

**Ancram Zoning Board of Appeals**

**May 28, 2024**

**In Person and Via Zoom**

**Watch Meeting Online:**

<https://www.youtube.com/watch?v=3QPxF5TDS0>

Board Members Present: Steve Olyha, William Lutz, Sharon Cleveland, Carol Falcetti (Alt), Jim Stickle (Alt)

Board Members Absent: Fred Schneeberger, Ron Brant

Board Members Present on Zoom: None

Others Present: None

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

**Minutes:**

Page 2 of the April 29, 2024 minutes stated the pool would be emptied. Steve Olyha and William Lutz stated they believed the pool would be lowered. Steve Olyha asked what “the salinity was similar to salt” meant. The Clerk clarified it should read “...similar to sweat.” The Clerk stated the youtube hyperlink was incorrect so they would correct that. The Board asked The Applicant’s representative for clarification as to whether the pool would be emptied or lowered.

William Lutz motioned to accept the minutes from April 29, 2024 with the noted changes. The motion was seconded by Sharon Cleveland. All in favor, motion carried.

**Correspondence:**

The Clerk thanked those for attending Nan’s training. A recording of the training is available but it was not posted to the Dropbox due to the file size. Those wishing to watch the recording should reach out to the Clerk. The Clerk sent the 239 referrals to the county and had not received a response.

Alternate Carol Falcetti had made hard copies of Nan’s forms for the ZBA.

Chair Steve Olyha stated he had requested folks log into the website and review the materials.

Steve Olyha had a conversation with attorney John Lyons regarding nominating an alternate as a voting member. John Lyons stated under New York State Law and Ancram Law an alternate could only be used if a regular member recused themselves due to a conflict.

**Conflicts:**

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

**Old Business:**

**Block**  
**PUBLIC HEARING**  
**Area Variance**  
**213.-1-20**  
**324 Poole Hill Road**

Sharon Cleveland motion to open the Public Hearing on the Block Application. The motion was seconded by William Lutz. All in favor, motion carried.

Alternate Carol Falcetti asked why the pool was not placed outside of the buffer in the front of the house.

The Applicant's representative responded that you could not have a pool in the front yard.

Carol Falcetti asked why the pool was not proposed on the side of the house, which was also outside of the buffer area.

The Applicant's representative stated the pool would be more visible.

Sharon Cleveland asked why the applicant could not have the pool parallel to the existing deck.

The Applicant stated that would create more soil disturbance and there would be a tree that would need to be removed.

Alternate Carol Falcetti stated that if she could make a motion she would request the CAC review Area Variance Application to review items such as whether granting the Area Variance would further degrade the area or whether it would impact the drainage.

William Lutz asked for clarification regarding what had degraded the area.

Carol Falcetti stated that native vegetation had been converted to lawn.

William Lutz stated that since it had been lawn there was probably some stability.

Carol Falcetti responded that they were proposing a further encroachment and additional disturbance.

Chair Steve Olyha stated that a determination had been made that a vegetative buffer was not necessary.

Carol Falcetti stated she was not asking for that.

Steve Olyha stated that was an option

Carol Falcetti asked if they were allowed to ask them to do that.

The Applicant the Town had delineated it as non-significant habitat.

Carol Falcetti stated that she was concerned about the intermittent stream,

The Applicant stated that there was a stream there.

Steve Olyha stated the Board could impose conditions with approval.

William Lutz motioned to close the Public Hearing. The motion was seconded by Sharon Cleveland.

The Chair Steve Olyha stated the three members of the Board would go through Part II of the EAF and then review the 5 factor test and vote on whether to grant the Area Variance.

The Clerk asked if they were doing this without a response from the County and if they were considering it an Unlisted Action.

The Chair said yes.

The Chair, Steve Olyha guided 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

The Board reviewed 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. Yes, it is 76' feet.

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?

Steve Olyha asked if there were any conditions the Board wished to impose.

William Lutz stated they should not change the grade and that the water should be pumped further away or up the hill.

Sharon Cleveland: Aye with conditions  
Will Lutz: Aye with conditions  
Steve Olyha: Aye with conditions

Chair Olyha stated this was exactly how the Board was supposed to work.

**Fischler & Rosenblatt**

**PUBLIC HEARING**

**Area Variance**

**197.3-1-16.2**

**56 Long Lake Road**

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

Carol Falcetti asked about the wetland boundary on the map.

The Applicant showed Carol Falcetti the location of the NWI wetlands on the property.

