

Ancram Zoning Board of Appeals
August 30th, 2018 7:00PM
Meeting Minutes

Board Members Present:

Steve Olyha (Chair), Ron Brant, Fred Schneeberger, William Lutz,
Sharon Cleveland (Alt)

Board Members Absent:

Sheldon Waldorf, Robert Horowitz (Alt)

Others Present:

James Adams, (resident applicant), Sylvia Adams (resident applicant), Choral Eddie (resident),
Mr. and Mrs. Anthony Grippa (resident), John Byrnes (resident), Rob Calme (resident),
Michail Cawly (resident), John Sheehan (resident), Dean Skovic (resident), Lisa Skovic
(resident), Philip Hack (resident), Diane Cawly (resident), and Emile Sommerhoff (resident)

Clerk: John Hoffman

Chair Olyha opened the meeting at 7:00PM.

The meeting minutes from the previous meeting, on June 28th, 2018, of the Zoning Board of Appeals were reviewed. Fred Schneeberger motioned to approve the June 28, 2018 meeting minutes. Will Lutz seconded the motion. All in favor, motion passes.

Conflicts:

The chair asked if there were any conflicts. There were none.

Correspondence: The correspondence received regarding the Adams application were copied and provided to the ZBA (see Exhibit A).

Old Business:

James Adams

Application for Area Variance

Four Corners Road

197-1-26

Chair Olyha administered the oath to James Adams the applicant.

James Adams (the Applicant) has been a homeowner in Ancram since 2005. In 2014 he purchased a parcel from the Sommerhoff farm when it was subdivided. He has the land leased to Hillrock and the land is effectively organic and no pesticides are used. Of the parcel 35 acres are tillable. The Zoning Board requested maps, which the Applicant provided. The applicant says the southern area contains a steep slope and wetland. The equipment storage shed will not be used

for farm equipment. The farm equipment enters the parcel from 4 Corners Road. The Applicant picked the location to preserve open space and farmland. However, when he spoke with the Building Inspector, Edward Ferratto, he was informed that an Area Variance would be required to put it in the location he desired. The proposed structure is 24 feet by 40 feet. The property is farmed by Langdon who has a large combine, which would not fit in the proposed structure.

Will Lutz asked about the driveway. James Adams responded that Jim Miller, the Highway Superintendent, had approved the access. If the variance is granted the structure will still be 100 feet from the lake.

Ron Brant asked about whether the structure would have electricity. Mr. Adams replied that it would be helpful. Further, he plans to have a garden in the corner.

The driveway will be unpaved.

The existing agricultural lease is for a period of five years, which is a requirement for the agricultural exemption. Mr. Adams plans to renew the lease in 2020, which is when the existing lease expires.

The structure will likely have a concrete floor and be similar in design and construction to a pole barn.

Choral Eddie has lived in the neighborhood for about 40 years. She stated that she is glad that the structure will not be in the middle of the field. She interviewed approximately 13 homes and they all supported the proposed location.

Robert Calme, a resident, expressed concerns that this would be another project like Mr. Adam's garden, which Mr. Adams had said would be small but it was larger than Mr. Calme had anticipated.

John Byrnes expressed concerns that the tractors coming and going would pose a risk to the children in the area.

Philip Hack has lived on Pine Street since 2003. He did not approve of the proposed location and instead stated that it should be in the southern or western side of the field.

Anthony Grippa asked about the use of fertilizers. Mr. Adams responded that he had no intentions of using fertilizers. He had already learned how using fertilizers in the area contributed to the spread of Eurasian Milfoil.

Anthony Grippa asked that the board read all the email correspondence.

Sharon Cleveland asked why not the other location.

James Adams responded the the southwest portion of the field has a steep sloop and wetlands.

Further, he stated that there would not be any heavy tractors using the shed or travelling down Long Lake Road.

Emile Sommerhoff mentioned that she may oppose the structure if it was sited in another location.

Ron Brant motioned to close the public hearing. Will Lutz seconded the motion. All in favor, motion passes.

The Board Went through the Environmental Review.

Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No

Will the proposed action result in a change in the use or intensity of use of land? No

Will the proposed action impair the character or quality of the existing community? Moderate

Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No.

Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No

Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No

Will the proposed action impact existing: a. public / private water supplies? No b. public / private wastewater treatment utilities? No

Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No

Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? No

Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No

Will the proposed action create a hazard to environmental resources or human health? No

Will Lutz motioned to make a Negative Declaration for the purposes of Environmental Review. Fred Schneeberger seconded the motion. All in favor; motion passes.

