

June 16, 2008

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TOWN OF CORNWALL
ZONING BOARD OF APPEALS

JUNE 16, 2008

MEMBERS PRESENT: LENORA RANSOM, CHAIRPERSON
EILEEN REGAN
TED DOBIAS
WILLIAM LEE

ALSO PRESENT: ADAM RODD, ESQ.
ZONING BOARD ATTORNEY

ABSENT: MICHAEL MC GUINNESS

MS. RANSOM: I'd like to call to order the June 16,
2008 meeting of the Cornwall Zoning Board of Appeals.
We have three items on tonight's agenda.

KAREN_E._ELMES_-_CONTINUATION

MS. RANSOM: The first is the request of Karen E. Elmes, 16 Deerfield Lane. Let the record show that we have received a letter from Michele Babcock counsel for the applicant requesting that the board hold this open until the August 18 meeting in order to allow them time to amend their application and publish a Notice of Hearing. Do I have a motion to approve this request?

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

HARRY_&_DIANE_KNAPP_-_CONTINUATION

MS. RANSOM: Next public hearing this evening is on the request of Harry and Diane Knapp. Are the Knapps here? Okay, the building department sent a letter out dated May 20 asking the Knapp to advise the board of their intentions, if failure to respond that the board would deem the application to be withdrawn. Do I have a motion to approve the withdrawing of this application?

MR. DOBIAS: So moved.

MR. LEE: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: We're going to assume that the application has been withdrawn.

GERARD_&_PATRICIA_WAGNER _____

MS. RANSOM: Our next public hearing is on the request of Gerard and Patricia Wagner, 6 Cherry Road. Notice is hereby given that the Zoning Board of Appeals of the Town of Cornwall, County of Orange, State of New York will hold a public hearing on the Town Hall, 183 Main Street, Cornwall, New York on June 16, 2008 at 7:30 p.m. or soon thereafter as the matter can be heard on the application of Gerard Wagner relating to property located at 6 Cherry Hill Road and designated on the tax map as section 30, block 1, lot 9. The applicant seeks an area variance to Section 158-14 (c) (1) of the zoning ordinance in order to install 136 linear feet of 12 foot high cedar wood fencing one foot from the property line. The ordinance allows fences up to six and a half feet high. The zoning board will at the above time and place hear all persons interested in the application. All written communication should be received by the board at or prior to the hearing. Dated, May 8, 2008, by Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, chairperson.

Gerard and Patricia Wagner appeared before the board for this proposal.

MRS. WAGNER: I'm Patricia Wagner and this is my husband, Gerry Wagner, we have affidavits.

MR. WAGNER: We have an existing 6 foot fence now and we want to increase it to 12 foot and this is solely because of the condition of the neighboring property at 4 Cherry Hill. It's just in terrible condition, it's dilapidated but worse than that is the occupants, it's become a rental unit over the last three years and the last three months the newest tenants I'm being polite by calling them that have just been horrendous. We cannot begin to describe but if you want us to we will. What we have had to endure with these people living next to us, constant cars coming and going all hours of

the night for short periods of time, the police initially were helpful but now I think we have just been kind of labeled as whackos, you know, but we just can't live with the situation any longer. Every time we walk out of our house into our yard we're faced with this situation glaring us in the face every time it's just sickening to see what we put all our money in. We're not rich people, we're not poor but our home has been our investment and that's what we invested in and it's just being devaluated and we're really being tortured. And I think that's a correct word, it's not an overstatement of what we're going through. And we're asking you guys to at least give us some relief so that we don't have to look at this on a daily basis.

MRS. WAGNER: Give us some barrier.

MR. WAGNER: Some barrier.

MRS. WAGNER: The tenants to say taunting, I mean, it sounds silly but when you're hit with it every time you walk out of your house, it's constant, it does something to your psyche.

MS. REGAN: What are they doing?

