

Ancram Zoning Board of Appeals
March 25, 2024
In Person and Via Zoom
Watch Meeting Online:
<https://www.youtube.com/watch?v=vF0vpa9wulo>

Board Members Present: Fred Schneeberger, William Lutz, Sharon Cleveland, Ron Brant, Carol Falcetti (Alt),

Board Members Absent: Jim Stickle (Alt)

Board Members Present on Zoom: Steve Olyha

Others Present: None

Clerk: J Hoffman

Fred Schneeberger called the meeting to order at 7:00 PM.

Minutes:

Sharon Cleveland motioned to accept the minutes from February 26, 2024. The motion was seconded by Fred Schneeberger. All in favor, motion carried.

Correspondence: The provided the Board with correspondence. The letter from the Town of Ancram Planning Board stated they had conducted the environmental review for the Ancram Opera House Annex Project. The letters from the Columbia County Planning Board were regarding the Ancram Opera House Theater and Ancram Opera House Annex and noted the ZBA may wish to see additional features on the Site Plans such as parking, wastewater systems, and signage. Carol Falcetti asked for clarification. The Clerk stated the referral was made pursuant to 239 and the response was the projects were a matter of local concern and made recommendations.

Conflicts:

The Acting Chair, Fred Schneeberger, asked if there were any conflicts. There were none.

Old Business:

Hoilund
PUBLIC HEARING
Area Variance
213.-1-63
84 Cottontail Rd

Open Public Hearing

William Lutz motioned to open the public hearing. The motion was seconded by Sharon Cleveland. All in favor, motion carried.

There was no public comment.

William Lutz motioned to close the public hearing. The motion was seconded by Sharon Cleveland. All in favor, motion carried.

Fred Schneeberger asked Steve Olyha if he had any questions. Steve Olyha stated the existing residence encroached on the front yard setback 4 feet and that it was pretty straight forward.

Steve Olyha said they could move on to the environmental assessment.

Steve Olyha asked if the public hearing had been opened and closed.

The Chair, Fred Schneeberger, began filling out Part I of the Short Environmental Assessment Form.

The Clerk clarified that the applicant had filled out Part I.

Steve Olyha clarified the Zoning Board of Appeals should be filling out Part II.

Steve Olyha asked the Clerk if they had given everyone a copy of the EAF.

Alternate Carol Falcetti stated that the application should have also checked off agriculture and forest on question 4.

The Chair, Fred Schneeberger, began to guide the Board through Part II of the SEAF.

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

William Lutz stated they should check off the second box.

The Chair, Fred Schneeberger, asked Steve Olyha, if they could move on to the 5 questions. Steve Olyha stated they could.

The Chair, Fred Schneeberger, read through the 5-factor test.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. No

Why?

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. No

Why?

3. Whether the requested area variance is substantial. No

Why?

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. No

Why?

5. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Yes

Why?

The Steve Olyha stated he sometimes wondered why that was on the form.

Steve Olyha, told the Chair Fred Schneeberger that if there were no objections or comments, they could go to the vote on it.

Ron Brant made a motion to approve the Area Variance from the front yard setback. William Lutz seconded the motion.

Steve Olyha instructed Fred Schneeberger to ask each member their vote.

Will Lutz: Aye

Sharon Cleveland: Aye

Ron Brant: Aye

Steve Olyha: Aye

Fred Schneeberger did not vote.

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

Area Variance

205.3-1-67

1326 County Route 7

The Chair, Fred Schneeberger, asked the Clerk if the Zoning Board had already done the Assessment for the Ancram Opera House Annex.

The Clerk stated the Planning Board had.

The Chair, Fred Schneeberger, asked if the Public Hearing had occurred.

The Clerk responded it had.

Steve Olyha addressed the letter from the letter from the Columbia County Planning Board (CCPB). He stated CCPB said the matter was probably not a big deal and made three recommendations including having parking and wastewater “delineated.”

Steve Olyha asked the Clerk if the ZBA waited 30 days whether that would hold-up anything the Planning Board or ACA was doing.

The Clerk stated that they believed the Planning Board needed the Area Variance granted prior to granting the Special Use Permit

Alternate Carol Falcetti asked for clarification.

The Clerk responded the Planning Board needed the ZBA to grant the Area Variances prior to final approval of the Special Use Permit. The Clerk further clarified the ZBA had made both referrals to the CCPB and the letters were received March 22nd.

