

**Ancram Zoning Board of Appeals**  
**September 18, 2023**  
**In Person and Via Zoom**  
**Watch Meeting Online:**

<https://www.youtube.com/watch?v=fWcwXBgIoo>

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

Board Members Absent: Ron Brant

Clerk: J Hoffman

Chair Olyha opened the meeting at 7:00 PM.

**Minutes:**

The meeting minutes from the previous meeting, on August 28, 2023, of the Zoning Board of Appeals were reviewed. Fred Schneeberger motioned to approve the minutes with corrections. William Lutz seconded the motion. All in favor, motion carried.

**Correspondence:**

There was a letter from Malcolm Kirk.

**Conflicts:**

The Chair, Steve Olyha, asked if there were any conflicts, there were none.

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**Old Business:**

**Dawning Farm LLC (Jenna Mack)**

**Area Variance**

**196.-1-5.112 and 196.-1-48**

**1095 County Route 27A**

Steve Olyha outlined the process.

Steve Olyha suggested going through Part II of the Short Environmental Assessment Form and making a decision based on the answers to the SEAF and 5 factors.

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

Moderate to large 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

Part 3:

Question 1:

The Site of the requested variance is material in that the Zoning Law requires at 150 foot stream setback from streams. As a result, the Applicant is requesting a 55 foot variance. However, that variance requested impacts only a relatively small portion/distance of the driveway the variance

was requested for.

William Lutz 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 Fred Schneeberger. 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 future driveway is an existing farm lane.

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

Reasons: They want a driveway on Niver's Road

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

Reasons: They are seeking a variance of 55 feet.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes\_\_\_ No\_X\_

Reasons: No, the encroachment on the stream buffer is only on a small portion of the driveway.

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

Reasons: The applicant is choosing to the location of the driveway.

**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, Steve Olyha motioned to grant Dawning Farm two Area Variances for 55 feet from the 150 foot setback requirement with the following conditions: the Applicant shall receive a building permit, the Applicant must follow the Erosion and Sediment Control Plan, the setbacks shall match the maps reviewed and approved by the Zoning Board of Appeals, the Applicant shall install a dry hydrant or strandpipe on the property pond, an escrow shall be

collected so the Town Engineer shall review and sign-off on the driveway design and construction, and the Driveway shall comply with the current Fire Code in effect at the date of the approval. The motion was seconded by William 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>	___

**O & G Industries**

**Appeal of Town Zoning Enforcement Officer**

**208.-1.14.100 &207.-1-24**

**State Route 22**

There have not been any additional submissions.  
Steve Olyha will reach out to John Lyons for additional guidance.

**New Business: None**

**Discussion:**

William Lutz asked if a decision had been made regarding the second alternate

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Fred Schneeberger motioned to adjourn. The motion was seconded by William Lutz. 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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