MRS. WAGNER: It's, you know, once they see you they're going to rev the motorcycle, if that didn't irritate you enough they go down the street and come back with six more motorcycles and they sit them at the end of your driveway and rev it.

MR. WAGNER: If you want the whole story I'll give you the bad and the ugly but it gets very bad and it gets very ugly from simulated sexual acts that our niece and nephew have to witness to, I mean, we can go on and on and on.

MS. RANSOM: I stood in your driveway yesterday and I can only see the very peak of the roof of the house,

I'm a little concerned.

MR. WAGNER: That's where the problem lies, you stood in the driveway, if you look at the home and we have pictures for all of you, our home is built on a much higher plain than theirs so when you're at the front door or specifically, Ted, when you were there I showed you what I'm talking about and I think the pictures will tell the story if you stand on the driveway you're, I'm 6 foot 2 and I could see their roof line, but if you stand on our front property if you stand on our lane if you stand on our front walk that's where the issue is.

MS. RANSOM: So the first photo where's this taken from?

MR. WAGNER: From our front yard, everything you're seeing is from our front yard except where I actually went around the fence you've got a full view of what the situation is.

MRS. WAGNER: And the incident of my niece and nephew coming over they came over to show a new puppy, they're in the front yard, they wanted to introduce their putty to our dog. At that point, you're at the higher elevation and, you know, they find this is appropriate behavior and all we're told is they have rights, they have rights but--

MR. WAGNER: They park in the road, if you've been to Cherry Hill it's a single road private lane, they park in the road blocking everyone's coming and going. The one time my wife confronted them and demanded that they move they verbally abused her. Look at police records, it's been endless over the last probably four to six weeks and just in this past weekend there's probably six calls, three of which that they actually decided to come. We've had it with the police to be honest, I don't, this may or may not be the forum but we have

contacted every state senator, every federal, every agency from the FBI to you name it because this has just gone on way too far with what we have to deal with.

MS. REGAN: How many people are living in the house?

MR. DOBIAS: What about in the evening?

MR. WAGNER: Ted, it's endless, over the weekend it's 24 hours, obviously, and then even at night we had a power failure as you all know Tuesday and you'd think that this would keep people away, just the opposite, it was like a call went out to come and be on Cherry Hill, it was beyond belief.

MR. LEE: How many complaints have you filled with the building inspector's office on property maintenance?

MRS. WAGNER: Gary Vinson?

MR. LEE: You're showing me pictures of property maintenance violations and they should have been taken care of by the building department.

MRS. WAGNER: Gary Vinson is working with the property owner, Paul Kane, and he said that the septic is in violation and his electric is in violation.

MR. LEE: I'm talking about the garbage, trash and debris shown in the pictures.

MRS. WAGNER: We worked with Gary, we had gone to the Town Board to plead our case, they had Gary go out there the next day, Gary told the property owner that his septic was in violation cause it's an old septic and that his electric was in violation and that if he did not fix this he was going to condemn the building. We're told it's a very long process, they have to do it by the law so they're giving them time. The property

owner was told he had to get a soil sample of the septic the area, he came in with a bulldozer, knocked down, you know, all the trees to do this. On Saturday there was a man in a pickup truck with a ladder and worked on electric all day long. I don't know if he was licensed, that's not for me to find out, I don't know if he had a permit, that's not for me to find out.

MR. WAGNER: We have inquired to no avail, we get no response. We're here before you, we have been here before you on other issues involving our home, we have always pulled permits on any work that we have ever done and, you know, can the same be said for these people? I would just like to know are they being held to the same standard? I don't believe they are but I would like to know.

MS. REGAN: How many people are living in this house?

MRS. WAGNER: There are three to four and if it's a big party night there's whoever flops, it's a flop house.

MS. REGAN: Are they kids?

MRS. WAGNER: They're in their young 20's so right now there's two men and a girl and if the property owner wants his way, he will swear that his son who's and nephew who lives in the house so at this point there's four people in 648 square feet of living area all unrelated, I mean, I don't know if that's a violation, I don't know.

