it will take business away from their Air B & Bs.

Maggie Brown-lived on Snydertown Rd. since 1994-worked hard to maintain farming and agriculture-feels that project is not inline with the Stewardship of the Town of Claverack-not seasonal-not a campground-doesn't feel that 35+ cabins are a campground.

Howard Habin-Snydertown Rd. for 50 years-Not a campground

Catherine Lord-Thielman Rd.-feels that temporary means that the structure goes away after the stay and tiny cabins are not temporary-not impressed with forthrightness, transparency and community involvement.

Phoebe Feaser-County Resident entire life-just purchased home in Claverack-likes that the Town of Claverack has ordinances and protects the residents-concerned with increased traffic-Getaway guests will just come and go and not care about the community or town-try somewhere else.

Dot ?- 97 year old resident-father purchased property to raise his family because it was safe and rural-wants Getaway plan to stay away from her property.

Rob Cardis-resident-based on the number of people in attendance would the ZBA consider continuing the public hearing for another month. Chairman Graziano stated that the meeting and public hearing was noticed and all neighbors were notified and public hearing will not continue. Mr. Cardis stated that he is trying to get up to speed on the project, original application submitted January 2022? Has it been amended? Rob Fitzsimmons answered that the Town of Claverack Planning Board has been reviewing the application and all required issues. Mr. Cardis stated that there are far too many TBD issues such as wells, sewage, SPEDES, stormwater, etc. Rob Fitzsimmons answered that the application is under review with the TOC Planning Board and the applicant has submitted all requested information and the TOC Planning Board has a list of required documentation that they need prior to determination. Mr. Cardis asked how the ZBA can make a determination if the TOC Planning Board has not declared the application complete. Rob Fitzsimmons answered that the ZBA is tasked with determining if the TOC CEO determination of a campground meets the use criteria. Rob Fitzsimmons continued that the NYS town laws dictate the process. Rob Fitzsimmons continued that in theory the application was sent to the Building Department and the CEO was asked if this was an allowed use and when he determined it was then the applicant started the process to prepare an application for a Special Exception and Site Plan.

Peter Ambrose-owner of Scarecrow Farm-Old Barrington Rd.- 3<sup>rd</sup> generation-concerned with water quality and digging into the aquafer-fire concerns with the number of fire pits and inexperienced people using them-no covers on fire pits to contain sparks in photos-lack of fire management on property-does not support the use.

Mike Brandon-resident-does not feel that this use fits Claverack and as the Town Judge has concerns with trails leading to local breweries-walking while under the influence.

David Balen-lives next to Scarecrow farm-feels Getaway has been disingenuous-is an Air B & B on steroids-pricing of \$900.00 for 2-day stay-marketed nationwide as a little hotel in the woods-visited site when he was a volunteer firefighter for Churchtown FD feels dangerous fire area-concerned with dangerous area of Rte. 23-bad entrance/exit site-using words like temporary is rhetoric-bad idea with # of people coming that are not familiar with the area or the roadway

Marie DeMico-Snydertown Rd.-owned since 1979-built home 1992-increased traffic especially since COVID-traffic concerns-sanitary concerns-garbage-doesn't understand why people would pay \$300.00 per night to stay across the street from the Yorkshire Hotel with the clientele.

Dia & Dick Moran-Thielman Rd.-Reads letter-Getaway not a campground-providing bedding/linens, food, etc. is a hotel stay-creating illusion of a campground but is a fantasy-main truck route and entrance is dangerous

Al Rupp-Cty. Rte. 16-Words matter and feels that Matt Liponis is doing a good job but legal words matter and things that at some point the spirit of intent is trying to make everyone think that this is a campground but it is not a campground.

Selha Graham-Millbrook Rd.-respects free enterprise-capitalism-if ZBA decides not a campground or hotel could it then be considered a hotel? Chairman Graziano answered there is a big difference because a campground under definition is an allowed use but a hotel is not allowed on this property.

