

**HANOVER ZONING BOARD OF ADJUSTMENT**  
**Public Hearing & Deliberation**  
**July 2, 2008**  
**Board Room, Municipal Building – 7:00 p.m.**

**Board Members Present:** Gert Assmus, M.O. Clement, Arthur Gardiner, Ruth Lappin, Carolyn Radisch, H. Bernard Waugh,

**Staff:** Judith Brotman

Others: See the attached sheet

**PUBLIC HEARING:**

Zoning Board Chair, Arthur Gardiner, called the Public Hearing to order at 7:00 p.m. The following agenda item was then heard.

- 1. Case #44004-Z2008-18: Pathways Consulting, LLC, as Agent for the Penfield Limited Family Trust – New Heights, Inc., property owner of record, is requesting a Special Exception. On December 4, 2007 the applicant received site plan approval for a 15-unit Multi-Family Dwelling on the referenced site. On January 31, 2008 the Zoning Board of Adjustment approved the request for a special exception to allow a Multi-Family Dwelling in the General Residence Two Zoning District. On May 20, 2008 the Planning Board approved a modification to site plan approval of December 4, 2007. A condition of the Zoning Board approval required that “the project must be constructed as presented in the plans on file”. As a result of the site plan modification the applicant requests a modification to the Zoning Board approval to reference the plan as approved May 20, 2008. The property is located at 8 Reservoir Road, Tax Map 44, Lot 4, in the “GR” General Residence zoning district.**

Assmus, Gardiner, Lappin, Radisch and Waugh were seated.

Carolyn Radisch, Clerk, read the Notice of Public Hearing.

Rod Finley, of Pathways Consulting, presented the application.

No one else spoke in favor or in opposition to the application.

Case No. Z2008-18 was closed.

The Public Hearing was closed at 7:15 p.m.

**DELIBERATION:**

(Further explanation and support for the following actions are contained in the Board's approved, written decisions found in the respective case files.)

**1. CASE NO. Z2008-07 (POLLI)**

Assmus, Clement, Gardiner (Chair), Lappin, and Waugh were seated. Gardiner prepared the preliminary draft.

It was moved by Gardiner, seconded by Clement, to **DENY** Applicants' request for a Variance from the requirements of Section 204.7 of the Ordinance.

Voted in favor: 5  
Opposed: 0

**2. CASE NO. Z2008-15 (POLARIS PROPERTIES LLC)**

Gardiner (Chair), Waugh, Clement, Radisch, and Assmus were seated. Assmus prepared the preliminary draft.

It was moved by Assmus, seconded by Radisch, to **GRANT** a Variance to Core States Engineering, Agent for Polaris Properties LLC, to permit the proposed free-standing sign on property located at 73 South Main Street, Tax Map 23, Lot 16, in the "D-1" Downtown zoning district. This grant is subject to the following conditions:

1. That the work be completed in substantial conformity with the plans and testimony as presented.
2. That the sign conform to the regulations laid out in Section 317.1

Voted in favor: 5  
Opposed: 0

**3. CASE NO. Z2008-18 (PENFIELD)**

Assmus, Gardiner, Lappin, Radisch and Waugh were seated. Gardiner prepared the preliminary draft.

It was moved by Gardiner, seconded by Lappin, to **GRANT** the requested Special Exception under the following conditions:

- a. the project must constructed in substantial conformity to the plans and testimony in the record as updated by the plans and testimony presented in this case; and

b. the project must comply with the conditions established by the Planning Board.

Voted in favor: 5

Opposed: 0

**4. CASE NO. Z2008-16 (SSDH – Jackson & Stearns)**

Assmus, Lappin, Gardiner, Radisch, and Waugh were seated. Waugh prepared the preliminary draft.

It was moved by Waugh, seconded by Radisch, to make the following rulings with respect to the appeal:

- a. No zoning issue is raised in this case by the retaining wall, so long as it does not exceed 4 feet in height as defined in the Ordinance.
- b. The siting of the two transformers on the SR-2 lot at 4 Dorrance Place requires a modification of the variance granted in ZBA Case 34027/34026-Z2003-25. No opinion is expressed in this case about whether such a modification should or should not be granted.
- c. Independently (i.e. independent of either the variance or the special exception issue), the two transformers do not fall within any exception to the definition of “structure” and therefore may not be located within a setback area unless the applicants provide information sufficient to persuade the Zoning Administrator that such structures “because of function cannot reasonably be located other than wholly or partially with a required setback” as set for the in Section 209.3(C) of the Zoning Ordinance. This decision is without prejudice with respect to any such finding.

The Board voted 5/0 to adopt the actions of Board.

Waugh will make revisions to the draft decision in accord with the Board’s discussion. If members are in agreement that the final version accurately reflects the discussion, they will sign the final decision document. If members are not in agreement with the final document, they may abstain from signing the document. Should any member of the Board so abstaining wish to have further deliberation, it will be scheduled and the document will not be finalized until after the continued deliberation.

**5. Other Business:** None

**6. Adjournment:** The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Judy Brotman, Zoning Administrator