

**From:** Cathy and Peter Barber  
**Sent:** Thursday, January 05, 2012 7:14 PM  
**To:** Chuck Klaer  
**Cc:** jtlawoffice@aol.com  
**Subject:** Re: The proposed Stuyvesant Sign

Chuck:

Thanks for your comments and e-mail. I've copied Janet on my response.

If a member were to make a motion that was seconded, I or anyone else could seek to amend that motion in an effort to provide further reasoning, to suggest an alternative approach etc. In the recent 20 Mall application, I made the motion to approve the application as submitted and, after a second, asked if anyone wanted to make a motion to amend regarding the location of the main door. I did that because the location of the door was a discrete and important item that could be addressed on its own. In other words, a member could voice their position on the placement of the door by voting on the amendment, but in the end, still vote in favor of the final approval even if it did not include the preferred door location. Obviously, if the placement of the door remained an issue of importance, the member could still vote no on the final approval (like Mike and I did). In end, I made the motion to approve, opposed an amendment that was ultimately adopted, and voted against amended approval. This two-vote procedure encourages discussion on important issues and allows a member to vote in favor of the project while enabling her or him to persuade others on a discrete issue raised by a proposed amendment.

In the end, neither Janet nor I would leave a member without assistance. We have often suggested amendments to further support the reasoning behind a member's motion even though I know that I will vote against the amended motion. In other words, no matter who makes the motion, Janet and I try to have the best decision possible even when I intend to vote against it.

Peter

----- Original Message -----

**From:** Chuck Klaer  
**To:** Peter Barber  
**Sent:** Thursday, January 05, 2012 12:41 PM  
**Subject:** Re: The proposed Stuyvesant Sign

This is a follow-up to my post meeting comments.

The Town is fortunate to have someone of your temperament, and superior legal competence as chair of the Zoning Board The chair of the Zoning Board is a very powerful position.

As I mentioned you appreciate the need and requirement that the "decision" voted on must be comprehensive and technically dot every "I" and cross every "T" to avoid the possibility that it be over turned upon appeal. In support of the motions you draft is an exceptionally fair opportunity provided every applicant to make his/her case before the board. On the one occasion when I sat in for you a chair for I think it was 1349 Western Avenue, Janet Thayer was most helpful helping me draft the motion.

Nevertheless if ever a majority of the board were to come to a different conclusion from the one proposed by you in a well drafted motion, it would be very difficult for any of the members of the board to draft a counter motion of sufficient comprehensiveness and technical competence to avoid the possibility that it be over turned upon appeal.

For the sake of discussion let's say Jim Sumner wants to follow-up on his premature "No" vote

with a technically competent motion to present on February 1st as an alternative to the one you might draft approving the application, could he turn to you or Janet to get assistance drafting it?

I say might, from the sad experience, (for me), of discovering that truth and logic don't always win the day.

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