MS. RANSOM: What's a 12 foot fence going to do for you?

MRS. WAGNER: Twelve foot fence I won't be able to see them nor will they be able to see me. I won't have to deal with the eye contact and the comments when they're in their home coming out of their home on their property.

MR. WAGNER: It will do nothing for noise, this is a band-aid, I give you that, but we need something, we need something from this town to his continue to live here. It's just unbearable, absolutely unbearable. Check the police records, we have been at that residence for 13 years, for the first ten years we figured out we called the police twice, one was for a bear sighting, the other one was for an injured deer on our property that the police took care of and not until this property next to us became a rental property did that change and we're getting no relief.

MRS. WAGNER: We have stressed to the police that the activity, increased volumes of cars, the parking in the middle of the street just to run in to get something, it's very questionable. We feel that something illegal is going on in that house and their response to us is you can't assume that, you don't know that, but I feel that's the police responsibility to figure it out if it is or isn't.

MR. WAGNER: Unless we're going to be deputized it's not our job to find out what's going on in that house. To us, it's quite obvious, to me, it doesn't take a detective to figure this out but apparently it takes more than a detective according to Chief Todd Hazard. So, you know, well, you know what, that's fine, so I've brought it to the attention of the FBI and the DEA and any agency that will listen to me and accept an e-mail, a phone call or a letter. But the bottom line is here we are now, this has been going on for months now and we have gotten no relief, in fact because the police come, they have to just step up their performance, you know, and we need something, we need a bone I guess that's what we're asking for, we need a bone just so that we don't have to see this every single time we walk from our front door.

MS. REGAN: Did the owner live there?

MRS. WAGNER: Yes, Paul Kane lived there for the first ten years and then three years ago I was outside and his nephew approached me and said that he was my new neighbor which was a little disheartening because I was friends with my neighbor. So his nephew moved in and we did have some difficulties and then a few months ago the nephew came up to me, there was a truck, he was loading a bed into the truck and this is also with Paul and I said are you moving and he said no, I said Paul, you have a bed on this truck, he said no, I'm not moving. So I said am I getting new neighbors? And he says well, I have a buddy that's on hard times and, you know, this is from a fellow the first time I met him he was so proud to tell me what his criminal record was. So, you know, he takes pride in being a gangster, a wanna-be, within the first four minutes, and the police know who he is so when this character is telling me that a buddy, his buddy on hard times is going to be moving into the place, I mean, what am, what do I need to prepare for. So then the nephew does move out, these two fellas move in, a girl moves in, people just stay, come and go whenever they want.

MS. REGAN: Have you ever spoken with the landlord about the property?

MRS. WAGNER: Well, my husband did call the landlord.

MR. WAGNER: He pleads ignorance to it all, he doesn't know who's living there, he believes it's a nephew.

MRS. WAGNER: When these two--

MR. WAGNER: He thinks I want to buy the husband and let me just say that for the record I have offered him twice I believe to purchase the home, not because I want to own this property, we own a lot of property now that we don't use, you know, so it was simply as what I felt would be a resolution not because I want have any

intent for this property whatsoever and, you know what, those offers have been rescinded because I'm a believer in karma and that property got some bad karma and I want nothing to do with it but we can't live there at the same time based upon what we're having to deal with.

MRS. WAGNER: When the two fellas moved in I called the property owner right away and I said Paul, do you realize that there's two men moving into your house? And he says no, I didn't know that. And I said well, that's very concerning for me, you're the property owner, you don't know who's in your residence and you have, now they have now become my new neighbors. So his only response was well, if they think they're going to be paying what my nephew was paying they're wrong. So then my husband being nice and neighborly went over to the two fellas and said welcome, he gave them a gift card to Home Depot and said to them I just want you to know Paul Crawford is not the property owner. Oh, no, he told us no, the property owner doesn't know that you're living in the house, so they all, you know, agreed that it worked out and that's their business if it did or didn't but the property owner found out from us who was in his house.

