

**Town of New Scotland  
Zoning Board of Appeals**

**Minutes**

**May 26, 2020**

**7:00 p.m.**

**Zoning Board Members:**

Jeff Baker, *Chairman,*

Lance Moore, Dean Sommer, Edie Abrams, Erin Flynn Casey

Lori Saba, Zoning Board Secretary, Jeremy Cramer, Building Inspector

Crystal Peck, Zoning Board Attorney, Garrett Frueh, Town Engineer (Stantec Engineering)

*Absent:* Garrett Frueh

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- 1) Executive session to be held for members of the board with the meeting starting immediately afterwards.

**Public Hearings:**

- 1) **Adjourned: Variance Application #543:** Application submitted by George Barna requesting two area variance requests. The first request is relief from Article II, Section 190-9(E) to allow for a second principle dwelling of the same lot. The second variance is asking relief of Article II, Section 190-15(B) of the Town of New Scotland's Zoning Law that states each lot in the RH Zoning District shall have a density of not less than 10,000 sq. ft. per family for parcels with multifamily dwellings. The parcel is owned by 30 New Scotland LLC, is located within the "RH" district at 30 New Scotland Avenue, consisting of approximately 3.8 acres, and is identified as New Scotland Tax parcel i.d.#107.2-2-44.1. The parcel currently has an eight unit apartment building located on site. The request is for 40,000 sq. ft. of relief to allow for four additional apartments in a proposal to allow for a second multi-family apartment building of 12 units to be added to the site.

**Old Business:**

- 1) **Variance Application #530:** Application submitted by Tommell Livestock LLC to allow for the use of the parcel as a commercial public garage which is not a current allowed use for the parcel. The application is a request to "renew" a use variance previously granted for this

parcel to allow for the operation and use as a public garage. The parcel is located in the RA district at 173 North Road and is identified as tax parcel #105.-3-6.10.

Mr. Baker we just have the reconsideration of the variance application #530. There was a decision that came down earlier this month or the end of last month; the decision reversed and remanded our decision for further consideration. As a Board we have not talked about this at all or any discussion about it and the attorney for Tommell asked to be put on the agenda tonight so they could start the process of reopening the application or restarting it. I don't want to misstate that, so the first thing I would like to do is make a motion for executive session, so that we can discuss with our attorney the court's decision and on the issues going forward and then what we will do is come out of executive session and hear from the applicant their views on how they see this going forward and any information that has to be developed. We will take it from there.

Ms. Abrams moved to go into executive session for the purposes of discussing with our attorneys the litigation of Tommell Livestock versus the Town of New Scotland and Mr. Sommer seconded the motion.

Roll call: Mr. Baker, yes; Ms. Casey, yes; Mr. Sommer, yes; Mr. Moore, yes; Ms. Abrams, yes.

All in favor; motion so carried. Vote: 5-0

Mr. Moore made a motion to include Mr. Cramer in the executive session and Ms. Casey seconded the motion.

Roll call: Mr. Baker, yes; Ms. Casey, yes; Mr. Sommer, yes; Mr. Moore, yes; Ms. Abrams, yes.

All in favor; motion so carried. Vote: 5-0

Ms. Peck paused the recording.

Ms. Peck, our chair person, Jeff Baker had to step out due to a medical emergency with his family, so Lance Moore will now be chairing the meeting going forward.

Mr. Moore called the ZBA May 26, 2020 back into session.

Mr. Robert Rosborough: I am with Whiteman, Osterman, and Hanna, an attorney who is representing Tommell Livestock, the application for use variance #530.

Mr. Moore: Would like to give us a presentation on what we should reconsider?

Mr. Rosborough: Sure, well we will start with where we were before...

Mr. Moore: We lost you.

Ms. Peck: He is phasing.

Mr. Rosborough: Sorry, so my clients applied for a use variance for the four bay commercial garage that currently exists on their property and has existed since about the 1980's and it has been in use as a commercial garage since about that time. The property existed in the RA district which does not currently permit that type of use, so my clients upon receiving a notice of violation appealed that notice of violation to this Board and then sought a use variance for their continued use of the existing commercial garage. That's where we were before we went through an extensive process where evidence was submitted to this Board in support of my client's application and the ZBA considered all of that and we went through the public hearing, and then ultimately a determination was made to deny the variance and my client commenced a lawsuit in NYS Supreme Court. Just earlier this month the court held that the ZBA determination was arbitrary and capricious and annulled the determination and sent it back to this Board for a reconsideration of the decision that it had made based on the evidence that was in front of it, because there was no sufficient explanation for the determination that my client's application was any different than the use variance that had been granted to the prior owner for this existing commercial garage in 2016. In 2016 the Board found that the four factors that were necessary for the grant of the use variance to Mr. Shufelt, who was the prior owner of the property, were satisfied. Particularly, that he couldn't realize a reasonable return other than the investment because of the existing nature of the garage, which can only be used for commercial purpose. They also found that the hardship was unique to this property and was pre-existing. (Lost him again) The hardship hasn't been self-created.

