

Ancram Zoning Board of Appeals
February 26th, 2018 7:00PM
Meeting Minutes

Board Members Present: Steve Olyha (Chair), William Lutz, Fred Schneeberger, and Sharon Cleveland (Alt)

Board Members Absent: Sheldon Waldorf, Ron Brant, and Robert Horwitz

Others Present: Chris Kessel (resident applicant)

Clerk: John Hoffman

Chair Olyha opened the meeting at 7:00PM.

The meeting minutes from the previous meeting, on January 29th, 2018, of the Zoning Board of Appeals were reviewed. Fred Schneeberger made a motion to approve the minutes. Bill Lutz seconded the motion. Motion carried.

Conflicts:

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

Correspondence:

John Hoffman provided a copy of the letter from the Planning Board, attached as exhibit A, concerning the Nienas application.

Old Business:

Don Nienas

23 Lake Shore Drive, Ancram, NY
197.3-1-40

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

Steve Olyha administered the oath to Chris Kissel

Following review by the Planning Board, the applicants submitted a permit application to the NYS DEC. The applicant received the DEC permit. Further, the applicants will look at the feasibility of using rain garden as recommended by the Planning Board.

Will Lutz motioned to open public comment. Fred Schneeberger seconded the motion. All in favor motion carried.

Ron Brandt motioned to make a negative declaration for the purpose of environmental review. Will Lutz seconded the motion. All in favor motion carried.

Will motioned to approve the Area Variance with all conditions of the DEC Permit. The motion was seconded by Steve Olyha. All in favor motion carried.

FACTORS CONSIDERED:

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

Reasons: The screened in porch is proposed on an existing blue stone patio so it will not create an additional intrusion.

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

Reasons: No, placing the porch elsewhere will create a new, additional intrusion into the required buffer.

3. Whether the requested variance is substantial: Yes___ No X

Reasons: No, The addition keeps 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 applicants will comply with the DEC permit and will consider installing a rain garden or other stormwater retention system.

5. Whether the alleged difficulty was self-created: Yes X No___

Reasons: Yes, 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 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 proposed design keeps the existing setback and the applicant's are in a non-conforming lot.

The ZBA further finds that a variance of 30 feet from the 100' setback from a waterbody 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 existing setback while allowing the applicant's addition.

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>Sharon Cleveland</u>	<u>X</u>	___

New Business: None

Fred Schneeberger motioned to adjourn the meeting at 7:15 PM. Steve Olyha seconded the motion. All in favor motion passed.

Respectfully Submitted,
John Hoffman
Secretary Town of Ancram ZBA

Exhibit A

TOWN OF ANCRAM
PLANNING BOARD
1416 County Route 7
Ancram, NY 12502

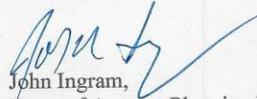
February 3, 2018

Dear Steve Olyha and Zoning Board of Appeals members,

Our review of the Don Nienas and Chris Kissel application for an Area Variance, as referred to us from the Zoning Board of Appeals, included Abbreviated Site Plan Review. During the review we noted two considerations. First, we noted that a DEC permit may be required during construction and/or for the potential stormwater discharge into the lake. Further, we believe that even in the absence of a required permit applicants should employ a silt fence, or other temporary mitigation strategy, during construction, to reduce the impact on the lake. Second, we contemplated whether a rain garden or other stormwater retention system would be feasible for the property since the water from the roof will be collected with gutters and/or down spouts and channeled rather than allowed to run-off the blue stone (from a larger area), as it currently does. Following our meeting John Hoffman, the clerk for the Planning Board spoke with Don Nienas, via phone, on Saturday, February 3, 2018, and sent an email to the applicants summarizing our meeting and what applicants could do to address the our recommendations.

Therefore, it is our recommendation that the Zoning Board of Appeals approve the application for an area variance, which may be subject to a DEC permit. Further, we recommend the ZBA require applicants to utilize a silt fence, or other temporary mitigation strategy, during construction, to reduce the impact on the lake. Further, we recommend the ZBA recommend or require a rain garden or other stormwater retention system, provided such a recommendation or requirement is permissible by law.

Sincerely,



John Ingram,
Town of Ancram Planning Board