

ZONING BOARD OF APPEALS MEETING MINUTES - FINAL
WEDNESDAY, MAY 28, 2014

MEMBERS PRESENT:

Rocco Mancini, Chairman
Stephanie Fitzpatrick
Martin Otter
John Schneider
Phillip Zemke

MEMBERS ABSENT:

ALSO PRESENT:

Chairman Mancini opened the meeting at 7:00 p.m.

Public Hearings:

- 1. Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless –**
Scott Olson, Attorney, was present on behalf of the applicant for the continuation of their area variance application to allow the installation and operation of a 150' tall communication tower in variance to Section 200-21B(3) of the Town of Milan zoning ordinance on property located on Academy Hill Road in the A5A zoning district, tax grid number 6572-00-862990. Mr. Olson said they agreed to adjourn the public hearing to go back to Planning Board to complete SEQRA review, the Planning Board has issued their negative declaration and found that the tower we are proposing which has been revised will not result in any significant environmental impacts. A couple of things have happened since our last appearance before this Board. We had proposed a lattice tower and that is now proposed to be a camouflaged tree tower designed to look like a pine tree. The Planning Board was going down that path to minimize the visual impacts to the greatest extent possible. Mr. Olson said the plans they issued a negative declaration on was a 156 tower with cap. We are now at 150 feet to be in line with the one provision of the zoning law, 200-21 B3B, which states this board can grant an area variance to 150 feet. We were originally asking for 150 feet, the Planning Board asked us to raise it to 160 feet to accommodate co-locators, and now we are back to 150 feet and a tree tower. As part of the Planning Board review, we had to do some extensive SWPPP plans which have been completed and signed off by the town engineer. The re-design is reflected in the site plans which this Board should have. By changing the lattice tower to a tree tower it is significantly less visible. Also, by changing to a 150 foot tree tower, we are lowering the antennas center line height, which was going to be 146 feet, down to 135 feet. We are going down 11 feet with the antennas so that we can have that ornamental cap to make the tower look like a tree. If we did not lower the antennas, the antennas would be sticking out from the tree. This lowering of the antennas will compromise our service somewhat and we have provided plots to show what it would look like. We felt it was a compromise worth agreeing to. Mr. Olson said one item he would like to bring up is that Mr. Gordon represents some neighbors and during the Planning Board process, Mr. Gordon was suggesting the need for a tower to be at 130 feet even with a small gap. Mr. Olson said essentially, we are building a 130 to 135 foot tower with the ornamental cap raising it to 150 feet. In terms of RF, it is really a 135 foot tower as that is where the antennas will be. If Mr. Gordon is going to make that same

argument, we are complying with what he is suggesting. Section 200-21B3 states the ZBA may allow wireless communications facilities up to 150 feet if an independent radio frequency consultant determines that adequate coverage would not be provided by a tower of lesser height....We have given you the results of the Town's independent RF consultant review provided two separate letters in which he reviewed the initial and supplemental applications. In both of those letters, he had some criticisms and asked us to do more work, but concluded the absolute minimum tower height is 150 feet to solve the gap problem. Mr. Olson said since the gap is so large, one site will not cover the entire gap.

Technologically that can't be done. He said Verizon is working on other sites and we are installing our antennas in the Town of Gallatin. That is not going to solve our problem and we have provided documentation to that effect. We believe the Board has enough information pursuant to its law to confirm a variance is supported by our experts and our RF engineers. We tried to collocate and there is lots of information in the record demonstrating why it is not possible. Mr. Zemke asked if there has been any reviews to determine how they will fill in that coverage gap as it sounds like there will still be a gap even with this tower. Mr. Olson said Gallatin and this tower are both designed for 4G. Those will cover 80% along the Taconic and other roads nearby in Milan. There will still be about a 20% gap in the southern part of the Town. We think we can fill that gap with one of the existing towers in Milan, either Woody Row of JNS but Verizon has no plans at this time to collocate on either tower. Mr. Olson said we have to wait to see what happens with this site. That has not been put in the budget yet. Mr. Zemke said so it is safe to say there are no plans to build a separate tower. Mr. Olson said if this tower is approved and built and as long as the existing towers have the capacity and are structurally sound, we would collocate on one of those towers. Chairman Mancini asked if this tower is built at 135 feet and you need a couple of more spots to locate for more coverage, can we raise the tower? Mr. Olson said it's not impossible but it becomes more cumbersome and more expensive. If you build a tower first and add on, take branches off, etc. that would be costly. There is some flexibility to go a little higher. If you would add on, there is less chance of another tower being built close by.