Mr. Sommer: You cut out for a few minutes, so could you just rewind.

Mr. Rosborough: Sorry about that, my internet connection seems to be failing me. The four findings of the Board were that the use variance criteria was satisfied that the variance was unique to the property because this was an existing commercial garage. It wouldn't change essential character of the neighborhood to create a use variance, because this was an existing commercial area and there was commercial business across the street. Finally, that the hardship was not self-created, because Mr. Shufelt purchased the property with the existing commercial garage already on it and that was the finding of this Board in 2016. The Board again in 2019, my client's application, found that the second and third factors were satisfied, the hardship was unique to this property. The granting of the use variance would not alter the essential characteristics of the district, but disagreeing that the prior findings from 2016, which the Court held were not supported by the record, because there has been no material change in circumstances. Based on the Court's holding what we are asking this court to do is reconsider the determination on the two factors that remain on dispute. First would be the applicant here, Tommell cannot realize a reasonable return on their investment based upon the competent expert evidence of this Board has been presented in front of it both the appraisal from William More that Tommell provided in 2019, as well as the appraisal that had been submitted in support of Mr. Shufelt's application in 2016. We submit nothing has changed that our client could realize a reasonable return on its

investment. Second, this is not self-created; these buildings have existed on this property as they are, since the 1980's. We purchased them with the property already existing. The harm here is not self-created because the only use of this property or of the garage is for a commercial purpose. It's a very large garage 60x60 four bay commercial garage. It can't be used for any residential use and so the harm here wouldn't be self-created. So what we are asking the Board to do is based upon the Courts determination and all of the evidence that was previously submitted to the Board is make a determination that the use variance criteria has been satisfied and grant that use variance to Tommell with the imposition of reasonable conditions that this Board has in its discussion to impose.

Mr. Moore: (I cannot understand Lance) search on the property, its background.

Mr. Rosborough: The background of the property, I mean we have submitted fairly extensive evidence on how it's been used since the 1980's. The appraisals show what it's capable of what it is being used for a fair market value. With the current residential home on the property being encumbered by the estate, it is essential the value according to our appraisal is \$35,000 for the land. It is vacant land, because without a use variance we can't use the commercial garage. It isn't capable of being used for a residential purpose and my client has invested over \$183,000 into the property and it's not capable of reasonable return for that. In our submission before we showed how the property was developed from the 1980's and how it was used through the 90's and through the 2000's as a commercial garage for the repair of vehicles like... (lost internet connection). We are not proposing a different use that has been engaged in on this site for the last 30 or so years. What we are proposing is to continue the same use with the use variance so that it can continue in the spot that it has ever since the 1980's.

Mr. Moore: I will give you a little background on this site. This was Domermuth Petroleum and it was a site of a large legal action against them polluting the water up there. Domermuth sold this property to his nephew, Kevin McMillan, and they had an oil spill there and that's why we have municipal water in the Clarksville area. Because there was two major oil spills. They were actually dumping on the property. I just wanted to bring that up and let me clarify it wasn't like a garage that was open to the public. Domermuth Petroleum used the garage for the repair of their vehicles. I just thought you would like to know that.

Mr. Rosborough: The way my client is using it now it certainly is not relevant whether their use variance should be granted.

Mr. Moore: We will open it up to the Board for any questions.

Mr. Sommer: I'm sorry, I didn't get your, I heard you say it is not relevant to the application, but what was your full response to Mr. Moore on that.

Mr. Rosborough: Whether oil spills have occurred on the property in the 1980's isn't something that should be considered in granting a use variance or not, it is not one of the

criteria and it's a long past owner that my client has no relation with. The mere fact of the history of the property has just been the repair of vehicles has occurred in this garage since the 1980's. The same way as Tommell has proposed to use the property, so it is consistent with the history of how this existing structure has been used.

Mr. Sommer: Do you think, I'm a new Board member, assuming that when one looks back at the history, where this is located, issues that arose on this property, do you think that your client would be open to certain conditions with regard to taking measures to avoid these instances of you know petroleum and chemicals that are in use there.