The Clerk stated they reached out someone at the Army Corps of Engineers but had not received a response.

Carol asked about whether the side porch would be enclosed.

It will not be.

Carol Falcetti stated it was a Non-conforming building and read from the Zoning Law on Non-conformities.

The Board discussed non-conforming uses, lots, and buildings.

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

William Lutz asked if this would go to the Planning Board.

Steve Olyha asked the Clerk if it would go to the Planning Board.

The Clerk stated if Ed granted a Building permit it would not go to the Planning Board.

The Chair, Steve Olyha began to read from Part II of the Short Environmental Assessment Form.

The Clerk asked if it was being called an unlisted action.

The Chair asked if there was reason they should not.

The Clerk stated the Board may wish to review the Type II list.

The Board asked the Clerk to read the Type II list.

The Clerk began to read from the Type II list.

The Chair asked the Clerk how many more there were.

A member of the Audience stated there were 46.

The Chair stated that it was likely that there would not be a significant adverse environmental impact that would make it an unlisted action.

The Chair asked the Board if they saw anything that would cause the project to have a significant environmental impact.

They saw nothing.

The Chair stated they would move forward and call it an unlisted action.

The Chair guided 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

The Chair stated that there were no findings of a significant adverse impact.

The Board reviewed 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

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?

Chair Olyha stated he did not know why that question was there.

The Chair asked if there were any conditions the Board wished to impose.

There were none.

Will Lutz: Aye

Sharon Cleveland: Aye

Steve Olyha: Aye

**VanDeventer Kazaklar**

**Area Variance**

**19.-1-9.200**

**28 Undermountain Road**

The Applicant stated that he was not quite sure how the process worked but he also would like to put in a pool. He believes the house itself is within the Town of Ancram buffer zone. The Applicant has received a DEC permit for work within a wetland. There are two conditions: they must install silt fencing prior to construction so no erosion impacts the wetland and that when the permanent fence is put around the pool they put in fine grade mesh around the bottom to prevent any endangered wildlife from potentially getting through there and into the pool due the presence of turtles in the area.

Steve Olyha asked if the pool itself would be in the wetlands.

The Applicant stated no.

Alternate Jim Stickle stated that would be rattlesnakes over there.

Steve Olyha asked for a map.

There were in the Applicant's submission packet.

The Applicant clarified they were no longer going to use the excavation spoils to regrade the property.

Carol Falcetti stated she had visited the site and reviewed the DEC permit conditions. The permit conditions reflect input from many DEC experts and the permit would not have been granted if it was within the wetland.

The Chair asked where the property fell within the Ancram Significant Habitats map.

The pool is a saltwater pool which was one of the things the DEC saw as favorable.

The Chair discussed the process and the next meeting date.

The next ZBA meeting will be July 1, 2024.



William Lutz motioned to declare the Ancram Zoning Board of Appeal the Lead Agency for the purposes of environmental review. The motion was seconded by Sharon Cleveland. All in favor, motion carried.

Sharon Cleveland motioned to declare the Application complete. The motion was seconded by William Lutz. All in favor, motion carried.

William Lutz motioned to set the Public Hearing on VanDeventer Kazaklar Area Variance Application for July 1, 2024 at 7:05PM. The motion was seconded by Sharon Cleveland all in favor, motion carried.

**Wilson/Del Rossi**  
**Area Variance**  
**197.3-1-36**  
**5 Lake Shore Drive**

The Applicant had rented the house from Choral Eddie. They eventually purchased. The existing residence was built with any materials available. They would like to demolish the existing residence and increase the footprint by 8 feet. He has been in contact with the DEC. They wish to create an attached garage and expand toward the roadway to about 18 feet from the edge of the road, expand northward, and put in a retaining wall. They will put in a second story.

The Chair asked the Applicant update the paperwork.

The Clerk stated that Ed should review requested variances with the Applicant.

The Clerk stated this would also need Planning Board approval.

The Chair asked why it needed to go to the Planning Board.

The Clerk stated Ed had made a determination in needed Planning Board Approval.

The Clerk stated they were finalizing the Planning Board agenda and it would be on the Planning Board agenda and requested the Zoning Board of Appeals give the Applicant a general feel regarding the proposal.

Alternate Jim Stickle stated he knew the property and it seemed good.

The Chair stated that it seemed okay.

---

William Lutz motioned to adjourn the May 28, 2024 meeting of the Zoning Board of Appeals. The motion was seconded by Sharon Cleveland. All in favor, motion carried.

---