Peggy Lampman-representing Mr. Cross-Real Estate agent- has shown property to numerous people-had buyers that wanted to bring in more impact to the area-Getaway has minimalist approach-reads letter from Mr. Cross-Mr. Cross believes that this is a perfect use for the property-keeps nature-provides land for wildlife-preserves property-beautiful lake-approved subdivision for 16 residential homes would create more impact-very upset that neighbors are against-has shown property for over a year-could be way worse with different buyer

Brennan-Snydertown Rd.-Found out about project 2-days ago-campsite vs hotel-not a campsite-commute will be a nightmare-traffic over Manor Rock Rd-Reads sign daily that TOC sign that states Zoning is active and enforced-feels protected as a resident-started reading about Getaway-zero accountability-no ATV if someone hurt on a hike-cabin waste-cooking in mylar bags-single way gravel road-# of guests could be 48,000 people per year-365 days operation-health issues-traffic concerns on Snydertown Rd.-actually a tax burden to Town-taxing on local fire companies, emergency services, first responders-fire risks with inexperienced people-cabins too close to firepits-destroying rural character for neighbors-investors looking to reach \$1 billion dollars in revenue-not fit for Town of Claverack

Tara ?-lived entire life here-33 years-not a campground but a glamping facility-bad things will happen when young adults rent-parties-drinking-noise-90 acres can only subdivide into 5-acre parcels but will allow 50 tiny houses-ridiculous

Gary Davis-Van Wyck Lane- didn't know what to expect-impressed with the ZBA that they deemed the application submission was timely-temporary and seasonal issue remains-if heated then not seasonal-temporary has several different definitions-temporary does not mean that structures remain but should be removed each

time-temporary does not mean 24-7-365-reviewed Getaway sees that cabins are not well kept-not temporary or seasonal.

Amy Flaum-Old Barrington Rd-point that has seen during investigating is that Getaway has 18 outposts around the country but not one is referred to as a campground-using cabins to make it seem like camping-benefits of campground but not like a typical campground-no community areas-no common areas-does not fit into the definition of a campground-fully equip tiny houses-picnic tables and firepits do not constitute a campground-

Donna Davey-Stottville Rd.-project is inappropriate for area-24-7-365 is not temporary or seasonal use-noise, lights, loss of natural rural character-TOC should work with Columbia Land Conservancy to secure funding for property

Richard Cross-owner-nice to see so many people-purchased property from absentee owner-wants to see remain rural and natural-wants to see wildlife maintained-beautiful property-amazing views-can't discuss legal matters but has owned since 2000-maintained property-allowed neighbors to use pond, fish, swim, walk property-good neighbor-doesn't cut fields so butterfly and birds can have habitat-land on market for over a year-developers wanted to purchase to build luxury homes-approved for 16 residential homes-doesn't think that 16 residential homes are the best use for the property-wealthy people building family compounds-doesn't speak to the welfare of the Town-wants to see people come and enjoy the property-younger days enjoyed packing car and going camping in the Catskills-wants other people to have this same benefit-wants families to bring children to enjoy the nature-project would do away with 16 parcels and would only use 75 acres of the 90 acres-Getaway would preserve the nature and would do a good job because it will maintain the property and will make it a success-not visible from neighbors or NYS Rte. 23-many safety measures have been described-internal security-campers will spend money in local businesses-significant number of full time jobs-have worked diligently with the neighbors to make a good neighbor and business

Seth F.-Just moved to area-wants to know what would be a good idea for the area

Ian Nitchke-real estate agent-knows property as well as owner very well-has shown property 100's of times-gorgeous views-natural paradise-Getaway will respect the beautiful land-impact is much less than 16 houses with 4 bedrooms each and two car garages-families using water and driving cars into the area-16 septic systems-paved roads and driveways-16 homes would decimate the natural beauty of the property-Getaway has decreased their cabins from 50 to 38-negotiated with neighbors such as Laura Bradford and felt that they had a settlement-Chairman Graziano asked Mr. Nitchke to keep on track with the interpretation and not personal matters. Mr. Nitchke grew up in Australia and the tiny cabins remind him of what they call a caravan-great way to attract city people to the area who are longing for nature-alternative of 16 houses will create a much greater impact-would cut off access to the lake and views-trying to keep property in one piece so people can enjoy it.

Robin-Craryville-who will benefit from the campground-doesn't feel that the Town would benefit-look at the hotel across the street is a dump-nothing in the area for people to make money.

Richard Cross-misspoke-75 acres of the property would not be used because the project would only use 15 acres.

Carolyn Wilber-Not next to project but concerned with what the end classification will be because it will have an affect on others in the area-not camping in the true definition but a glamping venue-will allow for more of these to pop up everywhere-how the ZBA votes will dictate how the area will become-16 residences would be

16 families that will contribute to the community, join clubs, schools, volunteer organizations, become part of the community-people visiting Getaway for a short term stay will not become part of the community and won't care about the Town of Claverack after they leave-will be happening all over the area-brings garbage-rural area residential area-campground should be located somewhere else-Town needs to maintain the rural residential nature of the area-ZBA needs to consider the community.