Chairman Mancini opened the floor for public comment. Joe Grotto, 140 Fishwoods Road, said he has been attending these meetings for about six months or so and has continually asked why they don't put their equipment on the Near Road tower. He heard tonight that is where some of the Verizon equipment is going which makes perfect sense to provide coverage on the Parkway. He asked how tall is the Near Road tower – that is important. He said he does not understand why our town would exceed the 100 foot limit which currently exists in the Town plan. There has to be a very good reason. This tower is perched up on a hill, far above the tree line. One reason for a taller tower is to hang more equipment on it to produce more revenue. The land it sits on is for sale. Why we are accommodating higher rentals for a tower that we all have to look at for the rest of our lives in a lovely conservation area does not make any sense. Please take that into consideration. Gordon Oliosi, 695 Academy Hill Road, said he lives right up the street from the proposed tower. He said his wife and he took all of their savings to put into this house which they built 5 or 6 years ago. He said

he doesn't think the Town needs a tower but if so, why put it there. If we need a second tower, put it on a place where the Town would get the revenue as opposed to an individual - \$35 to 40 thousand a year is a large amount of money for the Town. Put it on public land. Also, he said he agrees with Mr. Grotto - why are we providing a variance for a land that is up for sale. That makes zero sense to him. Al LoBrutto, 394 Academy Hill Road, said the zoning ordinance has provisions for citing a tower such as the maximum use of existing towers or existing structures to reduce the number of towers. The tower that is proposed is about one third of a mile away from the Woody Row tower which is a 195 foot high tower. The tower proposed is 150 feet, one third of a mile away. Tonight, Mr. Olson said the tower they are putting up won't cover the whole area. That has been our argument all along. The Woody Row tower won't do the job. This tower at 150 feet still won't do the job. Woody Row is a viable tower. Is it really necessary to put in a new tower especially since they are collocating on Near Road. Mr. LoBrutto suggested we should see the coverage from Near Road and from Woody Row first to determine what coverage we will have before we build a new tower. Paul Doherty, property owner, said at the last public hearing held at the Planning Board meeting, Delmar Hendricks, Fitzsimmons Road, commented that he could not sell his house if he did not have cell phone service. Mr. Hendricks could not make it tonight but asked Mr. Doherty to speak to that effect. Mr. Hendricks said he is concerned that, based on where he lives, if this tower is not 150 feet, he won't have cell service. Paul said this tower will provide \$12,000 a year. He said he has another tower in LaGrange which has many colocators. If that tower did not have the colocators, there would be a lot more towers in that town. He said if this proposed tower were restricted to 130 feet, you would only be able to have one colocator and at some point in the future, another carrier will be in here to put up another tower. He said that is what happened in LaGrange with five colocators on that tower. Tom Whyte, 1262 Turkey Hill Road, agrees with the last comment. He said in addition to not having cell service on Turkey Hill Road, the existing phone lines for our internet and telephone service are horrible. They barely support internet service to use the network extender that will power the cell phone around the house. It is very unreliable service. Mr. White said Verizon is not in the business of building towers. They are in the business of providing cell service in a cost effective way. If they did not need to build this tower, they would not. David Gordon, attorney representing some Town residents, submitted a comment letter dated May 28, 2014 to the ZBA with reproductions of two RF submissions. Mr. Gordon said there are standards for area variance in the zoning code. The Town code has specific standards for area variances for height for cell towers. He said the Town code only allows a variance up to 150 feet if adequate coverage would not be provided by a tower of lesser height and if off site views of the facility would be de minimis. Adequate coverage is defined in the code as Coverage for wireless communications facilities is considered to be adequate within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is greater than -90 dbm for at least 80% of the intended coverage area. It is acceptable for there to be holes within the area of adequate coverage where the signal strength declines further away from the base station (e.g. -95 dbm rather than -90 dbm).....With that definition in mind and looking at the plots they