MR. DOBIAS: Did Chief Hazard ever come up there?

MR. WAGNER: He comes up just about every other week.

MR. DOBIAS: This is the chief?

MR. WAGNER: So what I have determined now is just kind of pacify me, he hits me up with some words I want to hear like condemn and task force and, you know what, I was his biggest supporter, if you read the record from the town meeting a month ago, I was his parade leader and I'm sorry, I'm not anymore.

MRS. WAGNER: We have had a very tough weekend, it's

been a very tough weekend so--

MS. RANSOM: Is the fence right on the property line? Where, how does the, where is the current fence?

MRS. WAGNER: The current fence, we had a legal permit to put up the existing fence, it's on the property line, I can't say how, we didn't need a variance to put up the fence, so we didn't need a variance to put up that existing fence. And one of the questions that was asked could we get coverage any other way and here we have an estimate from our landscaper for \$3,460 to put trees in but he cannot guarantee their survival and here we have the estimate from our fence company to extend it and that's \$4,146. So as you can see we're willing to take our hard earned money to put into something like this to give us some peace of mind.

MR. DOBIAS: When I was driving up there there was a lot of dead stumps and trees and stuff, who does that belong to?

MRS. WAGNER: That belongs to 4 Cherry Hill Road, what they had done from what Gary Vinson told me they needed a soil sample for their septic and so they had the backhoe go in and knock that all down to get into the septic and that will remain like that until mother nature takes care of it because as the police say that's his right.

MS. RANSOM: Anything else?

MR. LEE: No.

MR. DOBIAS: No.

MS. REGAN: No.

MR. RODD: One question with respect to the landscaping proposal I understand that that proposal would provide

you with the screenage that you're seeking.

MRS. WAGNER: No, not necessarily.

MR. RODD: What do you mean not necessarily?

MRS. WAGNER: Right now if you can see the pictures we have existing evergreens and as you can see they do not give full coverage, we have very limited area to plant new trees because our driveway cuts into it, we have a fence, we have the existing aged trees and we'd only be able to put a few in.

MR. WAGNER: Our landscaper is Joe McCormack who I am sure you know in town, Joe is wonderful for us and he just can't guarantee for any amount of money if we put \$10,000 into that the trees, that they would take, grow and survive.

MRS. WAGNER: We have a small patch of area to work with, this doesn't allow for the expansion of the roots, it's a very shaded area.

MR. WAGNER: If it did take they would take up our driveway in time.

MR. RODD: Would you be able to see the house even with the 12 foot fence from let's say the second floor of your house?

MRS. WAGNER: Oh, yes, and that's, I mean, our concern is when we're outside, my concern, I mean, I can close my blinds, my concern is and when those children came over to my house and they had to witness that, I don't ever want them to see that again. I won't have family up to my house anymore. When I have friends over on the patio that's all that we see is that people come up and they say it's an abandoned building, no, it's not, people live there and they're not even human these people, they're a bunch of punks that parents don't

even want them in their house anymore. My husband had one of the fathers contact him and said he's not welcome home. Well, thanks a lot, buddy, because he's my neighbor, he made your life hell, now he's making my life hell.

MS. RANSOM: So when you're sitting on your patio which is slightly above the ground level you can see?

MRS. WAGNER: You can see the house.

MS. RANSOM: In its entirety?

MRS. WAGNER: You can see the front door.

MR. WAGNER: Yeah, from the bottom of the front door to the top of the roof line, yeah.

MRS. WAGNER: If I may--

MR. WAGNER: The 6 foot fence did virtually nothing other than to separate the two driveways which, you know, we needed to do too.

MS. RANSOM: How long has the 6 foot fence been there?

MRS. WAGNER: Since he made it a rental unit which was 2005 but his new renters there's just too many of them and they're very questionable in character.

MR. WAGNER: They come in volume, one car leaves, two more come, two cars leave, three more come.

MR. RODD: But a fence is, not to interrupt, the fence isn't going to change their behavior.

