

VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS

February 14, 2018

7:30pm

Opened the ZBA Meeting with the Pledge of Allegiance

Roll Call

The following persons were present:

- Laurine Miller - Member
- Darrin Sainato - Member
- Carol Schneider – Acting Chairwoman
- Lou Medina - Member
- John Hager, Building Inspector
- Barbara Singer – Deputy Clerk/Secretary
- Joseph McKay, Esq.

The following persons were absent:

- Chuck Crover – Chairman

Motion was made by Member Miller to approve the minutes of August 2, 2017.

Second by Member Sainato.

Aye: Member Miller
Member Schneider
Member Sainato

Nay: -0-

J Squared Builders

102-4-6.3

Use Variance

Present: Paul Edwards, Applicant; Bob Green, Attorney

Mr. Green: In the Spring 2017, Mr. Edwards entered in to a contract to purchase this particular lot. At that time, that lot was zoned B-2, general commercial district. It was his hope that since it was zoned commercial, yet there were just a few single family homes on that cul-de-sac that he would be granted a variance to build a two family, in similar size with the homes that were there and style. So that it wouldn't stand out. He thought that the ZBA and the neighbors would be in favor of that. After he went to contract, the zoning changed. That one particular lot in the cul-de-sac, surrounded by a few single family homes, was changed to R-50, single family. With respect to this particular lot, in the vicinity there's a grave yard, the new firehouse, a body shop three houses down, an ice cream shop two houses down, a church around the corner, there's restaurants in the vicinity. In the area there are many multi-family homes and on this cul-de-sac, there are three single family homes. His proposal was to build a duplex which was consistent with the architectural features of those single family homes. It wouldn't stick out at all. This two family home that he's contemplating is going to generate approximately \$14k in tax revenue for the town, village and school district. This is what is the professional real estate person computed. I am going to distribute a bulletin that's put out by New York State to assist ZBA's in determining whether a variance should be allowed or not. There are four criteria to whether this variance should be allowed. They are reasonable return, unique circumstances, essential character of the neighborhood, and self-created hardship. On all four criteria he should be

allowed this use variance. If you look at the cases decided, and the language in this, it's clear that he meets each and every one of them without a doubt. Taking a look at each one, (1) reasonable return.

Mr. McKay: I know that you're presenting it on behalf of J Squared but the property owner is the trust. It's the trust that needs to meet the criteria.

Mr. Green: This goes into that, a contract den dee. The trust has the fee owner has to meet the same criteria that he would have to meet. If he had closed yesterday, and was before you, you wouldn't be saying that, correct? The trust would have to meet the same criteria that he has to meet.

Mr. McKay: Correct.

Mr. Green: It meets it. For example, the reasonable return, monetary return, and you have been provided with an analysis by Paul's real estate professional. The financial analysis was based on being required to bring the cul-de-sac road up to the standards required by the Village's engineer from correspondence that I understand is from 20 years ago. I want to insert in here that Paul is willing to do that.

Mr. McKay: Right now who has fee title to the road? The reason I ask this is one of the things that I advised the Board. It makes it easier if the trust owns both parcels, and you're already in contract for the one. In my reading of the Planning Board minutes, probably on the recommendation of the Village engineer or the Building Inspector, we would want both lots to be joint ownership or maybe make it single lot at some point to cover some issues.

Mr. Green: The trust and they are willing to convey that along with the lot. For liability purposes there may be issues in joining them and having the same owner. Essentially, he would be buying it and bringing it up to the Village's standards.

Mr. Edwards: The Planning Board states that this would be a condition of approval that the lots would be combined, and I don't have a problem with that.

Mr. McKay: One of the things that this Board would have to consider, if the Board were inclined to approve a use variance, one of things that they would probably condition that on are those criteria. That the lot have unity of ownership, and the road be brought up to specs.

Mr. Green: And we are willing to agree to that. The financial analysis that you've been provided with includes the expense of bringing that road up to that criteria. Looking at financial analysis, if it were a single family home and he had to bring the road up to that criteria, he would lose money. According to the calculation, he would lose \$15k as a builder, and if the trust were to do it, the trust would lose almost \$83k.

Member Schneider: Where do these numbers come from? There's no documentation that supports the numbers. I see the real estate suggested prices, but I don't see what backs up the highway road opening, surveying, engineering, home construction.