Alternate Carol Falcetti asked what the Board thought of Chair Olyha’s recommendation.

William Lutz responded the Board did not need to respond to the county. The ZBA should discuss the recommendations and the project was going back to the Planning Board.

William Lutz asked if Steve Olyha was suggesting re-opening the Public Hearing.

Steve Olyha stated that would be onerous. He wanted to be considerate of the County Planning Board. Even if features were shown on a map, it was more a matter for the Planning Board.

William Lutz stated the items had been discussed by the Planning Board and the septic was brought up by the neighbor.

Steve Olyha stated based upon the fact the Planning Board was discussing parking, wastewater, and signage there was no need to have the Applicant wait an additional month for map updates, which were not likely necessary for granting the Area Variance.

The Chair, Fred Schneeberger, read through the 5-factor test.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. No

Why?

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. No

Why?

3. Whether the requested area variance is substantial. No

Why?

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. No

Why?

5. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Yes

Why?

Fred Schneeberger said always yes for that one. Check box number two.

Fred Schneeberger asked Steve if they were going to put conditions on it.

He responded his recommendation was no.

William Lutz motioned to approve the Area Variance and recommended transmitting the letters from CCPB to the Planning Board.

Fred Schneeberger asked for a second.

Steve Olyha stated he did not believe a vote was necessary because there was a spot on Part II for comments, which could be transmitted to the Planning Board.

William Lutz motioned to approve the Area Variance Application for the Ancram Opera House. The motion was seconded by Ron Brant.

Steve Olyha stated that from a process perspective they needed to go through the questions and ask for an aye or nay vote.

William Lutz: Aye

Sharon Cleveland: Aye

Ron Brant: Aye

Steve Olyha: Aye

Fred Schneeberger did not vote.

Steve Olyha stated he sometimes wondered why that was on the form.

Steve Olyha told the Chair Fred Schneeberger that if there were no objections or comments, they could go to the vote on it.

Ron Brant made a motion to approve the Area Variance from the front yard setback. William Lutz seconded the motion.

Steve Olyha instructed Fred Schneeberger to ask each member their vote.

Will Lutz: Aye

Sharon Cleveland: Aye

Ron Brant: Aye

Steve Olyha: Aye

Fred Schneeberger did not vote.

So moved.

The Chair, Fred Schneeberger, asked for any other questions or comments.

Steve Olyha said nope.

Fred Schneeberger asked for a motion to adjourn.

William Lutz said there something else.

Jay Gieseler asked to address the Board.

William Lutz asked if the meeting needed to be reopened.

The Clerk stated there had been no vote to adjourn.

Someone responded there had been a vote.

The Clerk asked if the meeting was closed or not.

The Chair, Fred Schneeberger, responded no.

Discussion of Items Not on Agenda:

Jay Gieseler, Professional Engineer stated that his clients are the Ribeiro family. He had submitted almost everything he had been told to do on March 9th and was “summarily denied” his application.

Fred Schneeberger asked by who.

Jay Gieseler gestured to the Clerk and responded by Jayelle.

The Clerk asked Jay Gieseler for clarification on where he was at in the process.

Mr. Gieseler stated that he had met with Ed and Jayelle on February 17 and submitted documents to Ed. Then he read from an email from the Zoning Board Clerk.

Mr. Gieseler concluded that he believed he was being held to an unfair standard.

Alternate Carol Falcetti asked if he had received a denial or referral.

He had not but stated that he was told he would.

Steve Olyha stated Carol was correct and that the process began with a denial from Ed and an “appeal” for either an area variance or use variance and without the denial a hearing could not occur.

Steve asked Mr. Gieseler if there was anything the ZBA could help with.

Mr. Gieseler asked for help getting the building permit approved or denied.

The Chair, Fred Schneeberger, stated that normally Eddie denied permits and asked what the problem was.

The Clerk stated the application was incomplete and both Ed and they had reached out to the Applicant’s representative to rectify the omissions and instead the Applicant had reached out the Town Board and an attorney as well as appearing tonight.

Steve Olyha stated the path forward was to meet with Ed or Jayelle to get the denial.

Mr. Gieseler stated that he would meet with Ed and Jayelle.

NEW BUSINESS: None

Ron Brant motioned to adjourn the March 25, 2024 meeting of the Zoning Board of Appeals. The motion was seconded by William Lutz. All in favor, motion carried.

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