Mr. Rosborough: Absolutely. That would be their obligation regardless of any conditions that this Board would impose.

Mr. Sommer: Well that's what I mean, separate from you being able to say you know they have to comply with PBS and CBS rules you know to the extent that, so let me just ask a kind of a hypothetical. There are drains in the building to identify either not have drains or identify where those drains flow to. Not having vehicles with petro chemicals including gasoline in them stored outside. Those types of conditions you think your client will feel comfortable with?

Mr. Rosborough: I will be happy to discuss any potential conditions with our client and I'm sure we would agree to reasonable ones that relate to the use of the property, absolutely. Any specific conditions I would obviously have to consult with my client before I can answer that.

Ms. Casey: I'm also a new Board member and was not on the Board for the prior consideration of this application. Have there been any material changes to the information in the application. Are you prepared to make a presentation to us about that?

Mr. Rosborough: There haven't been any changes in the application since it was submitted with all the information that was provided.

Ms. Casey: There have been no material changes to the condition of the property or anything happening in the neighborhood. Does it need to be updated in anyway? Is there any new information that we need to consider?

Mr. Rosborough: Not that I'm aware of my understanding is that the garage has been used just as it has in the past since the time we submitted the application. I would not say there are any material changes that would be necessary to update for the use of the property, absolutely not.

Ms. Abrams: When we considered Mr. Shufelt's application I believe that the accessory building was an office, now it is residential, and there is a life time lease, or life estate on that building. Is the person living there still there?

Mr. Rosborough: That is correct. The life estate is still there, the person who lives there is still alive, so that still encumbers the property until that person passes away.

Ms. Abrams: So that building will stay residential?

Mr. Rosborough: Yes, for as long as that person is alive, it will remain a residential building.

Ms. Abrams: That occurred when Tommell Inc. negotiated the property.

Mr. Rosborough: That was one of the agreements that my client had with the sale of the property they would allow Mr. Shufelt's father and mother to continue to live in that building. His father subsequently passed away, but his mother is still alive.

Mr. Sommer: What happened to the building when they leave, does that become a commercial building?

Mr. Rosborough: No (screen froze). My understanding it was converted to a residential building when Mr. Shufelt owned the property. So it would have, I believe it would need some kind of approval to change back to a commercial use. The residential building is the permitted use under your zoning code right now. I believe your attorney interpret that, but my understanding is although it wouldn't be encumbered by let's say upon the death of Mr. Shufelt's mother you couldn't just change the building without a separate approval.

Ms. Casey: I would also note, for the record, that there was a comment that at the time of hearing of Mr. Shufelt's application that it was an office building. I don't believe that is correct. At that point of his application before the Board he had already been converted to residential structure. I believe the permit for that was issued in 2014 to convert it from an office to a residential building. At the point of when his application was heard it was a residential single family.

Ms. Peck: To clarify, just for the Board, it was when Mr. Shufelt purchased the property it was an office space, it was not a residence, he convert it after he purchased the property to a residential unit.

Ms. Casey: And a notice of violation was issued there after?

Ms. Abrams: Because he didn't go through the process of converting it from commercial to residential?

Ms. Peck: Mr. Cramer you handled the enforcement actions on that.

Mr. Cramer: When Mr. Shufelt had purchased the property he purchased it under Chuck's Woodworking Inc., the main intention was to convert the office to a house so that he could live there with his father and his son. After the purchase and then he started the permit process, first was to update the roof on the garage, the soffits, facades, and that sort of thing. Then he did a permit to convert the building from an old abandoned office into a

single family, as he was converting to a single family that's when he applied for the use variance for the public garage.

Ms. Peck: Mr. Baker did just call in, and I would like it on the record, he is back in the meeting.

Mr. Baker: Yes, I am here.

Ms. Abrams: So Mr. Shufelt got a permit to convert the office into a residence?

Mr. Cramer: Correct.

Ms. Abrams: He got a CO from that?

Mr. Cramer: Yes. In that same time frame he had starting operating or started working on vehicles out of the garage on a small scale and that's when we noticed what he was doing. We had issued the violation notice and he had come in and started his application, started filling out the application so that he could get try to get the building approved for a commercial use. During the process while was...

Ms. Abrams: Excuse me which building for commercial use?

Mr. Cramer: The garage, because the house was...

Ms. Abrams: I thought it was already, I thought the garage was already was issued for a commercial use.

