

**Ancram Zoning Board of Appeals**  
**May 22, 2023 7:00PM**  
<https://www.youtube.com/watch?v=-hc2gySONus>  
**In Person and Via Zoom**

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

Board Members Absent: Ron Brant, Rob Horwitz

Clerk: J Hoffman

Chair Olyha opened the meeting at 7:00PM.

**Minutes:**

The meeting minutes from the previous meeting, on April 24, 2023, of the Zoning Board of Appeals were reviewed. Will Lutz motioned to approve the April 24, 2023 minutes. The motion was seconded by Sharon Cleveland. All in favor, motion carried.

**Correspondence:**

The Clerk distributed a letter from the Town of Ancram Planning Board regarding the Arnao Application. A training with George Schmitt was scheduled for 5:00PM on June 1, 2023. It will be in person and cover SWPPPs and Erosion and Sediment Control measures. The Arnao application was referred to the Columbia County Planning Board.

Will Lutz motioned to approve a Resolution of The Town of Ancram Zoning Board of Appeals Authorizing the Conduct of Zoning Board of Appeals Member Attendance at Zoning Board of Appeals Meetings Under Extraordinary Circumstances, which allows hybrid meetings and attendance via Zoom if a quorum is present at the meeting location. The motion was seconded by Fred Schneeberger.

**RECORD OF VOTE**

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

All in favor, Resolution passes

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**Conflicts:** The Chair, Steve Olyha, asked if there were any conflicts; there were none.

**Old Business:**

**Arnao**

**PUBLIC HEARING**

**Area Variance**

**215.-1-31.2**

**135 Overmountain Road**

The Applicant submitted updated maps.

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

Fred Schneeberger 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 Will Lutz. All in favor, motion carries.

William Lutz motioned to open the Public Hearing. Sharon Cleveland seconded the motion. All in favor, motion carried.

The Chair, Steve Olyha, outlined the process for the Applicant and read the oath, which the Applicant affirmed.

The Applicant, had no comments.

Autumn, a member of the public, stated they had no objections and the Arnao's have been great neighbors.

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

The Chair, Steve Olyha 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.

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 is choosing to add the addition.

**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.

Based on the above analysis, Fred Schneeberger motioned to grant the Arnao Area Variance with the following conditions: the Applicant must pay the fees and the Applicant must obtain a building permit, and the Applicant must use typical erosion and sediment control measures to mitigate any potential the impact on the wetlands. The motion was seconded by Will Lutz. All in favor, motion carries.

**RECORD OF VOTE**

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

**New Business:** None

Carol Falcetti asked if there were a set number of absence each member could have. Steve Olyha stated there was no set number of permissible absences but members but members should attend a significant proportion of meetings. The Clerk clarified that removal would be following a recommendation of the Chair to the Town Board, which would vote on removal.

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

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

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