

TOWN OF SHANDAKEN ZONING BOARD OF APPEALS
MINUTES FOR PUBLIC HEARING & REGULAR MONTHLY MEETING 11/28/12

The public hearing was opened by Chairman Hickey at 7:35 PM with the Pledge of Allegiance to the Flag. The Secretary called the roll, advised that a quorum was present and that the meeting could commence.

ROLL CALL:

<i>Gary Guglielmetti</i>	<i>Present</i>
<i>Tom Hickey-Chair</i>	<i>Present</i>
<i>Keith Johnson</i>	<i>Absent</i>
<i>Joe Michaels</i>	<i>Absent</i>
<i>Rolf Reiss</i>	<i>Present</i>
<i>Roll Call Summary:</i>	<i>3 present, 2 Absent</i>

Also Present: Eric Hoffmeister, Wilfred Nolte, Jack Zand, John Wasylek, Bernard Handzel, Kurt Boyer, Kathy Nolan, Rob Futerfas

Chair Tom Hickey opened the public hearing on the Phoenicia Library.

Case 2012-12 Phoenicia Library PO Box 555 Phoenicia, NY SBL# 14.13-3-4 Zoned HC. Requesting five (5) variances to renovate and add additional space to existing library located at 48 Main St. Phoenicia, NY.

Secretary read letter from North Engineers (on file).

Eric Hoffmeister addressed the above letter indicating that Mr. North's letter is just his opinion. Chair Tom Hickey indicated that Mr. North is indicating that it wouldn't increase the flow of water between the two buildings. Mr. Hoffmeister responded that it may not increase the water between the two buildings but may constrict it and by cutting off the flow of water down the alleyway between the library and the buildings next door, it may increase the flow of water further down Main St. and the other alleyways. Eric brought up that at the previous meeting a member of the board brought up that the water would possibly increase going down Main St. and this has never been addressed.

Attorney Mr. Zand addressed the board regarding a letter he sent to the board (it was not received). He provided copies to the board. He indicates that the basic concern in regards to these variances is that, portions of the zoning laws do not allow this property to be expanded on. There are also sections that are not included in our code, section 116-59 that if a building is non-conforming it can only be rebuilt within the existing footprint and cannot be enlarged outside the original footprint. The application is to enlarge that and there is not an application to enlarge and it is not even on the table. The Zoning Board's responsibility to find hardship on the applicant and they are acting as a judicial body. The setbacks being requested are intended not only for the applicants but also for the adjoining properties. The law says you can't have buildings too close to the property lines not just because of your property but also the neighboring properties. These were buffer zones created by the town to prevent further encroachment on non-conforming properties. The zoning law is there also to protect the neighbors from encroachment. The law says you have to take into consideration the effect on the adjoining properties as well. Their concern is the board has to consider the effect on the neighboring properties as well as the applicants.

Mr. Futerfas, representing the library, indicates that the effects upon the neighbors, is not the only thing to consider. The Zoning Board of Appeals has to weigh the benefits to applicant against the detriments to the community. There has been plenty of testimony at the last hearing as to the benefit to the community and the reasons for the expansion. If the board looks at the hardships to the applicant he feels the board will find it wholly appropriate to grant the variances.

Member Rolf Reiss explained that we have not had a response from the Ulster County Planning Board and he is making a motion to leave the Public Hearing open until December's meeting so we may see what the County's response is. Motion seconded by member Gary Guglielmetti. All members present in favor.

Chairman Tom Hickey opened the regular meeting. Roll call was dispensed with as no changes to attendance.

New Business: Case 2012-13 Gabrielle Stutman 116 Round Hill Rd. Dobbs Ferry, NY requesting a side yard variance for property located at 15 Lilly Ave. Phoenicia, NY SBL# 13.6-2-8, Zoned R1.5

There is no one here representing Ms. Stutman.

Motion made by member Rolf Reiss to table Ms. Stutman's application until December's meeting. Seconded by Chair Tom Hickey, all members present in favor.

Other Business: Chair Tom Hickey made a motion to accept October's minutes as presented. Seconded by member Gary Guglielmetti, all members present in favor.

Chairman Tom Hickey made a motion to send a recommendation to the Town Board to re-appoint member Rolf Reiss to another five (5) year term to expire 12/31/17.

Discussion ensued on last month's discussion on the request from the interim Building Inspector, Art Christie, to define "decks". Member Rolf Reiss will continue to look into and a discussion will be continued at the next meeting.

Chair Tom Hickey would like to see something put on the web-site that anyone interested in being on the Zoning Board of Appeals can submit a letter indicating such.

Motion made by member Rolf Reiss to adjourn. Seconded by member Gary Guglielmetti, all members present in favor.