MR. WAGNER: No, it's not.

MRS. WAGNER: No, but it's going to give me some peace of mind that I don't have to see it and perhaps it will

work as a sound barrier that I don't have to hear them.

MR. RODD: Did you consider perhaps a smaller fence somewhere between, I mean, you're proposing a fence that's about twice the size of what the code allows.

MR. WAGNER: We understand.

MR. RODD: And it's going to go 136 linear feet?

MRS. WAGNER: That's the length of the existing, we're not change the length of the existing fence, we're raising the height.

MR. RODD: Would an eight foot fence provide you with the benefits that you seek?

MRS. WAGNER: I don't believe that it will, I don't believe that it will, and at this point for us to invest into an eight foot fence only to find that we needed the extra feet of coverage, I mean, at what point as homeowners do we stop getting sucked dry to correct somebody else's problem?

MR. WAGNER: The existing fence, alarm systems, you know, it's endless, the police told us this weekend that we should invest in video cameras and a private investigator, we should put--

MRS. WAGNER: All right.

MR. WAGNER: It's endless.

MS. RANSOM: Is the other piece of fence going on top of this or is this being replaced in its entirety?

MRS. WAGNER: It has to come down, I think it's in the quotation as to what they have to do because you have to have, the posts have to go in deeper, you have to make precaution for wind so it's a big job.

MS. RANSOM: How many feet from your home is this rental unit?

MR. WAGNER: From our bedroom window to their front door I believe it's 125 feet or thereabouts.

MRS. WAGNER: The other thing the town doesn't have a noise ordinance so these fellas they, you know, 2:30 in the morning Friday night they're all out there, Saturday night 11:30 it started because they knew we were upset with the motorcycles. So then it started the yahoo and the scream and we did, the police did come up at that time and talk to them pretty much but, you know, we're not sure what they said.

MS. RANSOM: Where do they park, there doesn't seem to be a lot of parking there?

MRS. WAGNER: There isn't.

MR. WAGNER: They don't have a formal driveway per se, a part of our pavement extends into their property line and again prior when the owner lived there for ten years we just let that happen.

MRS. WAGNER: It was a single man, a single car.

MR. WAGNER: He was hardly ever there, even though the property was always dilapidated quite frankly you looked beyond it, he was never there, so what the heck. But now four cars, five cars, six cars, they're parking at our neighbor across the street who's an elderly woman who's being woken by her dog in the middle of the night to this situation.

MRS. WAGNER: Out of frustration she turns to us and we say you need to call the police at 3:00 in the morning, don't wait till the next day to tell me that someone's parked in your driveway, you have to call the police

and I think it's the mindset of, well, I don't want to bother the police but for her to say the terms when she uses the terms I feel my house is being cased what has happened to Cherry Hill Road, what has happened to Cherry Hill Road.

MR. WAGNER: We have neighbors with us.

MRS. WAGNER: Our neighbors have come to support us.

MR. DOBIAS: When I was there I saw a young man climbing on a ladder, what was he doing?

MR. WAGNER: That was the person who was apparently working on the electrical issue which Gary brought to their attention apparently there was some code violation.

MR. DOBIAS: I thought it was maintenance.

MS. REGAN: Is this a year-round house or was it a summer home?

MRS. WAGNER: No, it was up year round.

MR. WAGNER: As I understand from the person we have bought our home from who was Oscar Meisner (phonetic), Oscar's in-laws built that place as a hunting cabin and it was used as such. Our property, and that property were one, it was five acres or just short of and Oscar inherited that place, moved he and his wife in, they had children, grew out of the home, they built our house, they used that house as a rental property and eventually let the fella Paul Kane buy it and to our knowledge that's the history.

MS. RANSOM: And these trees that are along the other side of your driveway do they provide any--

MRS. WAGNER: Well, no, obviously they don't because if

we were standing in this area here with our dogs and the children were able to see the performance.