Mr. Cramer: Both buildings were vacant and boths building if they had any approvals that were given for commercial in nature had expired at that time.

Ms. Abrams: Right.

Mr. Cramer: Any commercial business that had purchased that property would have required an application to the Planning Board if it was an allowed use in that zone. If it was not an allowed use in that zone it would have gone to the ZBA for a use variance.

Ms. Abrams: Okay, so he got an approval for the accessory building to be converted from an office to residential? But he never finished getting the commercial use approved for the garage? Is that what you are saying?

Mr. Cramer: Well, yes I think that we have determined that the original use variance from Shufelt had expired and that no permits were issued or CO'd within that time frame.

Ms. Abrams: Okay, so how would you legally characterize the garage at that time?

Ms. Peck: At what time Ms. Abrams?

Ms. Abrams: Well it had been an abandoned building.

Ms. Peck: Yes and there was a decision that was issued for Shufelt that the commercial use of that garage had abandoned which is why he had to come in for another use variance for the Board.

Ms. Abrams: Right, but he never finished the conditions.

Ms. Peck: Yes that's why Tommell Livestock is here to get the use variance because technically that still remains an abandoned use commercial garage and they have to come in for a use variance in order to be able to use the garage as a public garage commercially. Otherwise it still remains a residential property.

Ms. Abrams: Thank you.

Ms. Casey: Can I ask whether the applicant has a position on whether the Board should hold another public hearing on this variance?

Mr. Rosborough: We do have a position, we do not think that is required all of the evidence that was before the Board was previously put to a public hearing. Nothing has changed, the court knowing the ZBA's determination so in our view the only thing left to do is make a new determination based upon the evidence that has already been put into record.

Mr. Sommer: Did you say I heard most of what you said, at the start did you say you don't object to it or you would object to it.

Ms. Casey: He said he doesn't think it is necessary.

Mr. Sommer: I understand that I understand that you don't do you happen to know if there are new folks that moved into the area.

Mr. Rosborough: No I do not know. My client says there isn't.

Mr. Sommer: Okay, so Mr. Rosborough does it matter if the use is solely for the applicant that company or it to be opened to the public for auto repair.

Mr. Rosborough: For the purposes of a use variance it doesn't matter no.

Mr. Sommer: Okay, just going to your discussion about reasonable conditions do you know if there are hydraulic lifts in the garage?

Mr. Rosborough: I believe there are.

Mr. Sommer: Do you know how many? Does each bay have one?

Mr. Rosborough: I believe there is at least one in each bay, but Amy could speak to that better than I.

Amy: There is just one.



Mr. Sommer: Just one, okay. Am I allowed to ask questions about that?

Ms. Peck: You can ask questions to the applicant, but if you are talking about concerns for conditions on an approval you'll want to get the information that you need that you think that are circumstances that need to be mitigated for the use in the community.

Mr. Sommer: That is something we can do rather than recommend to Planning Board for site plan review or?

Ms. Peck: It is something that you can absolutely discuss here. If there is an approval here it will need to go to the Planning Board for site plan approval too. It will be looked at by both Boards.

Ms. Abrams: Usually we visit a property when we discuss it. Would we be allowed to visit the garage again to see any changes that might have been made?

Ms. Serk: Was the garage visited on the original submission of the application?

Ms. Abrams: Yes.

Ms. Serk: That is something we could discuss with our client, but I would submit that we now have a court decision that this garage is in the same exact state that it has been since 2016 with no changes to it. I think Mr. Rosborough has clarified that there has been no changes to the garage itself.

Ms. Abrams: Maybe not on the exterior, but I think I would like to satisfy myself if there has been any changes as to the interior.

Mr. Sommer: Maybe I misunderstood, I thought Mr. Rosborough had indicated that \$183,000 was to the expenditures or did I miss hear that?

Ms. Serk: That is was meant for the total property.

Mr. Sommer. That's the total investment. Let me just go with the hydraulic question for a moment, because if there is going to be conditions I guess I do in light of history of that, do you have any knowledge when the last time those pits were assessed or looked at?

Mr. Rosborough: I do not at this point we can consult with our client.

Mr. Sommer: I'm not criticizing you, I'm just curious if you know. Do you know whether there is any history in books as to the replacement of hydraulic oil in that system?

Mr. Rosborough: I am not aware at this point.

Mr. Sommer: I think you know obviously I will ask Ms. Peck, but your likely get some questions or conditions to make certain that running a wet shop remains at the shop and not beyond the shop.

