

Ancram Zoning Board of Appeals
November 21, 2022 7:30PM
<https://www.youtube.com/watch?v=2NTDmuo0Wos&t=1s>
In Person and Via Zoom

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

Board Members Absent: Ron Brant, Rob Horwitz

Clerk: J Hoffman

Chair Olyha opened the meeting at 7:30PM.

Alternate Sharon Cleveland was acting as a regular member of the Ancram Zoning Board of Appeals for this meeting as Boardmember Will Lutz, who appeared on Zoom, could not count toward the quorum nor vote.

Minutes:

The meeting minutes from the previous meeting, on October 3rd, 2022, of the Zoning Board of Appeals were reviewed. Fred Schneeberger motioned to approve the minutes. The motion was seconded by Sharon Cleveland. All in favor, motion carried.

Correspondence:

A training with Nan Stolzenberg was scheduled for 5:00PM on December 1, 2022. It will be on Zoom and hosted at the Town Hall with refreshments. It will cover the intersection of Ag and Markets Law and Zoning and have a Q & A. The link will be sent shortly.

Conflicts:

The Chair, Steve Olyha, asked if there were any conflicts. He will recuse himself from the Schepart Application.

Old Business:

Schepart
Public Hearing
Area Variance
197.-1-19
35 Long Lake Road

Fred Schneeberger, Acting Chair of the Zoning Board of Appeal, opened the Public Hearing.

There were no Public Comments.

Sharon Cleveland motioned to close the Public Hearing. The motion was seconded by William Lutz. All in favor, motion carries.

The Zoning Board of Appeals went through the 11 questions on Part II of the Short Environmental Assessment Form (SEAF) with Chair Olyha reading each question with the answers as follows:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

No, or small impact may occur

2. Will the proposed action result in a change in the use or intensity of use of land?

No, or small impact may occur

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

No, or small impact may occur

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

No, or small impact may occur

5. 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, or small impact may occur

6. 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, or small impact may occur

7. Will the proposed action impact existing:

a. public / private water supplies?

No, or small impact may occur

b. public / private wastewater treatment utilities?

No, or small impact may occur

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

No, or small impact may occur

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

No, or small impact may occur

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

No, or small impact may occur

11. Will the proposed action create a hazard to environmental resources or human health?

No, or small impact may occur

Sharon Cleveland motioned to declare a Negative Declaration for the purposes of the environmental review; that granting the area variance would not have any significant adverse environmental impacts. The motion was seconded by Carol Falcetti. All in favor, motion carries.

The Acting Chair, Fred Schneeberger read the five factors the Zoning Board must consider in reviewing an application.

FACTORS CONSIDERED:

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

Reasons: The lot is a prior non-conforming lot.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes___ No_X_

Reasons: No, it is an undersized lot and the wellhead places additional siting difficulties on the parcel.

3. Whether the requested variance is substantial: Yes__ No_X_

Reasons: The board did not feel the variance was substantial based on the constraints of the lot.

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 not have an adverse impact on the physical or environmental conditions.

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

Reasons: The applicant could utilize another area for storage

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 |
|---------------------------------------|----------|-----|
| Acting Chair <u>Fred Schneeberger</u> | <u>X</u> | ___ |
| Member <u>Sharon Cleveland</u> | <u>X</u> | ___ |
| Member <u>Carol Falcetti</u> | <u>X</u> | ___ |
| Member <u>Will Lutz</u> | <u>X</u> | ___ |

Abstained: Steve Olyha

Based on the above analysis, Carol Falcetti motioned to grant the Area Variance to Alex Schepart with the following conditions: the Applicant must pay the fees and the Applicant must obtain a building permit. The motion was seconded by Sharon Cleveland. All in favor, motion carries.

New Business: None

Discussion: The Zoning Board of Appeals discussed the recent efforts by the Ancram Town Board in conjunction with Nan Stolzenberg to improve the Planning and Zoning Process in the Town of Ancram. The Zoning Board of Appeals went through the current process, submission requirements, and referrals to the Planning Board.

Carol Falcetti motioned to adjourn. The motion was seconded by Fred Schneeberger. All in favor, motion carried.

Respectfully Submitted,
J Hoffman
Clerk Town of Ancram Planning and Zoning Department
