

**Ancram Zoning Board of Appeals
November 13th, 2017 7:00PM
Meeting Minutes**

Board Members Present: Bonnie Hundt (Chair), Fred Schneeberger, Ron Brant, and William Lutz

Board Members Absent: Sheldon Waldorf, Sue Bassin (Alt)

Others Present: Michael Hamilton (Homework Architects) Richard Lanka (RLA), Betata Gershon (Applicant Resident)

Clerk: John Hoffman

Chair Hundt opened the meeting at 7:05PM.

The meeting minutes from the previous meeting, on October 10th, 2017, of the Zoning Board of Appeals were reviewed. Fred Schneeberger made a motion to approve the minutes. William Lutz seconded the motion. All in favor motion carried.

Conflicts:

The Chair, Bonnie Hundt, asked the board members if there were any matters on the agenda, which would require the members to abstain; there were none.

Correspondence:

Bonnie Hundt told the board that pending final vote tallies it appears that she was elected to the Town Board. Therefore, the Board needs a new chair and new members.

Ron Brandt said that he was unable to attend the training at Columbia Green he is now on their list and will receive updates about future events.

Old Business:

Rima Grad

18 Long Lake Road, Ancram, NY

Application for Area Variance from 100' setback required from a waterbody.

Bonnie Hundt administered the oath to Mike Hamilton.

Bonnie Hundt asked Mike about the variance the applicant required. The existing structure is 43.5 feet from the lake. Therefore, it is non-conforming. The proposed additions and the pool are beyond the setback line. William Lutz asked why the pool could not be located farther from the lake. Michael Hamilton responded that the location of the pool had to comply with the required buffer from the septic and the absorption beds. The Board noted that in the Olyha application, which was also on Long Lake, the variance granted was 50% of the required setback. Ron Brandt noted that the house was non-conforming.

Ron Brandt Motioned to open the Public Hearing. Fred Schneeberger seconded the motion. All in favor motion carried.

An email from Margret Davis was read into the record. See Exhibit A

Will Lutz motioned to close the public hearing. Ron Brandt seconded. All in favor motion carried.

Vote

Ron Brandt motioned to Vote to Grant the Area Variance. Fred Schneeberger seconded.

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes___ No_**X**__

Reasons: The addition and pool keep the existing setback.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes___ No_**X**__

Reasons: No, the lot size and septic prevent siting the addition and pool elsewhere on the property.

3. Whether the requested variance is substantial: Yes___ No_**X**__

Reasons: The addition and pool keep the existing setback from the lake.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes___ No_**X**__

Reasons: The proposed addition will feature a green roof and a temporary silt fence will be used during construction.

5. Whether the alleged difficulty was self-created: Yes_**X**_ No___

Reasons: The applicant could have avoided needing a variance.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: The Proposed design keeps the existing setback and the applicant's are in a non-conforming lot.

RECORD OF VOTE

MEMBER NAME	AYE	NAY
Chair <u> Bonnie Hundt _____</u>	<u> X </u>	<u> </u>
Member <u> Ron Brandt _____</u>	<u> X </u>	<u> </u>
Member <u> Fred Schneeberger _____</u>	<u> X </u>	<u> </u>
Member <u> William Lutz _____</u>	<u> X </u>	<u> </u>

Michael Gershon

143 Carson Road, Millerton, NY
225.-1-7

The applicant had been referred to the Zoning Board of Appeals from the Building Department. The ZBA sought comments from the Planning Board. During the Planning Board’s review they noted that an area variance was not required because although the required setback in the Agricultural District is 60’ “accessory structures shall be allowed to build within the rear yard setback provided there is a minimum foot setback between the structure and the property line.” The ZBA will not revoke the previous area variance because of the Gershon’s plans to continue to work on the property.

Ron Brandt motioned to find that an area variance was not required and that a letter be drafted to that effect to be sent to the Building Inspector. Fred Schneeberger seconded the motion. All in favor motion carried.

Fred Schneeberger motioned to adjourn the meeting at 7:53 PM. Ron Brandt seconded the motion. All in favor motion passed.

Respectfully Submitted,
John Hoffman
Secretary Town of Ancram ZBA

Exhibit A

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

From: "m davis" <gemstarr05@hotmail.com>

Sent: Saturday, November 11, 2017 2:48pm

To: "planningboard@townofancram.org" <planningboard@townofancram.org>

Subject: Re: variance for 18 Long Lake Rd

On 11/11/2017 12:18 PM, planningboard@townofancram.org wrote:

I don't understand why a variance of any size is required **to be granted**. If the petitioner wishes to build closer to the lake I think they should NOT be granted ANY variance. The proposed additions will already affect the character of the neighborhood as they will make the house much larger than most of those in the neighborhood; adding a pool will way "out class" the neighborhood. It will most certainly change our tax assessments.