Mr. Edwards: There are real estate comps what the comparable were in the area and the calculations were based on the very reasonable rate of \$100/square foot which is an actual

building cost. That's based on a number that is often used to calculate building permits. I think it might even be \$125/square foot.

Mr. Hager: We don't use that here.

Mr. Edwards: This is the cost analysis for the builder. The purchase price for the property is \$52k and that includes the road parcel.

Mr. McKay: One of the concerns of the Board is that we see that the purchase price of the property is \$52k, we just don't have the contract. They understand that both parcels are unified in ownership, but I don't think we have copies of the deeds. The Board is not disputing your experience in estimating the value of the square footage cost, etc but the standard is to demonstrate with substantial evidence with dollars and cents value. This Board is going to be asking you is when you say \$52k is please provide us with a copy of the contract. When you say the estimate of the square footage cost, they will need documentation.

Mr. Green: We can provide you with a substantial breakdown of each of these items to document it with documentary evidence and/or affidavits to show that each of these figures is accurate and therefore the net loss at the bottom is accurate.

Member Schneider: That is exactly what we need.

Mr. Green: I am representing to you tonight that the contract says \$52k for the purchase price and they want us to take the road parcel at no cost. Surveying and engineering costs have been estimated by Paul what it would cost to build a single family home on this lot.

Member Schneider: You have had the lot surveyed already, have you not? Or did you survey it yourself?

Mr. Edwards: I have had the lot surveyed. I had it done prior to the notes of the Planning Board engineer. He gave me a three page response letter of what he wanted. So I do have additional cost and honestly this is probably on the very low end based on all of the information. I'm just trying to be fair and with the numbers that I have and have estimated without any unforeseen circumstances. That's the approach that I took with this.

Mr. McKay: Is this an estimate of the full cost?

Mr. Green: It looks like it's going to go up based on the Planning Board requirements.

Mr. McKay: Demonstrate what you've already paid, and what a fair estimate of what you expect.

Mr. Green: All we are talking about here is the one criteria of reasonable return.

Mr. Edwards: The surveying and engineering estimate I think is a very modest cost and it's without any unforeseen circumstances which could very well go much higher than that. The Planning Board application and bonds because I have to pay performance bonds for legal fees and such. The estimated building permit, John Hager could speak for that, I think \$1500. The road improvement and construction based on the Planning Board engineer's requirements of bringing that up to a Village road specification, even though I understand, I was told it will never be dedicated to the Village because they don't want it. So I'm always going to be responsible for it. I have an estimate for that. I had a guy do a test up there on the substraight of the road

because in the Planning Board's engineer's specifications to a road grade. I have an estimate from him for that. And I can provide that to you.

Mr. McKay: There were notes in the Planning Board file, certainly correspondence that indicated initially until the road was built out, none of the co's were to be issued and over the years, that got modified, they got issued, this is the last remaining lot so the note in the correspondence was that no building permits can be provided unless this final lot brings the road up to speed.

Mr. Edwards: In addition to that when I went before the Planning Board, the engineer wrote a very long comprehensive list of what he wanted there. Doubling the width of the road, drainage at the bottom, turn around for emergency vehicles. A lot of things that it doesn't have now. I understand they were having problems with the water running out into the road and freezes. It used to be gravel, but now it's water because there's nothing there to stop the water. All of that I agreed to in theory, building that into this estimate of what the cost actually is. The highway bond is about \$2500, it could be double that, but in my experience building in the Town and Village of Monroe, and Blooming Grove, that was an estimated number.

Mr. McKay: You've had some discussions with the Village engineer about bringing the road up to spec so generally speaking could the Village engineer give you an estimate of what they felt the bond could be? Because this is your burden to prove.

Mr. Hager: The Village's engineer won't produce that estimate. They can review your engineer's estimate and weigh in with whether they agree with it.

Mr. Green: We'll just get the estimate from our engineer.