submitted, both of them use the proposed tower at 130 feet instead of 150, an alternative height at the same location, and they are also using the Mariner Tower in Gallatin and on one, the JNS tower as a third tower. These plots show the coverage up to the applicant's standards, -85 dbm which is a stronger signal than what is in the code. In both cases, what you see is very substantial coverage and clearly more than 80% of the desired area. Mr. Gordon described the colors and what they each represent which are described on the exhibit. Mr. Gordon said under your code using these plots, you cannot give them a variance. The criterion the applicant has used consistently is their need to cover the Taconic State Parkway which has been stated. The Taconic is covered at more than 80% at -85dbm. Your code is -90 dbm standard. As a practical matter, the goal of the applicant is coverage. They will point to gap on the Taconic with a 130 foot tower where the gap is 2000 to 2500 feet long. We have asked repeatedly during Planning Board public hearings what does that gap mean in terms of coverage – are you losing calls, dropping calls? We still don't know if it is below -90dbm. We have never gotten an answer. The Planning Board public hearings lasted eight months and we never got an answer. This board cannot grant a variance unless it complies with the code and unless you get that answer, there is no indication they are not getting adequate coverage from a 130 foot cell tower. The impact of this tower is that it is sticking above the tree line. They are asking to vary the town code requirement which is 100 feet to 150 feet. If the tower is 130 feet, it will bring it down to the tree line and would then be less of an impact to the area. There is no basis for this board to grant a variance. Warren Replansky, attorney, said he has been working with David recently and is looking at this proposal with regard to the variance application. He lends his support to Mr. Gordon and urged the Zoning Board to read Mr. Gordon's letter carefully. It is complicated and the Board should take their time and digest it. Look at the zoning code with regard to area variances for cell towers. The code requires not only that the applicant meet the requirements for an area variance but specific requirements for area variances exceeding 100 foot in height for a tower. Mr. Replansky said he agrees fully if you read your code and read the definition of adequate coverage, you can only grant the variance if the applicant cannot meet adequate coverage standards. It is clear based upon documents supplied to the Planning Board that the applicant is in fact achieving the standard of adequate coverage at least at a height of 130 feet. You are precluded from granting an area variance under your own code. On one other point, Mr. Replansky said he disagrees with Mr. Gordon's letter. Mr. Gordon indicated the area variance provisions of the code don't apply to the applicant as a public utility. Mr. Replansky said they do - the state of NY use variance provisions don't apply to public utilities. Area variance provisions do. So, in addition to the height not exceeding 150, the normal standard area variance provisions apply, and he said he does not think the applicant can meet any of these. An undesirable change will be produced and a detriment to nearby properties will be created. Clearly, the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance. Part of the alternatives the applicant has not done during Planning Board proceedings is they have not tried any new sites. Clearly, the standards under the zoning law can be achieved by a cell tower of 130 feet or less. An area variance of 150 feet under regular

standards cannot be met. The requested area variance is substantial, it is the most substantial area variance you can apply for. As for an adverse impact on the physical or environmental conditions in the neighborhood or district – the Planning Board issued a negative declaration but it will have an impact on the physical conditions. The neighbors will have to live with a cell tower looming over the trees. Sometimes the cell towers disguised as trees are worse than a monopole. The alleged difficulty was self-created – it is self-created. The applicant is leasing property with knowledge of the zoning law. Even applying the regular standards under the code, this Board can't grant an area variance but couple that with the stringent codes to granting a height variance. Mr. Replansky urged the Board to take a hard look before making a decision. Take some time to understand the technical information and propagation studies. Digest it and look at the submittal produced by Mr. Gordon. After that, Mr. Replansky said he agrees this Board would have to deny the variance request. Mr. Zemke said he would like to have some time to digest this letter. He is not clear what the intended coverage area is and he said there have been some good points made. For the 130 foot tower Mr. Gordon argued for, the tower dishes would be five feet below where the tower dishes will be on the 150 foot monopine approved by the Planning Board. Mr. Zemke said everyone raised good points and he would like to review this new information and get some answers from the applicant. Mr. Zemke asked what is the actual antenna center line. Mr. Olson said the antennas will vary due to technology but the largest will be no larger than eight feet. On a 150 foot tower, the tallest antennas will be at 154. Mr. Olson said referencing the 130 foot tower propagations, that was an antenna center line height. With a 130 foot center line, it would be 134 feet to the top of the structure. For a stealth tower, you have to add height to get that shape. Generally, 15 feet in height is added to add the tree addition so 130 feet becomes 145 feet. He said he does not think there is a big discrepancy in center line height. Clearly there is a gap but we disagree on the significance of the gap. If you look at our tower, it is a 135 foot center line. That is not much different than what these gentlemen are suggesting. There is a slight difference but it is not significant. The top of the structure is 150 feet tall but that is due to the tree top camouflaging. It is 150 feet to the top of the conical pine. When asked, Mr. Olson said the tower will look very much like the tower shown in the picture. We use an outside company to build the top and they have come a long way in terms of how they look. Mr. Olson said Mr. Gordon suggested he never got answers to his questions on the gaps. The white area he referred to is where there is just no service. Your phone will not connect. We can't do a call analysis about dropped calls – there is no call to begin with. Any suggestions that there are not big gaps are belied by evidence, by the technical information we provided which has been corroborated by the Town's RF engineer. Mr. Zemke asked what is the intended coverage area. Mr. Olson said we can provide some clarification on that with mapping. Mr. Olson said we will go back and re-group and make this clear for the board. Mr. Otter said as he understands this, no matter what you do, there will be gaps. Mr. Olson said we will be providing the same coverage from a 135 foot tower due to antenna location. It is a 150 foot structure with the antennas below. Mr. Zemke asked can you provide adequate coverage without extending above the tree line. Mr. Olson said no, that goes against technology. This is a line of sight technology. Any