Mr. Rosborough: Sure.

Mr. Sommer: Because I did hear you say to Mr. Moore that the history doesn't matter. I'm not certain of that, I heard you say it and I take that in good faith. I do think that checking with Ms. Peck I'm going to be focused on that.

Mr. Rosborough: Sure and if you submit any questions you may have to Ms. Peck so we can have it in writing, we will certainly be happy to answer to the best we can.

Ms. Peck: We can do that Mr. Rosborough, that will not be a problem.

Ms. Abrams: Mr. Shufelt did not have a permit from the Department of Motor Vehicles and at the time of the last ZBA meeting the applicant did not have one either. Do you know if the applicant has received a DMV permit for a commercial garage?

Mr. Rosborough: I am not aware at this point one way or the other, but I would imagine that DMV would require some indication that it is approved by the Zoning Code for one to be issued, so if that was a condition that was attached to an approval of a use variance then we would certainly be happy to comply.

Ms. Abrams: Thank you.

Ms. Peck: My understanding that is if they are to run a public repair shop they would need to show they have zoning approval for it so they would not be able to get that until after the variance has been approved.

Mr. Sommer: Do you anticipate any storage of petroleum on the site?

Mr. Rosborough: We will provide that information to you once we talk to our clients.

Ms. Casey: If I can just return for a minute to this question about the site visit. I understand your position that's it's not necessary given that it happened back in 2016, but I would like to request that you check whether your client will permit it, because two of the five Board members were not on the Board at that time and don't have the benefit of the site visit and if that was part of the record before Board seems to me important that it be before the current Board as well.

Mr. Rosborough: Sure. We are back on an application that has been full submitted but you know if you have concerns you would like to address by looking at this site I will speak to my client and let you know.

Ms. (not sure who is speaking) another attorney: I just want to clarify that I believe there was a site inspection on the 2019 application as well. Is that correct?

Ms. Peck: I don't know for sure.

Ms. Casey: Regardless, neither Mr. Sommer nor I were on the Board in 2019.

Ms. (attorney): I understand.

Mr. Baker: I apologize for having to leave the meeting and have to participate this way, it is certainly not ideal and I don't know what got discussed when we got out of executive session, but I think Ms. Casey just made the point we essentially have to do a, in my view, a review based largely on the record we have with any changed circumstances that may be out there. I do think there should be a public hearing, because we don't know who lives in the area now and who may get notice or may want to comment about it and should have a right to give their views on it. I would think we would have a public hearing at the next meeting.

Mr. Rosborough: Our position is that a public hearing would not be necessary; we don't believe any of the owners who received the notice in 2019 public hearing has changed. The public hearing comments that were submitted were overwhelming positive and supportive the use variance before and we don't believe it would be any different now. It is our belief that looking at the record as already developed and the public hearing has already been held and all that is left to be done is to provide a new determination. That is certainly our position and the Board is going to take the action.

Mr. Baker: I understand that and I would assume if the public was supportive last time they would be supportive again. I don't think it is going to extend this process much. I think it is right to get the opportunity for any review. I do have a concern about, and it is my understanding that there is a variety of equipment being stored on the this site behind the building that was moved from the Upper Flat Rock property. Do you know anything about that?

Mr. Rosborough: No I do not. I can consult with my client.

Mr. Baker: I would ask you to do that, because any storage of anything there now in the absence of the use variance with an absence of a site plan isn't a valid use and that's why they were out to get the material off the Upper Flat Rock property. I think that could be looked at. I'm sorry, the other piece of new information, and I don't know if it was brought up. What is the status of the life estate?

Mr. Rosborough: It is still in effect as far as we know.

Mr. Baker: Really, okay. I will need an affidavit to that affect or some statement as to attesting as to what it is, because there has been statements that we've heard, it is hear say off the record, but that it is still not a life estate, but if it is, I just need an affidavit to that affect.

Mr. Rosborough: My understanding it is still a life estate. I believe Mr. Shufelt's mother is still living, so it would still be in effect.

Mr. Baker: Is she still in possession of the building?

Mr. Rosborough: I'm not sure I haven't asked that question in particular, but we can consult with our clients.

Mr. Baker: I would like to know what the current status of the house is. That would be a change in circumstances that may be relevant. I am sorry for interrupting this way, but that is what I have for now and I guess, you know leave it to the Board to continue any discussions that they may have, but I would make a motion that we set this for a public hearing for our June meeting. Unless people want other information first.

