

**Minutes of the Zoning Board of Appeals  
Friday, August 22, 2008  
Frye Island Community Center**

**Present:** Tim McCarthy, Rich Kaplan, Bobbi Aranyi, John Gardner, Bill Trenchard ,John Schutz

**Attendees:** Catherine and Kevin Kane 928, Harry Zea 1305, Steve Kaplan 34

Chairman Tim McCarthy called the meeting to order at 7:09 pm.

**Agenda**

**Minutes and Correspondence**

Not all members had copies of the July 25, 2008 minutes. Tim McCarthy will send out edited minutes. The board members were requested to send Tim and Bill Trenchard their confirmation of agreement/ suggested changes. After all responses have been received, Bill will e-mail the minutes to Joe Potts for posting on the web.

**Application for a Variance**

Continuance of a variance request from July 25, 2008 by Catherine Kane, Lot 928 for reduction of set backs. Kevin Kane stated that the mortgage survey noted a problem and, therefore, the mortgage company would not approve their mortgage. Mr. Kane stated that he had hired an engineer, who hadn't come until today and indicated that some stakes had been moved. Mr. Kane asked the BOA if he gets the proper measurements could they possibly meet again next week.

Rich Kaplan asked Mr. Kane who issued the building permit. Kevin stated that he bought the lot with the foundation in (sonar tubes) and the original owner transferred the permit to the Kanes.

John Gardner requested the square footage of the property. Tim replied the application form states that the lot area is 16,000+ square feet.

Tim McCarthy gave the Kanes a copy of the four criteria and suggested that they be sure to read them.. Tim also read the four criteria for them to understand explaining that they must focus on the four criteria in presenting their case.

John Gardner read from the Land Use Ordinance 101-1-4 General Standards Section D -1 which states that corner lots can be subject to special exemptions.

Tim McCarthy requested that the board allow a continuance for the variance until the September meeting. Rich Kaplan moved to grant the continuance; seconded by John Gardner with all in favor.

### **Next Order of Business**

Harry Zea 1305 asked to be recognized by the chairman regarding lot 273. Mr. Zea stated he felt compelled not to add additional stress and wants to go on record that he is formally requesting that his application for an appeal be rescinded. He stated that he has come to a reasonable agreement with the DEP, the Town, and with Paul White, former CEO. Mr. Zea stated that he will remove a section of the foundation 3 ½ feet in width running the entire length parallel to the lot 272 property line. This will not only meet the side set back, but also the front set back. He feels that there is no longer a need for an appeal and also requested the NOV be rescinded.

Mr. Zea presented a letter to Mr. McCarthy which states that he is going on record to rescind the variance request. Tim read the letter to the board.

John Gardner questioned if an application for a variance was rescinded, does that preclude the person from asking for another variance. Tim stated the person can apply again later.

### **New Business**

John Thompson CEO gave Bobbi Aranyi the Naples Set Back Ordinance for consideration. Bobbi presented the letter to Tim McCarthy who feels this should go to the Planning Board. Tim gave the letter to Steve Kaplan, chairman of Planning Board, for review.

The next meeting will be Friday, September 26, 2008 at 7:00 pm.

Rich Kaplan made a motion to close the meeting; seconded by John Gardner with all in favor. The meeting was adjourned at 7:38 pm.

Respectfully submitted,

Inez "Smitty" Kaplan