Mr. Edwards: The actual building costs, based on approximately 2200 square foot house, which is what I thought approximately what the other houses existing there are, I want to build something that fit in with the neighborhood and didn't look too big or undersized. My actual cost is \$100/square foot, that's without any overhead or profit, and when you break down all of those numbers, you come out with approximately \$325,800 cost of construct to own. And the road. That's my actual cost as a builder. The real estate suggested sale price was a local real estate professional did a comprehensive analysis of the existing houses in the area based on the knowledge of the median sale prices are, she came up with \$330k and she provided comps. Then deduct the real estate commission, 6%, bringing it to \$310,200 net sale price. If the total cost of construction is \$325,800 minus the net sale price of \$310,200 leaving a net loss of \$15,600. And that's me as a builder. I provided a second scenario representing myself as a builder for the trust. To be fair to everybody I went back to 1999 I found in public records, they purchased the lot for \$21,875.00. Then I added what they paid in taxes from 1999 to 2017 when this analysis was computed, I came out with \$27,922. These are actual numbers with only two years I couldn't get, so I used the year before and after and averaged them. I can provide those records also.

Member Schneider: Would the property taxes and insurance actually be part of this analysis? Owning a piece of property it stands to reason that you have to pay taxes and insurance. It's like the cost of having a home, if I were to sell my home I couldn't say to someone I want to add another \$10k on because I've been paying my taxes for so many years.

Mr. Green: Even if you took that out, look at the net loss with those figures out.

Mr. Edwards: The road improvement and paving, same thing, highway road opening, same estimated cost. Surveying and engineering, same cost. Then the home construction cost with the hiring of a general contractor, I based this on a moderate rate, based on the type of building that you're building and I wanted to be fair I based it on \$130/square foot, but it could be close to \$150/square foot in today's market. Making the total cost to construct a home would be \$393,097 with all of those other costs in there. Even if you took out the \$40,000, it would bring it to \$350,000. I think it was Joe's direction at the last meeting to do it from their perspective and what they laid out over time and that's where I got to that. The same real estate sale price, based on their experience, Rand Reality, and a 6% sales commission, sale price \$310,200. So as you can see, \$393,097 versus \$310,200 there's a net loss of \$82,000.

Mr. Green: If you take out that \$40,000, it's still a \$42,000 loss.

Mr. Edwards: In either scenario, it's not a good business model for a single family house. This is what I attempted to demonstrate here constructing a single family house from the trust's perspective and from my perspective as a builder.

Member Schneider: The \$330,000 is for a single family home?

Mr. Edwards: Yes, that was the realtor's estimate. I explained what type of house I was going to build. I said I was going to make the architecture similar to the bi-level at the top of the hill and I would make it a side by side home. Just two front doors. Same type of home, same type of square footage. The realtor looked it up in the records and came up with a comprehensive estimate based on her experience in the area. I think she's one of the top five realtors in Orange County, Ms. Gennaro. I regard her opinion highly.

Member medina: Are you basing it on the same square footage whether it's a single family home or a duplex?

Mr. Edwards: Yes because I understood that was one of the criteria for the use variance.

Members review the paperwork that was presented by the applicant.

Mr. Edwards: Part of the difference in square footage is the garages. I wasn't planning on adding garages unless I needed them for the bulk calculations for parking. I was going to utilize all the square footage of the house. The other houses have garages and that's not considered in the comps, so the square footage doesn't make it up to 2200. That's why the comps are slightly lower, but the footprint would be the same.

Member Schneider: So you build this house, you're taking the road on too? And then you go to sell your house, that means the next person has to be the person responsible for the road, maintenance, contract, snowplowing.....

Mr. Edwards: Yes, the Planning Board engineer dictated that. And I am willing to accept that responsibility if I was granted a use variance. There would be written maintenance agreement written into the deed.

Member Schneider: There's water and sewer to the parcel already?

Mr. Edwards: Yes.

Mr. Green: The next criteria of the four is unique circumstances. Given that there are just a few single family homes on this cul-de-sac and all surrounding is commercial property, and I have described what's in the area.

Member Medina: Do you feel that you can meet all four criteria?

Mr. Green: Yes, we don't have to meet all four, but we feel that we do. If you read the court analysis on each of these criteria, we meet it. The second criteria is unique circumstances. Granting the variance here is not like doing a whole change of the zoning law, it's one, unique, little lot.

Mr. Edwards: I think it fits more into the area, what's existing in the area. More so than a single family house. There are many multi-family houses as well as commercial property in that area.

Mr. Hager: The others pre-date the zoning code.

