

**Ancram Zoning Board of Appeals
January 22, 2024**

In Person and Via Zoom

Watch Meeting Online:

<https://www.youtube.com/watch?v=spCaWxuoXw4>

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

Board Members Absent: None

Board Members Present on Zoom: None

Others Present: John Lyons, Kim Garrison

Clerk: J Hoffman

Chair Olyha called the meeting to order at 7:00 PM.

Minutes:

The meeting minutes from the previous meeting, on December 18, 2023, of the Zoning Board of Appeals were reviewed. Carol Falcetti had submitted revisions. Steve Olyha also had some grammatical edits and noted that he read the dictionary definition of mining operation not the Zoning Law definition. He also stated that on page 7 “was not” needed to be added. William Lutz motioned to accept the minutes with corrections. Sharon Cleveland seconded the motion. All in favor, motion carried.

Correspondence: The Clerk scheduled a training with Nan to go over the new forms and checklists on March 7 at 5pm. The training will probably be conducted in-person at the Town Hall. Additionally the ZBA has another referral from the Planning Board. The Clerk is working with the Applicant and they will likely be on the agenda next month. The Planning Board declared their intent to be Lead Agency for the Ancram Opera House Annex Project.

Conflicts:

The Chair, Steve Olyha, asked if there were any conflicts. Fred Schneeberger has a conflict and therefore will recuse himself from the O & G matter.

Due to Fred Schneeberger’s recusal, First Alternate Carol Falcetti was designated by the Chair, Steve Olyha, to participate in the deliberations and decisions of the Zoning Board of Appeals on the O & G Appeal to substitute for Fred Schneeberger.

Old Business:

O & G Industries

PUBLIC HEARING

Appeal of Town Zoning Enforcement Officer

208.-1.14.100 & 207.-1-24

State Route 22

Carol Falcetti motioned to open the Public Hearing on O & G's supplemental submissions. The motion was seconded by Will Lutz. All in favor, motion carried.

There was no additional public comment in-person or via Zoom.

William Lutz motion to close the Public Hearing on O & G's supplemental submissions. The motion was seconded by Carol Falcetti. All in favor, motion carried.

The Chair stated everyone had received a copy of the draft resolution. He asked if any board-members had questions on the draft resolution.

He reviewed it and believed it was very straightforward, linear, and very easy to follow.

Will Lutz stated at the last meeting there was a lot of discussion on timing of the establishment of the SCOZ and the period it had been effectively repealed. He stated that he didn't see anything about that discussion in the draft resolution and wasn't sure if it needed to be in the resolution.

Kim Garrison responded that the real question was whether it was a non-conforming use. The Board had found they had continued mining operations from 2020 to 2023. As a result, she felt the resolution addressed the time period question because she believed the Board understood that the relevant time period was 2020 to 2023. The mining operation itself was what determined O & G had not lost their non-conforming status.

Will Lutz responded that he just wanted to make sure it didn't need to be in the resolution and thanked Ms. Garrison for the explanation.

Chair Olyha asked John Lyons and Kim Garrison that since there were no changes was there any reason why it could not be voted on tonight.

John Lyons stated that there was not.

Kim Garrison stated that there was one change. Paragraph 25 she left a space open for any public comment received tonight. That space should be removed and a note should be added that there was no additional public comment at tonight's meeting.

The Chair stated first the Zoning Board needed a motion to approve the resolution, then a second, and then they would go and register each board-members vote as yes, no, or abstain.

Ron Brant motioned to approve the Resolution of The Town of Ancram Zoning Board of Appeals In the Matter of the Application of O & G Industries Inc., Appealing from the determination of the Town Zoning Enforcement Officer Determination that O&G Industries, Inc. Has Not Engaged in Mining Activities on Its Properties (Tax Parcel Nos. 208.-1-14.100 & 207.-1-24) for a Period Exceeding Two Years, and That Its Right to Conduct Mining on Its Properties as a Valid Nonconforming Use Has Expired, Zoning Board of Appeals Case No. 3 of 2023. The motion was seconded by Carol Falcetti.

John Lyons interjected that in order to avoid having to read the resolution into the record the chair should ask if everyone had read and understood the resolution.

The Chair asked if everyone on the Board had a chance to read the resolution and if they believed they understood it.

The Board-members responded in the affirmative.

Steve Olyha: In favor
Sharon Cleveland: In favor
Ron Brant: In favor
William Lutz: In favor
Carol Falcetti: In favor

Fred Schneeberger had recused himself due to a conflict.

The resolution passed unanimously.

Space 1330 LLC (Ancram Center for the Arts Theatre)
Area Variance
205.3-1-22
1330 County Route 7

The Chair read the oath to the Applicants.

They affirmed.

Jeffrey Mousseau presented on behalf of the Applicants. He also came with architects Kim Ackert and Scott Benedict. The Opera House property is owned by Space 1330 LLC, which is himself and Paul Ricarri. The Applicants are redoing the ramp in-front of the Opera House to make it accessible. They will reconfigure the entrance so that there will be ramps coming off the sides of porch deck. The front of the current porch will be closed off. This proposal is part of an overall accessibility project that they have been undertaking. They have recently completed an accessible restroom on the main floor of the theater so this will also be a major step towards making their programing accessible for all audience members. They also believe this reconfiguring will increase safety for all audience members because they will no longer be stepping directly into the road. They are requesting a front yard variance of 24 feet 6 inches and

a side yard setback variance of 4 feet 2 inches.