company that builds antennas below the tree line is not in existence any more. That makes no sense. Mr. Olson said as far as adequate coverage, the FCC clearly regulates who controls the radio signals. He said he has seen these provisions before similar to the outdated signal strength your law has. The FCC prevents municipalities from regulating signal strength. If that were the case, towns could create any arbitrary signals. Mr. Gordon asked what is the intended coverage area and he read the definition of adequate coverage. He said the last sentence is critical – “the outer boundary of the area of adequate coverage is that location past which the signal does not regain a strength equal to or greater than -90dbm” He said in terms of the plot before you, that is basically the green area. The definition is in terms of -90, the green area is -85. If the plots were at -90 using three towers, you would not see any white. They have used a higher standard of coverage and are trying to impose that on the town. Your code is at minus 90. Mr. Gordon suggest to the board that, looking at -90, there would be no white in that diagram if you are at 130 feet with those towers. Mr. Gordon said this Board has to grant the minimum variance necessary – you have to go lower than 130 feet. He said he agrees with Mr. Replansky, this Board needs to analyze the specific standards for a variance for the height of a cell tower and grant the minimum variance necessary. Mr. Replansky said as far as the statement that the standards in this code are outdated and are superseded by the Telecommunications Act or FCC regulations, he wants to point out that the ZBA has certain powers and are limited to compliance with the provisions of the code. The ZBA cannot rewrite the code, can’t ignore the code, and can’t change the terms of the code. The applicant is stuck with your code and you are stuck with it. You have to enforce the provisions of the code as written until a court strikes it down as violated by the Telecommunications Act or the code is changed by legislation. This Board can’t ignore what is specified in the code. Mr. Olson said if you are pre-empted by the Federal government, you have an obligation to ignore that requirement. That code was done in 2002 – a long time ago – but he said he knows what it says. This Board has an obligation to look at the code but the FCC has said that is something they don’t want towns to control. If you have to rely on outdated standards not used by the industry, that creates big problems. Mr. Olson said he would provide more information. Mr. Gordon would like the applicant to provide more information on the gap – is there no cell service – the gap that would exist using three towers where the white portion is approximately 2000 - 2100 feet, a half a minute driving through – what happens in that area in that half a minute at -85 dbm. Do you dip below -85 to -86? Do you lose calls entirely? Do the calls get fuzzy? He is not arguing if there is coverage now. Until this Board gets those answers, this Board can’t determine what the need is, for a 130 foot tower or a 150 foot tower. Those questions need to be answered. Are you precluded from using -90 because it is not usable? Even if you go to -85, what does that white space mean? The white space is 2,025 feet long and takes 25 seconds to go through. If you drive through, will you lose your call, what percentage of calls is lost. We raised these questions many times and they were never answered. Mr. Olson said what Mr. Gordon is saying is not true. We did answer those questions; he just does not like the answer. We are not withholding information. We don’t have dropped call data. Could it be obtained – it probably could be. But it is irrelevant for our purposes. Federal case law says that is

