

**Ancram Zoning Board of Appeals**  
**May 6th, 2019 7:00PM**  
**Meeting Minutes**

Board Members Present: Steve Olyha (Chair), William Lutz, Fred Schneeberger, Ron Brant, Sharon Cleveland (alt)

Board Members Absent: Sheldon Waldorf and Rob Horowitz (alt)

Others Present: None

Clerk: John Hoffman

Chair Olyha opened the meeting at 7:00PM.

The meeting minutes from the previous meeting, on April 8th, 2019, of the Zoning Board of Appeals were reviewed. Fred Schneeberger motioned to approve the minutes. Sharon Cleveland seconded the motion. All in favor, motion carried.

**Correspondence:**

John Hoffman reminded people about upcoming trainings. There was also a letter from the Ancram Planning Board.

**Conflicts:**

The Chair, Steve Olyha, has a conflict; as a result, Fred Schneeberger will chair during Steve Olyha's application.

**Old Business:**

**Steve Olyha**  
**Area Variance**  
**31 Lake Shore Drive**  
**197.3-1-42**

Fred Schneeberger opened the Public Hearing.

The letter from the Planning Board [Exhibit A] was reviewed by the board.

Ron Brant motioned to close the public hearing. The motion was seconded by Shelt Waldorf. All in favor, motion carried.

Ron Brant motioned to declare make a Negative Declaration for Environmental Review. The motion was seconded by Shelt Waldorf. All in favor, motion carried.

Shelt Waldorf motioned to approve the area variance with the following conditions:

1. The applicant must use silt fencing;
2. The applicant must comply with the DEC permit; and
2. The applicant; receive a Building permit.

The motion was seconded by Rone Brant.

**FACTORS CONSIDERED:**

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

Reasons: There are many buildings within the buffer.

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

Reasons: No, the purpose is to have a deck with a lake-view.

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

Reasons: The deck only slightly increases the prior non-conformance.

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 minimize site disturbance and comply with DEC permitting requirements.

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

Reasons: The applicant did not have to build the deck.

**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.

**RECORD OF VOTE**

	MEMBER NAME	AYE	NAY	
Chair	<u>Steve Olyha</u>	<u>    </u>	<u>    </u>	Abstained
Acting Chair	<u>Fred Schneeerger</u>	<u>  X  </u>	<u>    </u>	
Member	<u>Shelt Waldorf</u>	<u>  X  </u>	<u>    </u>	
Member	<u>Ron Brant</u>	<u>  X  </u>	<u>    </u>	
Member	<u>Will Lutz</u>	<u>  X  </u>	<u>    </u>	
Member	<u>Sharon Cleveland</u>	<u>  X  </u>	<u>    </u>	

**New Business:** None

Shelt Waldorf motioned to adjourn the meeting. Ron Brant seconded the motion. All in favor, motion passed.

Respectfully Submitted,  
John Hoffman  
Secretary Town of Ancram ZBA

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**Exhibit A**

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

May 2, 2019

Dear Fred Schneeberger (Acting Chair) and Zoning Board of Appeals members,

We conducted our review of the Steve Olyha application for an Area Variance, as referred to us from the Zoning Board of Appeals, during our regularly scheduled meeting on May 2, 2019. During the review we noted some concerns. 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 the applicant should employ a silt fence, or other temporary mitigation strategy, during construction, to reduce the impact on the lake. Some members of the board expressed opposition to the location and believe that the variance should not be granted because of the proximity to the waterbody. There was a further discussion of the methods and materials the applicant has chosen. The Planning Board recommends that if the area variance is granted the applicant work with a licensed professional to determine the best method and materials for the project. Further, the Planning Board reminds the Zoning Board of Appeals if the variance is approved the ZBA must grant the minimum variance necessary. Further, in considering the 5 factor test the ZBA must find the factors, considered together, show a greater benefit to the applicant than a burden to the community for the area variance to be granted.

Therefore, it is our recommendation that the Zoning Board of Appeals carefully reviews the application for an area variance and considers whether granting the variance is appropriate. In making its determination the ZBA must adhere to prior precedence but may be able to distinguish this project from other recent projects in the area.

If the area variance is granted, 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, if the variance is granted, we recommend the ZBA require, as a condition of approval, a DEC

permit if the DEC determines such permit is required. Lastly, the ZBA should recommend or require the applicant to work with the building inspector or licensed professional to determine the best methods and materials for the project. This letter is simply the Planning Board's recommendations on the area variance being reviewed by the ZBA. Further, this letter does not waive any required review by the Planning Board, if required, and does not constitute the granting of abbreviated site-plan review.

Sincerely,

John Ingram,  
Town of Ancram Planning Board