

ZONING BOARD OF APPEALS MEETING MINUTES - FINAL
WEDNESDAY, JANUARY 27, 2016

MEMBERS PRESENT:

Rocco Mancini, Chairman
Ingrid Kulick
Martin Otter
Phillip Zemke

MEMBERS ABSENT:

Stephanie Fitzpatrick

ALSO PRESENT:

Chairman Mancini opened the meeting at 7:00 p.m.

Public Hearings:

- 1. Fishman/Jones Area Variance** - Andrew Jones and Melinda Fishman appeared before the Board regarding their area variance application for property located at 165 Brooklyn Heights Road, tax grid number 6371-00-943230. Chairman Mancini read the legal notice and opened the public hearing. Mr. Jones said they need the generator because during storms in the past couple of years, the basement of the house has been flooded twice and the sump pump stopped working due to a power failure. Since they are here mostly on weekends, they were unaware of the problem. The result was mold growing in the basement which resulted in a costly mold remediation. A local inspector suggested they get a stand by generator to ensure the sump pump operates continuously regardless of a power failure. He also gave them some other suggestions which they have also implemented such as a larger sump pump, larger gutters and light regrading around the property to keep water flowing away from the house. The property is pre-existing, non-conforming at slightly less than one acre, and the house sits very close to the road. They would like to put the generator close to the main power source. Chairman Mancini said he visited the site and agrees this is the best place to put the generator. Mr. Zemke said the generator will be placed behind the front line of the house so will be in the side yard not the front yard. Fred Cozzolini, a contiguous neighbor on the side where the generator is being placed, sent a note dated January 14, 2016 that he has no objection to the granting of this variance for the generator.

Hearing no additional public comment, Mr. Otter motioned to close the public hearing. Ms. Kulick seconded.

Rocco Mancini, Chairman	Aye
Stephanie Fitzpatrick	Absent
Martin Otter	Aye
Ingrid Kulick	Aye
Phillip Zemke	Aye

Motion carried 4-0.

The Board completed the Findings and Decision which stated that an undesirable change will not be produced in the character of the neighborhood, the benefit sought by the applicant cannot be achieved by a feasible alternative to the

variance, the requested variance is not substantial, the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood, the alleged difficulty is not self-created since the house pre-exists zoning, and the benefit to the applicant does outweigh the detriment to the neighborhood or community. There were no conditions.

Mr. Zemke motioned that the Zoning Board of Appeals approve the Findings and Decision for the Jones/Fishman area variance. Mr. Otter seconded.

Rocco Mancini, Chairman	Aye
Stephanie Fitzpatrick	Absent
Martin Otter	Aye
Ingrid Kulick	Aye
Phillip Zemke	Aye

Motion carried 4-0.

Applications:

- 1. Fraina Special Use Permit** – Diane Fraina appeared regarding her special use permit application for an existing accessory apartment on her property located at 17 Molland Drive, tax grid number 6470-0-420487. The property is 3.7 acres located in the A3A zoning district. Ms. Fraina said the apartment is already there and has been occupied for the last seven or eight years. Mr. Zemke said the Board will need a site plan which shows where the buildings are located and suggested if Ms. Fraina has a survey, she can just copy that and draw in the buildings. The house is located about 400 feet from the road. When asked, Ms. Fraina said she has not had any problems with her water and septic. She said it used to be her and her two boys living in the house but they have left home so now it is just her. Her mother has been living in the apartment.

Mr. Zemke motioned that the Zoning Board of Appeals set the date for the public hearing for the Fraina special use permit for the Wednesday, February 24th ZBA meeting contingent upon the Board receiving the site plan. Mr. Otter seconded. Mr. Zemke reminded Ms. Fraina that she will need a building permit once the variance is granted and the building inspector will then make sure all the building regulations, such as a fire wall, have been met.

Rocco Mancini, Chairman	Aye
Stephanie Fitzpatrick	Absent
Martin Otter	Aye
Ingrid Kulick	Aye
Phillip Zemke	Aye

Motion carried 4-0.

Discussion Items: None

Administrative Items:

- **Approval of Minutes:** Mr. Zemke motioned that the Zoning Board of Appeals accept the minutes of the December 16, 2015 meeting as presented. Mr. Otter seconded.

Rocco Mancini, Chairman	Aye
Stephanie Fitzpatrick	Absent
Martin Otter	Aye
Ingrid Kulick	Aye
Phillip Zemke	Aye

Motion carried 4-0.

Mr. Otter motioned to adjourn the meeting at 7:20 p.m. Mr. Zemke seconded.

Rocco Mancini, Chairman	Aye
Stephanie Fitzpatrick	Absent
Martin Otter	Aye
Ingrid Kulick	Aye
Phillip Zemke	Aye

Motion carried 4-0.

The next regular meeting will be held on Wednesday, February 24, 2016 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board