something that is not considered. We have provided computer models and back up models with actual drive test data. Mr. Gordon is changing the focus. He references three sites but our application is for one tower and needs to be considered in that respect. We do in fact have another installation going up on the Gallatin tower, but it is inappropriate to look at three sites. This application is not for three sites. Mr. Andras said it is difficult to predict gaps from summer to winter, leaf off and leaf on conditions. In the summer, when the leaves are full, the signal gets further attenuated. The gaps are larger in the summer and smaller in the winter. We have to design for all different scenarios and factors, -90 versus -85. There needs to be a balanced link, like a two way radio link. The limiting factor is the mobile to the base station. If the mobile can't respond, it doesn't work. -85 is intended to provide that balance. Mr. Zemke said he needs to get some questions answered. He would like to know what the FCC would say about our code. He has Mr. Gordon's document and Verizon's document but needs to get answers to some questions. Mr. Zemke said he wants to review Mr. Gordon's letter and the definitions. The applicant has stated they need a 150 foot tower. Mr. Gordon thinks the need is defined by -90 dbm at 80%. What does the gap mean in terms of lost coverage? The Board members agreed with Mr. Zemke.

Mr. Zemke motioned that the public hearing be adjourned until the June 25, 2014 ZBA meeting pending receiving responses from the applicant on the following questions: 1. What are the FCC rules and do they in fact supersede the decibel levels in our zoning code? 2. What does the gap mean as far as lost coverage? 3. What is the reason the applicant has not done studies at -90dbm? 4. Define the coverage area. Mr. Otter seconded. All aye. 5-0.

Applications:

1. **McArthur for Innerhofer Area Variance** - Thomas McArthur was present along with Margaret Innerhofer for Ms. Innerhofer's area variance application to install a fence in her front yard in between the property line and the road. The 4.58 acre property is located at 116 Battenfeld Road in the A3A zoning district, tax grid number 6472-00-286071. Mr. McArthur said the fence was under construction when his client found out there was a zoning issue and the work stopped at that point. There is an 85 foot setback from the road line and due to where the house is situated, anything that would occur on the property would require a variance. Mr. McArthur said they looked at other fences along Battenfeld Road and most of the fences are right on the road or five to six feet off the road. This fence was constructed about six feet off the road line. The fence goes over the boundary line into the right of way. It is a four foot high horse type fence. The issue at the moment is that it sits in the right of way and is not on the applicant's property. Mr. Zemke asked if they had permission from the Town to put a fence in the right of way. He said he does not believe the ZBA can review this application as it is a minus 5 feet variance being sought. Mr. Otter asked them why they can't just go to the property line with the fence. Mr. McArthur said the posts are already set and in place. The reason it is placed in that location is that there is a lot of tree vegetation along the road. Rich Peterson, the fence contractor, said as has been mentioned, many fences on this road are in the same

area - this is a country road. Mr. Peterson said the issue was brought to his attention when he received a stop work order from the town. Mr. Peterson said it was not about boundary lines; the issue was that one neighbor thought the fence was going to be eight feet high which is not the case. He said one other issue was that there might be implications for Town highway with regard to snow plowing. Mr. Peterson said the fact of the matter is he would have to be on her lawn for the blade to affect the fence. He said all the posts are jack hammered and set in concrete. It will be a solid fence that could withstand the snow if a snow plow blew snow on the fence. The fence is in keeping with the look and feel of the community. Mr. Peterson said he went off an existing fence that was there. He said granted, it was not as large a fence but it had been there for well over a year. Mr. Peterson said he will cut the post tops down to the height they would be if we are granted permission to install the fence. Mr. Otter said the problem still exists that it is not on her property. Mr. Zemke said our zoning law does not have a fencing ordinance so fences are considered structures. Some people go through the process, some don't and some of those fences may pre-exist zoning. What we have in front of us is a fence that is not on the applicant's property. Mr. Zemke said he does not know under what provision of the zoning law we would consider this. He does not consider it reviewable. Ms. Innerhofer said she was told our land borders the road but the Town takes some land to allow for whatever. It is my land. Angela Lore, Town Attorney, said the property owner owns the property to the road, but the municipality has a right of way. Ms. Innerhofer said the fence is for aesthetics. Everyone has the same thing on this road. Now the fence has been stopped half baked. She said she is trying to get ready to sell the house this spring. Mr. Peterson spent weeks drilling holes in rocks to set the posts. Mr. Peterson said the existing fence was there for well over a year. Mr. Zemke said this Board needs a legal opinion regarding putting a fence outside the property line and in the right of way. Ms. Lore said the landowner owns to the road and the Town has a right of way for however many feet stated for the purposes of maintenance or utilities. The question is, does the Town allow for a fence in that right of way. She will have to review that question. Mr. Zemke said we will need to have input from the Town Attorney and Town Highway.