MR. WAGNER: Like most mature pines the greenery if you will or the coverage doesn't happen until a good foot, two foot more so these are mature pines that Oscar planted back in the '60s.

MRS. WAGNER: It's clear--

MR. RODD: So the fence is on the side opposite, is that correct?

MRS. WAGNER: Yes, I mean, it's clear we have a bigger problem than a fence is going to fix but--

MR. RODD: Other than yourself and the neighbors at 4 Cherry Hill, who else will this fence be visible to if anyone?

MRS. WAGNER: Pretty much us, these are our neighbors that live further up Cherry Hill.

MR. WAGNER: They're above us, they would pass by it coming and going, there's one house directly across from us, 5 Cherry Hill which recently sold, now a young couple who just bought it they're aware this young couple their first home, their first night in the place was the blackout and the crazy activity at this place and Anthony, the fella who bought the place comes over to me the next morning before I have an opportunity to say anything, what the heck is going on over there. This was his welcome to Cherry Hill.

MRS. WAGNER: So, you know, police keep on telling us the rights they have but they shouldn't have the right to take away the piece of Cherry Hill Road, our quality of life, our peace of mind.

MR. WAGNER: Cherry Hill Road was Cornwall at its best

absolutely at its best, it's why people move to Cornwall, it's why people are attracted to Cornwall, it was seclusion, it was pretty, it was friendly and it's none of that anymore, it's none of that anymore.

MRS. WAGNER: You turn onto Cherry Hill Road and your stomach does a flip, you don't know what you're about to encounter.

MS. RANSOM: So would any of you like to speak? Can we get your name and address for the record please?

MS. HARRIS: I'm Jane Harris and I'm at 7 Cherry Hill and everything they're saying is true, we don't hear the noise as much because we live really at the very top of the hill, but we do have to drive by that house and I'm a little scared because with the traffic on the road I'm hearing reports that people sometimes go passed their house and park at the beginning of our driveway and I haven't witnesses it because once we're up in our hours we don't come down that often. But I don't like the feeling that I won't know who might be out there and it makes me nervous.

MS. RANSOM: Thank you. But a fence is not going to change that.

MS. HARRIS: No.

MS. LEE: Hi, I'm Karen Lee and I live at 8 Cherry Hill Road above them. Like she says that I don't hear the noise as much as they do but I have to drive through Cherry Hill Road on a daily basis and just last weekend I realized that the tree trunk was just upside down and it was very pretty when we moved here six years ago and now that house from the get go it was never really properly taken care of in my opinion, I mean, you know, I cannot say to homeowner you gotta keep up your property to a certain standard and that was okay because it was their right, you know, they don't want

to improve their home that's fine. But to have Cherry Hill Road giving that kind of look is really upsetting me and we have the S-turn that I have to drive by and one of the tree trunk is so far out if I don't be careful that could hit my windshield. And sometimes when there's many cars parked Cherry Hill Road is very narrow road and a very rarely that we have two way traffic but if we do one of us has to pull away and get above the other one to pass first but when the car is parked on the side it's obviously making even narrower and it's not safe. And, you know, everything they say is true and we even had our little neighborhood meeting the other day because it really concerned all of us, I think we together maybe eight or nine homes there and we all feel the same way but unfortunately Mr. and Mrs. Wagner is the most residents that suffer from this whole thing.

MR. WAGNER: We're all spread out which is great, again, the attraction of Cherry Hill was that we're all spread out except for ours, ours is the only house which is on top of the other one because it was one property at one time so it makes sense how it happened but we just in a million years could not have foreseen this.

MR. DOBIAS: It's not a private road?

MRS. WAGNER: It is a private road and that's what I don't understand why we don't have more recourse with all of this traffic that's coming in chief of police doesn't he said he's not sure if private really means private.