Will Lutz motioned to approve the area variance with the following conditions:

1. The applicant must receive a Building permit;

2. The proposed outdoor electrical features cannot be modified and the exterior lights should not remain lit overnight;
3. No exterior fuel storage tanks.

The motion was seconded by Fred Schneeberger.

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes ___ No X

Reasons: This will be consistent with the size of the existing structures in the neighborhood.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes ___ No X

Reasons: No, changing the location would encroach on the agricultural use.

3. Whether the requested variance is substantial: Yes X No ___

Reasons: The size of the requested variance is large because the setback requirement is based in part on 10 percent of the structure's square footage.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No X

Reasons: No, the variance will still keep the 100 foot buffer from a waterbody.

5. Whether the alleged difficulty was self-created: Yes X No ___

Reasons: The applicant did not have to build an equipment storage shed.

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 NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons:

The ZBA further finds that a variance shall be granted to create a setback of 40 feet from the lotline and maintain a setback of 100 feet from the waterbody. This is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: The setback will maintain the required setback from the waterbody and limit the burden on the agricultural operations.

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: The Applicant must comply with the conditions of the DEC permit.

Adverse impact to be minimized: The DEC permit will prevent the construction from having an adverse impact on the waterbody.

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Steve Olyha</u>	<u>X</u>	_____
Member	<u>Will Lutz</u>	<u>X</u>	_____
Member	<u>Fred Schneeberger</u>	<u>X</u>	_____
Member	<u>Ron Brant</u>	<u>X</u>	_____
Member	<u>Sharon Cleveland</u>	<u>X</u>	_____

New Business: None

Ron Brant motioned to adjourn the meeting. Will Lutz seconded the motion. All in favor; motion passes.

Respectfully Submitted,
John Hoffman
Secretary Town of Ancram ZBA

Exhibit A

Dear Zoning Board of Appeals and Mr. Hoffman,

We would like to express our concerns about the building of this large structure so close to the property line of the Long Pond Beach area and the Calame property. We haven't used the beach for over 30 years with our children and grandchildren. It is a quiet and peaceful place where children can play freely. If a large structure for farm equipment is placed at the proposed site it will be obstructive. It could also prove to be dangerous if, as you said, the farm equipment were allowed to enter the field from Lake Shore Drive.

Roads would need to be repaired by the Town quite frequently if farm equipment were allowed to use Long Lake Road and Lake Shore Drive as an access to the field. This would put a strain on the Town's budget.

James Adams' parcel is 50 acres and he owns other fields on Four Corners Road. For the good of the community and the Town, the structure would be better placed in a corner of a different field or even closer to Four Corners Road where access to it would not endanger our children, where roads would not be destroyed and would keep our beach safe and peaceful.

Please, I ask you and the Board, to take our objections and concerns into careful consideration and perhaps even do an impact study before you automatically grant James Adams his variance.

We thank you for the Board and your attention.

Sincerely,

John and Diane Byrnes

90 Long Lake Road

Ancramdale, NY. 12503

518-329-2448

Tax Map #: 102000 197.3-1-5

Mr Hoffman,

Attached is Mr Grippa's email of 8/29 where he opposes granting a variance for the reasons stated.

Please be advised by copy of this email, the Calame Family is opposed to the Town of Ancram granting a variance to Mr Adams as well for the same reasons.

Furthermore, you referenced in earlier correspondence that Mr Adams could put vehicular access to his property on Long Lake Road, I disagree. To my knowledge the small parcel in front of our home at 48 Long Lake Road is part of the beach and used for parking by residents who must drive to the beach area. Access to Mr Adams property is and has been Four Corners Road. No easement to his parcel from that property can be granted or allowed.

Thank you

Ray Calame

Dear Mr. Hoffman,

It was a pleasure meeting with and learning from you today. I plan on attending the meeting Thursday August 30 at 7:00 pm. Nonetheless, please communicate to the Members of the Zoning Board of Appeals that I am opposed to granting the captioned variance because:

1. Having a 2 and 1/2 story structure close to the community swimming beach on Long Lake Road / Lake Shore Drive would decrease the enjoyment of the beach. I and my family (including children and grandchildren) use the beach and do not want to see a large structure so close to the beach.