Mr. Zemke motioned that the Zoning Board of Appeals adjourn this application pending receipt of written clarification from the Town's legal counsel and the Highway Department. If that information is received by Wednesday, June 4th, the Board will meet in a special session on Friday, June 6th at 4:30 p.m. to set the date for the public hearing to be held at the June 25th ZBA meeting. Ms. Fitzpatrick seconded. All aye. Motion carried 5-0.

- 2. Reynolds Area Variance** - William Reynolds and Laurel Morris were present regarding their area variance application to install a deer fence 10 feet from the front yard property line and side yard property line. The 13.06 acre property is located at 235 Knob Hill Road in the A5A zoning district, tax grid number 6671-00-659523. The property is located at the end of Knob Hill Road. Mr. Reynolds said they would like to install an eight foot high deer fence around the main part of our property. He submitted various photos of the property. He is proposing using black livestock fencing with a 6 x 6 open mesh at the top and narrowing

down towards the bottom. He said his contractor called it livestock fencing. They use two inch metal posts between 12 and 15 feet apart. The fence will be on a small portion of the property. They own three contiguous parcels. When asked about a gate, he said they will be installing a decorative gate that may or may not be remote controlled. Mr. Zemke said we will need a description of the gate. It appears the fence will be adjacent to the stone walls to the right of the driveway. Mr. Zemke said the Board needs the dimensions of the fence from the property line so Mr. Reynolds needs to establish the property line and the distance from that line.

Mr. Otter motioned that the Zoning Board of Appeals set the date for the public hearing to be held at the June 25th ZBA meeting pending receipt of a description of the gate, a picture of what the fence will look like, and the distances from the property line to the fence. Mr. Schneider seconded. All aye. Motion carried 5-0.

- 3. Van Der Geest Special Use Permit** - Selina Van Der Geest was present for her special use permit application to add a one bedroom accessory apartment in an existing garage. The 18.72 acre property is located at 90 Merrow Down Lane in the A5A zoning district, tax grid number 6671-00-322036. Ms. Van Der Geest said they are putting in a home office above the existing garage and decided to apply for a permit for an accessory apartment at the same time. She said they are not planning to rent the apartment out. Both sets of parents live overseas so when they come to visit, they like to stay a couple of weeks so she would like an apartment for them to stay in. She said they are putting in a new septic for the office and have submitted the SAN 34 to the Board of Health who has said the septic will accommodate the apartment as well.

Mr. Otter motioned that the Zoning Board of Appeals set the date for the public hearing to be held at the June 25th ZBA meeting. Mr. Zemke seconded. All aye. Motion carried 5-0.

- 4. Hunt Area Variance/Special Use Permit** - Mary Hunt Blauvelt and Peg Hunt were present for Ms. Blauvelt's area variance and special use permit application to construct a two family dwelling on a 1.23 acre property located at 162 Becker Hill Road, tax grid number 6472-00-596969. Ms. Hunt said they are planning on removing the existing cottage and building a two family two story house. They will be removing all three sheds but will replace one of the sheds with a new shed. They are hoping to keep the patio. They will be drilling a new well and installing a new leech field but will be keeping the existing septic tank. The garage will be within the confines of the house. There are no porches or decks proposed for the front of the house except a roof overhang at the front entrance. There is supposed to be a 12 x 20 foot deck on the back of the house on the second floor. The dwelling will require a front yard setback variance from 85 feet to 56.7 feet, a front width setback from the required 300 feet to 292.4 feet and a lot area variance from the required 3 acres to 1.23 acres. The existing cottage pre-dates zoning.

Mr. Zemke motioned that the Zoning Board of Appeals set the date for the public hearing to be held at the June 25th ZBA meeting. Ms. Fitzpatrick seconded. All aye. Motion carried 5-0.

Administrative Items:

- **Approval of Minutes:** Mr. Schneider motioned that the Zoning Board of Appeals accept the April 23, 2014 meeting minutes as presented. Mr. Otter seconded. All aye. Motion carried 5-0.

Discussion Items: None

Mr. Zemke motioned to adjourn the meeting at 9:00 p.m. Mr. Schneider seconded. All aye. Motion carried 5-0.

The next meeting will be held on Wednesday, June 25, 2014 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board