MR. WAGNER: In my opinion--

MR. RODD: That's, just to interrupt, that's an issue, that's not a zoning issue, you're simply here because the code says a limit for a fence is 6 1/2 feet, you're essentially saying that you want to increase it to 12,

primarily from what I'm hearing because and we're not disagreeing with you and we're certainly sympathetic with you the obnoxious behavior of the people.

MRS. WAGNER: It's the view, if those people were to move out now it's that view of the house. Did you come up to see the house in person? Maybe the pictures don't do it justice. It's falling apart, Chief Hazard even said to us all we can hope for is it falls down on its own. It's a dilapidated cottage, it should have been condemned the moment Gary got involved and I don't know why he's giving them time to play this game of stalling. And a 12 foot fence, you know what a 12 foot fence does, everyone that lives beyond us will benefit when they come down the hill they don't have to see that dump when they come up they'll have to deal with it but our new neighbors they'll be blinded from having to see it.

MR. WAGNER: I'll put it on the table to you and I think unless you have another question it will be our last comment. We've gotten no support on any level on this issue beyond fences, the support of the police, the support of the town committee, nothing, nothing has supported us but these tenants, these transients are rewarded rights that apparently we're not. Is a fence going to change it? Absolutely not, you're absolutely right as a zoning board and I understand that and we're aware of that.

MRS. WAGNER: But it's also a very emotional issue for us.

MR. WAGNER: We need something, we walk out of our house every day and we have to look at this, it has nothing to do with them being there, it has nothing to do with them being there, we have to view this and it's just in our face, it's getting punched in the stomach every time we walk out our front door. And that's what it is, guys, I don't know how else to put it to you.

Do what you feel is right but we're begging you, I mean, I'll put it that way to you, we're begging you for some sort of relief, some sort of relief, we're not getting it from the police which I'm furious about, the town committee was initially sympathetic, I cried at that meeting, I cried, you know what, that's it. Thanks.

MS. RANSOM: Just out of curiosity, why 136 linear feet if you had 12 feet closer to the house and less towards the road?

MRS. WAGNER: We believe it's going to be less towards the road. John said that he would--

MR. WAGNER: You can see it gradiates (sic.) if you will as it is now so that we can see a car coming up the road and not hit a car coming out of the driveway.

MRS. WAGNER: It will be tapered to match the second section so right now it does taper down and it will taper down.

MS. RANSOM: So tapering from 12 to what?

MRS. WAGNER: Well, right now it goes 6 to--

MR. WAGNER: I imagine 12 to 6.

MRS. WAGNER: I don't think down to 6.

MR. WAGNER: It's probably 4, we can't have a 12 foot fence otherwise we're penalizing ourselves at the beginning of our driveway, we can't see if a car's coming, a truck couldn't come in and deliver, oil truck, propane truck, we absolutely have to have it rise at a slope, don't know how else to describe it, the way it is now.

MS. RANSOM: Well cause your application says install

136 linear feet of 12 foot fence so that's not correct.

MRS. WAGNER: Well, I'm sorry, I misstated that then because it does taper down at some point.

MR. WAGNER: Here's the existing fence and you can see the first couple of sections are shorter so that again we can see if a car's coming or a truck has to come in and then you can see it gradually goes up to 6 foot.

MS. RANSOM: The whole piece would be 6, would be 12 and that would remain the same at the beginning of the driveway?

MR. WAGNER: Correct, this way can't change otherwise we're penalizing ourselves.

MS. RANSOM: And that's 136 linear feet then?

MRS. WAGNER: The whole existing fence.

MS. RANSOM: And how many feet are the portion in the beginning there that's how many linear feet?

MRS. WAGNER: Install 13 sections of 6, would that be 8 feet, Gerry? Each section is 8 feet so then take out 16 feet, there's two sections there a little lower so that would be 130, I'm sorry, what did we say, 136?

MR. WAGNER: The 136 is the existing total.

MS. RANSOM: So--

MR. RODD: So the first 16 feet would be 6 feet, is that what you're saying?

MRS. WAGNER: That would remain.

MS. RANSOM: That's 4 feet.