Mr. Green: But then it became commercial. And then after he went into contract it became single family. The third of the four criteria is the essential character of the neighborhood. Will granting this variance change the character of the neighborhood? No. Would the changes disrupt or alter the character of the neighborhood, would be at odds with the very purpose of the zoning regulations? It doesn't. And the last criteria, is whether it's a self-created hardship. He didn't change the zoning laws. It happened after he went to contract but after he started spending money on it, it was changed to a single family.

Mr. McKay: When he purchased it, he still wouldn't have been able to build a two family home.

Mr. Green: Right, but it was commercial and it would have been more likely that he would have been granted, given the surrounding circumstances of all of the commercial properties in the area, why would anyone object to a two family there?

Member Schneider: That would be an assumption.

Mr. Green: Right. Although it was all residential on the cul-de-sac.

Mr. McKay: When he went into contract for the property he knew that he couldn't build what he wanted to build.

Member Schneider: Could you clarify something for me? I'm not sure exactly where you are in this contract. This is what I remember hearing. That you had put a large deposit on this parcel that couldn't get refunded back to you. Back in August it says that you do have a contract to buy the property but you hadn't fully committed, but at the same time it's taken some time with this new twist, and I understand that. It says that you've spend a lot of finances and you're going to validate that in your cost adjustment analysis to us? It almost seemed to me that you were sitting on the fence and you actually could have gotten out of it again. But yet, I'm hearing from the first time that I met you at the last Zoning Board meeting that you can't.

Mr. Edwards: I'm not saying that I can't but I would lose a substantial amount of money because I can't get reimbursed from this Board, the legal costs, application costs, engineering fees, surveying costs.

Member Schneider: In a normal case when you're going to build a house, would you normally do the engineering, surveying and take on some of these costs prior to going to the Building Department to find out what you can do there?

Mr. Edwards: That's a little odd there too because I sat down with John Hager originally before I even gave a deposit. I spoke with John about what was going on up there, the type of zoning, it was commercial zoning. I explained to him and he said the way it was zoned I could build a body shop, funeral home, all kinds of crazy things that everyone would be very upset with. So more than likely if you propose a small two family house, they would be happy to give it to you rather than the alternative of what you could do. From that conversation, I said great then I'm going in full speed ahead. After that conversation, two things happened, the zoning changed not long after I gave my deposit, hired the engineer and the surveyor. John had said move quickly because they realize there's a mistake in the zoning. Part of what you have to do to get a variance is you have to submit for a building permit, the Building Inspector has to turn you down, and then you have that letter to go to the ZBA. When John pulled out the file, he found all these old notes from prior Building Inspectors about no building permit is to be issued without bringing the road up to Village road specifications. That's when John made me aware because he wasn't aware of this either. That was long after I went into contract.

Mr. Hager: A one family house would have required work at the Planning Board level to get the road authorized.

Mr. Edwards: All of which I didn't know when I entered into contract and started spending money. And John wasn't aware of that either. John was just being a good guy sitting down with me going over looking at the zoning maps and stuff like that. When he sat down to give me the denial letter, that's when he saw the notes.

Mr. Hager: What's interesting is that somehow the Village authorized the subdivision for residential use to parcels that were zoned commercial at the time. Whether there was intent to rezone that back then or whether it got overlooked, who knows. What didn't get overlooked is that two of the houses faced North Main Street originally. Even though it's a four lot subdivision, they weren't creating four new houses. They put the road between two houses and they built one. They were able to get some conditions through the process and they were able to get a house, built and occupied, and a co issued without really building the road that was on the plans. And it's gone that way for years. But the notations got put in the file, that that was it, no more building permits until the road came up to the standards. Now we have someone interested in seeing this project through, putting the last house in there, but the road never got brought up to the standards so he needed to approach the Planning Board. My denial letter referred him here if he's interested in a two family use as well as the Planning Board. Because the Planning Board has to authorize the road, which they're going to get the opinion of the highway superintendent and the Village engineer. I think that they are working with you on some compromise. You are never going to meet 100% on the road standard and that's why the Village is never going to accept it for dedication. But they are going to work out where the Planning Board, through its engineer and consultation with the DPW an agreement that the road is acceptable so we can get another building permit issued. The Planning Board went that far and then suggested why not come here and work on the use variance rather than spending more time and money at the Planning Board level, not knowing if you can get the use. If he's able to get the use variance he has to go back to the Planning Board to finalize the deal on the road.