Mr. Sommer: I think I would like a clarification to the comment you just made about vehicles being stored there outside. My understanding this is an application to have a garage, not an equipment storage facility. What is exactly is that? I don't get that.

Mr. Baker: That is a fair question is when the ZBA gave their approval originally to Shufelt, I will have to take a look at it, I don't have it in front of me, but there were requirements for fencing in the yard and limiting the number of vehicles that could be parked there. There were restrictions on not being a general storage yard. Absentee approvals or whatever I do think if it is being used to store tractor trailers for trucks or for whatever they should not be there.

Mr. Sommer: Do you agree with that Mr. Rosborough, because know as Ms. Casey has said, we are new members on the Board what is exactly being asked. Your client wants to do an automobile repair you've got a lift inside the garage. I have not gone by the property, if there is truck storage going I guess from your perspective you would say raise that as a condition?

Mr. Rosborough: I am not aware of what is stored on the property presently or not. We have applied for is for the use variance to use the existing commercial garage for a commercial purpose.

Mr. Sommer: Is that bound as you got as, and I'm sorry I'm a new member on this, but that's talking about the garage, inside a structure, and then I imagine some kind of I guess attendant to that need if you have a piece of equipment or whatever that needs repair.

Mr. Baker: Let me interrupt you, I think what you are raising is actually a good point, I think, correct me if I'm wrong, I'm not sure if we ever had for the Tommell application, and I don't think we ever had it for Shufelt's application, but we probably should have, a preliminary site plan to show what was going to be for the use variance what we have for an external yard.

Mr. Cramer do we have anything like that? He was supposed to go in for a site plan approval to the Planning Board, I know that never happened, but I don't recall there ever being one in the record of any kind step for site plan.

Mr. Cramer: I believe in the record they had old survey maps, but not a site plan similar to what Shufelt had put together with the addition off the back for the purpose of storing the vehicles to be repaired.

Ms. Abrams: But we did have a condition that vehicles should not be parked outside except if something happens during the night time to park one vehicle outside to be brought in, in the morning.

Mr. Baker: I think Mr. Rosborough, I'm not trying to burden you on this, but would it be a big deal, because we are going to have to do it if we are going to give you the variance anyway, to give us a preliminary site plan that shows outdoor storage, fencing area, whatever is being proposed in terms of the activity which would go to us to review for any conditions for litigation.

Mr. Rosborough: I believe we can do that, I will check with my clients to see if they have an idea of what the site plan would look like, but I will check with them.

Mr. Baker: You are going to need it anyways.

Mr. Rosborough: Right.

Mr. Sommer: As I understand it with your prior comment about basically the record there is nothing really new. Ms. Casey and I were not on the Board so I don't know what Mr. Shufelt had in mind and so if we are really suggesting what Mr. Shufelt and Tommell is entitled to, then yes I do become concerned about it expanding into a storage facility that was not contemplated by Mr. Shufelt.

Mr. Baker: I don't view it that way, if the Board were to grant the variance it would also look at the conditions to apply to that as related to what this current applicant is proposing, which is not the same as to what Mr. Shufelt was proposing. At least I don't think so; I mean we need a little bit more detail as to what that is going to be, because we have the right to put on if we are inclined to approve it to give condition and to mitigate the impacts. I think it's appropriate to ask those questions and get those details. If we don't have any other questions and someone can make a motion for a public hearing that would be good.

Mr. Sommer motioned to schedule a public hearing for June 23, 2020 ZBA meeting and Ms. Casey seconded the motion.

Roll call: Mr. Baker, yes; Mr. Sommer, yes; Mr. Moore, yes; Ms. Casey, yes; Ms. Abrams, yes.

All in favor; motion so carried. Vote: 5-0

Ms. Peck: Just to clarify, what I will do if you are comfortable with it is that I know some of the questions that Mr. Sommer had specific to like the hydraulic pit I can send them to you in a separate email so that you can confer with your client.

Mr. Rosborough: Yes that would be great.

**Regular Meeting:**

Discussion/Action minutes of April 28, 2020: The minutes will be reviewed at the June meeting.

**Motion to Adjourn:** Mr. Moore moved to adjourn and Ms. Abrams seconded the motion.

Roll call: Mr. Baker, yes; Mr. Sommer, yes; Ms. Casey, yes; Ms. Abrams, yes; Mr. Moore, yes

All in favor; motion so carried. Vote: 5-0

Respectfully submitted,

Lori Saba

THE NEXT TENTATIVELY SCHEDULED MEETING IS JUNE 23, 2020