MRS. WAGNER: That's 4 feet right there so 4 to 12.

MR. RODD: So 4 linear feet would be at 6 feet in height?

MS. RANSOM: No, I think they're saying 16 linear feet would be at 4 feet and then 120 linear feet would be at 12 feet, is that correct?

MRS. WAGNER: Yes.

MS. REGAN: Two sections of 4.

MRS. WAGNER: Two sections of 4 and 11 sections at 12.

MR. RODD: How long is a section?

MRS. WAGNER: Eight feet.

MR. RODD: So the first 16 feet closest to the road would be at 4 feet?

MRS. WAGNER: Four feet would stay where it is.

MR. RODD: And then after the two sections the height would be what, 12 feet?

MRS. WAGNER: Twelve feet.

MR. RODD: If my math is right that's 120 feet at 12 feet.

MS. RANSOM: That's the way I'm getting it.

MS. REGAN: Me too.

MS. RANSOM: And 16 at 4. Anything else you'd like to add? Anyone else like to say anything else?

MS. LEE: I just want to ask you what's the real

definition of a private road other than we have to plow our own snow and mailman doesn't come to our house? Because the concern is the, you know, of course I didn't see it with my eyes but, you know, the activities that are going into that house that concerns me, I have a son who lives with me, I mean, he's older but, you know, it's a very family oriented neighborhood and I just don't know what's going on in that little house. I mean, house is only a little over 600 square feet and how many people can live there?

MS. RANSOM: That's not a zoning issue, I'm sorry.

MR. WAGNER: May I ask this? We, each of us on the portion of the road that goes through our property of course we make the others accessible to it. My question is I own the road north of the troubled property if you will, is it not trespassing if they go north of their driveway? I own that property, I give egress, is that the word to these people because they live above me but they do not live above me, they live south of me?

MS. RANSOM: I can't answer that.

MR. RODD: You're here because you were denied a building permit to build a 12 foot fence.

MR. WAGNER: Fair enough.

MRS. WAGNER: We'll get back on the subject. Thank you very much.

REGULAR_MEETING

MS. RANSOM: Okay, the minutes of the May 19 meeting have been distributed, are there any additions or corrections? Do I have a motion to approve the minutes as submitted?

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: Okay, do I have a motion that the board go into closed session to address legal issues with the board's counsel?

MS. REGAN: So moved.

MR. DOBIAS: I'll second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

(Whereupon, the board went into closed session.)

(Discussion was held off the record)

WAGNER_-_DECISION

MS. RANSOM: Okay, the board has heard a lot of testimony tonight, is there anything that would be less drastic that might meet your needs that wouldn't be 12 feet high?

MRS. WAGNER: I don't think so, I don't feel so.

MS. RANSOM: So 12 feet is the minimum that would give you any peace of mind when you're standing on your deck?

MRS. WAGNER: Yes.

MR. WAGNER: Yes.

MS. RANSOM: I think the will of the board this evening is to read the minutes, I think some of the board members would like to come back to your home.

MR. WAGNER: Please.

MS. RANSOM: And stand on your deck, stand on your back porch and take in the view and if there's anything else I would like to provide we'll leave this open until next month.

MRS. WAGNER: Okay, thank you very much.

MR. WAGNER: We invite you to Cherry Hill.

MS. RANSOM: If you have some photographs of the--

MS. REGAN: Activity.

MS. RANSOM: --that you want to share we'll be glad to take a look at those. Hopefully you don't get any activity that you have to photograph.

MRS. WAGNER: Well--

MR. WAGNER: Between now and then you're saying? Okay.

MS. RANSOM: Okay, our July meeting is July 21 and we'll leave it open.

MR. WAGNER: Thanks.

MRS. WAGNER: Thank you so much for your time.

MS. RANSOM: Anything else to come before the board? If not, I'll take a motion to adjourn.

MR. LEE: So moved.

MS. REGAN: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

Respectfully Submitted By:

Frances Roth
Stenographer