Jamie Carano-concerned with issue-lives in Hillsdale-happening all over area-why can't public hearing remain open-needs to allow for more public comment-over 130 people in attendance should tell the ZBA that this is an important issue and should allow more time for comments. Chairman Graziano stated that the meeting was publicly noticed, neighbors were notified via mailing-unable to hold up process-Getaway has paid lawyer fees, Rob Fitzsimmons stated that the ZBA has been more than fair taking all questions, appreciates all the people that are in attendance, community interest. Jamie Carano-unfair that some people have not been heard or would want to make a comment especially with 135 people in attendance should make the ZBA feel that there is a need to continue the public hearing. Rob Fitzsimmons stated that the ZBA will not hold a quasi-judicial meeting and they are well aware of decorum and no one wants to keep hearing open. Ms. Carano speaking to the ethical for the Planning Board. Ms. Carano stated that Mr. Liponis referenced precedence in law for definition of a campground was this case law. Rob Fitzsimmons asked Ms. Carano to only address the ZBA and not others. Rob Fitzsimmons continued that the applicants and opposing representatives have submitted briefs which are available on the Town of Claverack website. Ms. Carano stated that the public doesn't know case law. Chairman Graziano stated that the entire application is available to view on the Town of Claverack website and hopefully case law has been cited and pointed out.

Chairman Graziano closed the public hearing at 9:46 p.m.

Chairman Graziano asked that the date of the letter sent by Getaway to the neighbors was March 21<sup>st</sup> not April 18<sup>th</sup> as stated earlier in the meeting. Chairman Graziano stated that the date that Ms. Bradford learned of the project was March 20<sup>th</sup> according to submitted documentation.

Motion to deem application was filed in a timely manner after applicant learned of the project on or about March 20, 2022 was made by Chris Post with a second from Steven Melnyk. All members were in favor. Motion carried.

Chairman Graziano stated that due to a wealth of input and another 33 emails showing 29 opposed and only 2 in favor of the interpretation. Rob Fitzsimmons stated that public hearing was noticed, fully briefed ZBA and if the applicant and opposing representatives would like to address the public comments the ZBA can move to continue the application. Chairman Graziano asked the representatives if they would want to address the comments heard during the public hearing. Both agreed.

Motion to continue application to the August meeting was made by Steven Melnyk with a second from August Abatecola. All members were in favor. Motion carried.

Rob Fitzsimmons informed the representatives that for logistical purposes written submissions need to be received by August 9, 2022.

**John Campeta Area Variance: Tax Map #133 . 1 – 34 Located at 44 Green Acres Rd. Area Variance of 42-feet for side yard setback to construct a 24-foot by 24-foot garage. Side yard setback in RC zone is 50-feet.**

John Campeta was present for the application. Chairman Graziano informed the applicant that his application is significantly incomplete. Mr. Campeta informed the Board that he actually sat with the Rich Schulman and Katrina Gore in the building department office to fill out the application. Mr. Campeta continued that he actually sat with them for at least 2 hours as Mr. Schulman filled out the application for him. Chairman Graziano informed Mr. Campeta that he was missing the following items from his application: answers to the 5 criteria for granting an area variance, stamped and signed plot plan from a licensed surveyor, mailing addresses of all abutters and EAF form. Missing the survey with locations of driveway etc.

Motion to deem the application incomplete was made by August Abatecola with a second from Steven Melnyk, All were in favor. Motion carried.

Chairman Graziano informed Mr. Campeta to keep in contact with the Board secretary because it is difficult to get a surveyor to complete the maps before the August meeting. Mr. Campeta said that he could just impose the two documents together on a map. Chairman Graziano stated that this is illegal and he would need a licensed surveyor to draw the maps and place his stamp and sign on them. Mr. Campeta stated that he was frustrated because he just sat through 2 ½ hours of meeting to find out that his application was incomplete. Continued to the August 24, 2022 meeting.

Motion to adjourn the meeting was made by Chris Post with a second from John Porto. All members were in favor. Motion carried. Meeting adjourned at 10:06 p.m.

Respectfully submitted,  
Jodi Keyser, secretary