Member Medina: When you became aware of the stipulation to fix the road you were previously planning on building a single family home and this is your effort to recoup some of those costs? By building it as a two family home?

Mr. Edwards: The original conversation that I had with John was that it was zoned commercial. We didn't know about the restrictions over there with the road. That the road was never brought up to a spec that it was required on from 30 years ago. It was never done. Now all of the onus falls on me, it's all my responsibility and I am willing to accept that responsibility, including the combining of the tax lots along with the road specifications that the Planning Board engineer required.

Member Medina: You're presenting that you'll be able to get a reasonable return? As a two family instead of a single family?

Mr. Edwards: That's why I'm saying that I'm not going to sell it. My plan was to hold onto it and recoup a reasonable return over time. As a rental.

Member Schneider: Are any of the other houses there rentals?

Neither Mr. Edwards nor the Building Inspector knows if there are rental on that street.

Mr. Green: It will be an improvement to the area. It will improve the road; increase the value of the homes on the cul-de-sac.

Member Schneider: In doing the road on the top of the cul-de-sac, is that going to have to be made larger?

Mr. Edwards: The engineer said that emergency vehicles would have to turn around. I think they base it on a 60' long fire truck being able to pull a k-turn or complete turnaround up there. It is possible, my engineer worked it out so it can work and they are required to show that. On the tax map there is enough room, you can utilize a driveway, that's an allowable. You make the apron on the driveway wider. Right now it's not accessible to emergency vehicles and this is how it's existed for the last 30 years. I'm proposing to make it compliant with current regulations in 2018 for emergency egress.

Mr. Hager: Keep in mind when he first approached me, being that it was zoned commercial, any discussion he had whether it was one family or two family was going to require a use variance. I think that's where the applicant thought that the likelihood if he goes and proposes something commercial, that needs to get site plan, not a variance for the site plan, the people are going to come out to the Public Hearing for the site plan and say whoa.

Mr. Edwards: I have actually met with the residents up there and explained what I was doing and to my face, they were very happy. We'll find out if we have a Public Hearing.

Mr. Hager: In the meantime the zoning code changed, the zoning districts changed and that became a residentially zoned area. We don't have any zones that permit two family homes, we have zones that permit multi family home and the rest of the residential zones are one family. This is a unique circumstance but there are other two family multi residences but not that far from that location. Those, I believe, pre-date, I don't think that they are on variances. I think that they pre-date when the zoning code became adopted.

Mr. McKay: Right now, under the current zoning, you can build a single family, just not the two. The Board has had some concerns about turning radius, utility hookup, and if this Board were to grant the variance all of those matters refer to the Planning Board. But if it were a single family home. You wouldn't need site plan approval

Mr. Edwards: There is that condition in there that no building permit be granted until I comply with these things.

Mr. Hager: The roadway is what triggered the Planning Board review. If it had been on any public street, an authorized street that meets the standards, a single or two family home would not require a site plan review. He hasn't applied for a site plan approval, he's applied for authorization of this road.

Mr. McKay: Either way, he's not going to get a building permit

Mr. Hager: If this was an authorized street that meets the standards, a single or two family home would not require a site plan, he hasn't really applied for a site plan approval. He applied for authorization of this road.

Mr. McKay: Either way, he's not going to get a building permit until (1) this Board grants a variance and (2) the Planning Board has reviewed the road's specifications.

Mr. Edwards: They said that one relies on the other.

Member Medina: Is that true though, he can still build a single family home there without this Board's approval?

Mr. Hager: He would need Planning Board approval. He would not need a use variance.

Mr. McKay: Technically he may not need the 280A because the road is approved it's just not up to spec.

Mr. Green: It's a private road, not a public road, so he would still have to get a 280A.

Mr. Edwards: I think that they're going to forego that because I'm bringing it up to specifications. To answer John's question, he mentioned other variances, what my engineer showed on that site plan, was fitting into the building envelope of existing building setbacks, so I wouldn't require any variance other than the use variance.

Mr. McKay: Under the scenario that you wanted to build a single family, forget about this use variance for a second, you wouldn't need site plan approval, you could just start building. The catch for you is the plan that says you have to build the road up to specs. So you need to go to the Planning Board for that, presumably if the Planning Board has some concern about turning radii or something else.

