

# FINAL

## ZBA Monthly Meeting 4/19/10

Betsy Prohonic called the regular monthly meeting at 7:02 PM on April 19, 2010.

### Roll Call:

Betsy Prohonic	present
Norm Wiley	present
Kristina Hallenbeck	present
Jennie Cipperly	present
David Milano	absent
Glenn Hebert	present
Gregg & Linda Gersch, applicants	present

There are no minutes to accept.

### **Old Business**

Jennie makes an inquiry to clear up the disparity of 6 foot fence (issue from 2 years ago)

Glenn says there is no requirement to have a 6 foot fence around a pool. If the wall of a pool is 52 inches, no fence is required, it meets the requirements. If the pool is inflatable, have to have retractable stairs that go up and lock. For inground pools, has to be self-closing and self-latching.

Glenn suggests forming an Ad Hoc Committee that meets every couple months to explore the Zoning Handbook. The Village Board of Trustees can recommend it.

### **New Business**

The Zoning Board of Appeals has an application before it for a fence variance at 80 Seaman Avenue, Castleton, NY by Gregg and Linda Gersch. The Gersch's installed and currently have a temporary kennel and want to increase the size of fence.

Glenn inspected the fence and denied their application. The Gersch's are here today to seek relief from the Zoning Board of Appeals.

There is a 6 foot chain link fence at the back of the property and the Gersch's are requesting a 1 foot 4 inch height variance, pursuant to Section 210-20 Accessory Uses.

Norm asks about he needing a definite idea of what type of fencing materials will be installed. Glenn informs that the issue before the Zoning Board of Appeals is height variance, and that fencing materials are not significant.

The Zoning Board of Appeals conducts a Balancing Test, a question and answer from each Board Member:

Question 1: Would the granting of the variance produce an undesirable change in the neighborhood or a detriment to nearby properties?

Betsy Prohonic	votes no
Norm Wiley	votes yes
Kristina Hallenbeck	votes no
Jennie Cipperly	votes yes

Question 2: Can the benefit sought by the applicant be achieved by some feasible method other than a variance?

Betsy Prohonic	votes yes
Norm Wiley	votes yes
Kristina Hallenbeck	votes no
Jennie Cipperly	votes yes

Question 3: Is the requested variance substantial?

Betsy Prohonic	votes no
Norm Wiley	votes no
Kristina Hallenbeck	votes no
Jennie Cipperly	votes no

Question 4: Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Betsy Prohonic	votes no
Norm Wiley	votes yes
Kristina Hallenbeck	votes no
Jennie Cipperly	votes yes

Question 5: Is the alleged difficulty self-created?

Betsy Prohonic	votes yes
Norm Wiley	votes yes
Kristina Hallenbeck	votes yes
Jennie Cipperly	votes yes

Balancing Test Results: 11 - Yes votes      9 - No votes

The next step is to hear from the Gersch's neighbors. The Zoning Board of Appeals or Zoning Officer needs to make a Publication and Notification of a Public Hearing.

Betsy makes a motion to set a Public Hearing. Jennie moves and Kristina seconds. All in favor. Motion approved and carried. The Public Hearing will be scheduled on May 17, 2010 and Betsy will work with the Village Clerk to get the notices out in the Troy Record. Glenn said notices should go out to neighbors 500 feet within the property, under Village Law. In addition, Jennie says also have to invite the County and notify them as the property is within the County Road.

Norm asks if conditions can be made for fence not to exceed rear of house. Glenn says yes.

Norm makes a motion to adjourn this meeting for a Public Hearing. Betsy seconds. All in favor. Motion approved and carried.

This meeting was closed at 8:05 PM. The next scheduled meeting will be on **May 17, 2009 at 7:00 PM.**

Respectfully submitted,

Helen Barrington, Secretary