2. Having a 2 and 1/2 story structure close to the community swimming beach on Long Lake Road / Lake Shore Drive would decrease the value of my property located on Long Lake Road. Several of the owners in this community, like me, only own the property because of Long Lake access, and to decrease the appeal of Long Lake beach directly decreases the value of property on Long Lake Road (may not bother Mr. Adams because he has his own personal beach front).

3. Introducing coming and going of tractors and other heavy farm equipment to the proposed equipment storage shed is detrimental to the area near the beach from a visual viewpoint and from a diesel oil and gasoline viewpoint.

4. Access of equipment and vehicles to the proposed structure from Long Lake Road / Lake Shore Drive is a danger especially for children and grandchildren swimming and fishing and playing at or near the beach.

5. Introducing farming equipment and vehicles onto Long Lake Road (a gravel road) is likely to destroy the road, again reducing everyone's property value as well as impeding access - remember what Wiltsie Bridge Road looked like a few hundred yards east of Four Corners Road when the Summerhoff farm was in operation, and that was a paved road turned into potholes by farm equipment.

6. The parcel on which the structure is proposed to be built is 50 acres, plus many acres on the other side of Four Corners Road also owned by Mr. Adams, and thus there are numerous other locations where a structure could be placed on Mr. Adams property that would not diminish the appeal of the beach area.

Thank you. I look forward to seeing and speaking with you tomorrow.

Anthony J. Grippa - property owner parcels 197.3-1-2 and 197.1-2-25

Hi John,

Thanks for meeting with us yesterday.

By copy of this email, I am in opposition to the Town of Ancram granting a variance to Mr. Adams for the same reasons Mr. Grippa so well outlines in his email below.

Furthermore, upon taking a look Mr. Adam's 50 acre property, it is clear to me that the proposed structure could be sited on Four Corners Road in such a manner that it would not impact the "view" of the fields, as you mentioned someone had brought up. There is a treed corner of the property closer to Wiltsie Bridge Road that is almost adjacent to the current farm entrance to the same field on Four Corners Road. It would be much less impactful on the residents of the Long Lake Community if it were sited on Four Corners Road.

I'd also like to point out that Merriam Webster defines a shed as follows:

Definition of SHED

1a : a slight structure built for shelter or storage; *especially* : a single-storied building with one or more sides unenclosed

From the drawings you showed me, the proposed structure is not a shed, but rather an equipment storage barn with a shed attached to it, and as such will probably be used for maintenance of equipment as well as storage. As the lake is less than 100 feet from the proposed location, I'd like to know what position the DEC takes on constructing a building for this purpose so close to a lake.

While I realize that Ancramdale is an agricultural community, and my property abuts the farmland that Mr. Adams owns, it seems inconsiderate to me to build such a structure right next to a residential/vacation area that people use for waterfront access to one of the few lakes in the area, when there are other perfectly suitable locations to site it on the same property which would cause no inconvenience to anyone.

In addition I firmly believe that if such a variance is granted, the town will suffer a tax revenue loss because, as Mr. Grippa pointed out, the value of the adjacent homes will decrease, thereby eroding the taxes that are currently paid. I, for one will be one of the first residents to grieve my current assessment if this variance is granted.

I look forward to seeing you tonight at the meeting.

Sincerely,

Philip W. Hack

Philip W. Hack
26 Long Lake Road
Ancramdale, NY 12503
(516) 284-1150

As an abutting property owner, I approve consideration of the application for an area variance for an equipment shed at Four Corners Road, parcel #197.-1-26.

I have viewed James Adams' preliminary sketches and have no reasons for concern.

Respectfully,

Peter Persico III
8 Long Lake Road
Ancramdale, New York 12503

Dear Mr. Hoffman,

I have received notification via registered mail of the request of Mr. James Adams to build a shed across from our common Long Lake area. The property I own is designated on the tax map as: 197.3-1-18, a short distance from the proposed location of the shed.

Fifteen years ago, when I purchased the piece of land, I was taken with the beautiful lake and the tranquility that came with the surrounding area. The erection of a shed in this location would dramatically take away from this quiet pleasure. To be subjected to the sounds of tractors and whatever other farm equipment would be entering and exiting the shed would alter the calm of Long Lake and its beach area. Such machinery also brings with it the fumes associated with diesel fuel and gasoline.

As I am unable to be present at the meeting tonight, please let this email serve as my opposition to the building of an equipment storage shed located at Four Corners Road Parcel 197.1-26.

Sincerely yours,

Miriam Zucker
Property Owner
197.3-1-18