Mr. Edwards: They addressed all of that.

Mr. McKay: The concerns and questions about the utilities, site distance, I think they are all valid questions, but here we are limited to the four criteria, unless you think that there's going to be

adverse environmental impacts. All he can build on the lot, theoretically, build the one. Build it and keep it.

Mr. Edwards: It's a matter of how much money do I lose by building a single family home to sell or how much do I lose backing out of the deal.

Mr. McKay: These are questions you have to ask to get the full idea of what the project is and what's going on. The issues about the road and the turning radius or site distance seems to me they just have to be agreed to in this unusual Planning Board appearance process. The road is approved, it may not be up to spec, but it is approved.

Mr. Green: To get that building permit they wanted to get that up to specs.

Mr. McKay: It's correct to ask all of the questions, but we need to focus on the four factors. And the Planning Board is going to handle the road, site distance, turning radius issues.

Mr. Green: It's good that this Board know all about the issues because it weighs in on what you have to decide. At the end of the day, he's not doing any harm, he's doing good.

Member Schneider: We still need to see the dollars and cents. The documentation that we asked for.

Mr. McKay: Does the Board have any more questions or has any more ideas of what else the applicant should submit, the question is whether you want the applicant to submit that information and review it prior to scheduling the Public Hearing or whether we ask the applicant to get it to us at a date certain and go ahead and schedule the Public Hearing.

Member Schneider: How quickly do you think that you can get this information?

Mr. Edwards: I'm sure that I can get it in a couple of days.

Ms. Singer: The deadline is Wednesday February 21st to be on the agenda for March 7th.

Mr. McKay: If you feel that not everything is there at the Public Hearing, you can hold the Public Hearing open if necessary. It sounds like he's got most of the information already. If the Board feels that they're comfortable having the documents submitted and there's enough time to get the mailings out, I have prepared a resolution to schedule the Public Hearing. The Board will declare itself Lead Agency under SEQRA, we can classify the action as Unlisted. We can schedule a Public Hearing for the next meeting which is March 7th to hold the Public Hearing on the application and to make any determination that's required under SEQRA. It does need to go to the County for a referral. The County is going to need 30 days.

Ms. Singer: I have submitted the plans to the County and received a determination from them.

Mr. McKay: The County is entitled to a full record of the proceedings so whatever supplemental information that you get has to be forwarded to the County. All the County did was set forth the factors, and say it was a local determination. It doesn't seem like they are interested in this action particularly but we do have to get them the additional information. If we let them know

when the Public Hearing was in advance and get them the documentation right away, they may give us an answer by the 7th. If they have no comments from the application, they may not have any comments after the additional information.

MOTION was made by Member Medina that the application is complete for purposes of scheduling a Public Hearing, declares this Board Lead Agency under SEQRA, preliminarily declares this application as an Unlisted Action under SEQRA subject to further SEQRA review, schedules the Public Hearing for March 7, 2018 on the application and to conduct environmental review pursuant to SEQRA and authorizes and directs the clerk to forward the statement of the action to the County.

SECONDED by Member Sainato.

AYE: Member Schneider
Member Sainato
Member Medina
Member Miller

NAY: -0-

Member Schneider: These plans say that the dwelling is in the B-2 zone, do they have to be updated?

Mr. McKay: Yes, if there was a Planning Board approval process, but not for us.

MOTION was made by Member Schneider to enter into Attorney/Client session.

SECONDED by Member Sainato.

AYE: Member Schneider
Member Sainato
Member Medina
Member Miller

NAY: -0-

Mr. McKay: I would like to speak with this Board regarding this application, but it's only some of the legal implications of this application, specifically going to limit it to legal advice. It's not going to be deliberation, the Board will do that when they come back.

Mr. Green: One of the things that I would like to point out is in those criteria, they talk about the legal implications of granting this variance

MOTION was made by Member Schneider to close the Attorney/Client session.

SECONDED by Member Sainato.

AYE: Member Schneider
Member Sainato
Member Medina
Member Miller

NAY: -0-

Motion was made by Member Schneider to close the regular meeting of February 14, 2018 at 9:30pm.

Second by Member Medina.

Aye: Member Sainato
Member Medina
Member Schneider
Member Miller

Nay: -0-

Minutes Respectfully Submitted by:

Barbara Singer – Secretary