Kim Ackert added that she believed everyone was familiar with the existing conditions which are not great and requires you step right off into County Route 7. The new concept will have one ramp toward 1326, the new Annex, and one ramp toward the existing parking area. Then they will close of the existing steps. The ramps will be constructed with wood which is consistent with the language of the building and the ramps will be consistent with code.

Chair Olyha asked what would happen with the utility poles.

Mr. Mousseau stated with the proposed change, the ramp and utility poles could co-exist. It was not their first choice but it was likely the reality. They have spoken with Central Hudson and the guide-line can be reconfigured so it extends further into the yard and over the space so it will not be in the way.

Carol Falcetti asked if Central Hudson had said no to moving the pole.

Mr. Mousseau said essentially and added that they may not be fully done with that conversation.

Mr. Mousseau added that the two projects will make the two buildings speak to each other, have a relationship with one another, as part of the expansion becoming Ancram Center for the Arts.

Fred Schneeberger motioned to declare the Ancram Zoning Board of Appeals the Lead Agency for the purposes of environmental review. The motion was seconded by Will Lutz. All in favor motion carried.

NEW BUSINESS:

Ancram Opera House Theatre Inc. (Ancram Center for the Arts Annex)

Area Variance

205.3-1-67

1326 County Route 7

This located at 1326 County Route 7. It is currently a yellow sided house dating to the 1780s. It was a single-family home up until about a year ago when Ancram Opera House Theatre Inc., which is a nonprofit organization, purchased the building with the intent of making it a mixed-use property. It will provide artist and intern housing for those working with Ancram Center for the Arts during the course of every season. It will contain 3 bedrooms and 2 bathrooms one of which will be an accessible first floor restroom. They will add an addition, which they are calling a community meeting room which will serve multiple purposes as a meeting room for staff and a space for workshops. The Zoning Enforcement Officer worked with Nan to determine it was a permissible use under the Ancram Zoning Law as a Performing Arts School. It requires a Special Use Permit which is why they are before the Planning Board. They are seeking an Area Variance for the front yard and one for the side yard. The building is a non-conforming building so it is very close to the road. The front setback is 21 feet 5 inches and the side setback on the side

facing the Opera House is 6 feet 8 inch setback. Granting the variances for the two separate buildings will help to create a sort of common space between the buildings.

Will Lutz stated the drawings shows it is 1 foot 4 inches so the 6 foot is to the Opera House.

Ms. Ackert agreed. She continued there is a property line between the two. On the drawing the area shaded in gray is not new construction. The shapes are a ramp and because the house is elevated from the grade by about less than a foot. Then next to the house on the side that faces the Opera House will be a new covered porch and another additional porch which is uncovered. The two porches combined make up the little rectangle and there is also a ramp for access.

Ms. Ackert showed the Board the site plan and a rendering to clarify the proposed plan.

The plan also calls for the removal of the front porch, which will be replaced with a step. The step will be used for emergency ingress and egress only because of the proximity to the road. Pedestrian traffic will be directed to the newly accessible side entrance.

Will Lutz asked if the structure would remain a house.

Mr. Mousseau clarified that it will be for staff accommodations.

Chair Olyha asked if there were any objections to the Planning Board being Lead Agency.

There were none.

The Chair explained the remaining process for the two projects.

Will Lutz asked if they had considered combining the two properties.

They had but unfortunately due to financial considerations it was not feasible at this time.

REORGANIZATION:

Will Lutz motioned to nominate Steve Olyha as Chair of the Ancram Zoning Board of Appeals. The motion was seconded by Fred Schneeberger. All in favor, motion carried.

Will Lutz motioned to nominate Fred Schneeberger as Vice Chair of the Ancram Zoning Board of Appeals. The motion was seconded by Sharon Cleveland. All in favor, motion carried.

The Town Board set the ZBA's meeting date as the fourth Monday of each month at 7pm at the Ancram Town Hall and via Zoom.

Will Lutz motioned to set the Ancram Zoning Board of Appeal's meeting date as the fourth Monday of each month at 7pm at the Ancram Town Hall and via Zoom. The motion was seconded by Fred Schneeberg. All in favor, motion carried.

Space 1330 LLC (Ancram Center for the Arts Theatre)

Area Variance

205.3-1-22

1330 County Route 7

Sharon Cleveland motioned to hold a Public Hearing on the Area Variance Applications of Space 1330 LLC on Monday February 26, 2024, at 7pm or shortly thereafter. The motion was seconded by Will Lutz. All in favor, motion carried.

Ancram Opera House Theatre Inc. (Ancram Center for the Arts Annex)

Area Variance

205.3-1-67

1326 County Route 7

Sharon Cleveland motioned to hold a Public Hearing on the Area Variance Applications of Ancram Opera House Theatre Inc. Monday February 26, 2024, at 7pm or shortly thereafter. The motion was seconded by Will Lutz. All in favor, motion carried.

Fred Schneeberger motioned to adjourn the January 22, 2024 meeting of the Zoning Board of Appeals. The motion was seconded by Will Lutz. All in favor, motion carried.

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