

ZBA Monthly Meeting 7/7/11

PUBLIC HEARING

Roll Call:

Betsy Prohonic	present
Jennie Cipperly	present
David Milano	present
Kristina Hallenbeck	present
Norm Wiley	absent
Mr. and Mrs. Citrolo, applicants	present
Mr. and Mrs. VanAmburg (Neighbors of the Citrolo's)	present

The Public Hearing opens at 7:05 p.m.

Mr. VanAmburg states he received the information on the Citrolo's variance application and says how surprised he was there were no specifications as to what type of fence and as to how the Zoning Board and building department would allow a free standing fence six foot high. He is very concerned with winter weather conditions and believes this fence if it falls will hit his house. He says the potential is there for the fence to hit his property in the event of stormy weather. At the same token, Mr. VanAmburg says he does respect the Citrolo's right to privacy.

Betsy suggests how about a four foot structure? Mr. Citrolo says it defeats the purpose. Mrs. Citrolo says every precaution will be taken to avoid any issues and that the fence will be concreted in.

David suggests how about planting tall trees or a continuous hedge? Mr. VanAmburg says he would rather see a row of bushes than a white wall. David says this would still have a height variance.

Mrs. Citrolo says the fence is two feet off their deck and the fence is five to six feet off the property line. It is only free standing on the far end. The back yard is 72 feet long.

Mr. VanAmburg is opposed to the variance for esthetic purposes and the potential damage during inclement winter weather. Mrs. Citrolo wants privacy within the deck area and says this would be like a privacy screen.

Public Hearing closed at 7:15 p.m.

REGULAR MEETING

The regular meeting opens at 7:27 p.m.

Betsy asks if a resolution can be achieved to the parties mutual satisfaction? Mr. Citrolo says if he gets the Zoning Board's permission, he will build the fence. If not, he will install bushes.

Mr. VanAmburg says their side door on their house, which is their family room, looks out onto the Citrolo's deck. Their deck is long enough to be able to see through. Betsy asks if plants can achieve the same purpose as a fence? Mrs. Citrolo says she believes the fence will achieve the purpose.

Mr. VanAmburg asks if down the road if the Citrolo's wanted to extend the fence, will they need a variance. Dave replies yes, for any extensions or additions, they will need a variance.

Betsy says the Zoning Board's job is to balance out the issues. We are here only as a relief and are not an enforcement source.

Mr. VanAmburg asks if once the decision is made, will they be notified? Betsy says both parties will be notified.

Kristina asks how deep is the deck? Mr. Citrolo says they have two decks, the lower deck is 14-16 feet. They have a sliding door off of that.

Betsy asks if color is an issue? Mr. VanAmburg says no. He says again he would rather see bushes than a fence.

The Board discusses the health, safety and welfare of the application for fence variance under Article 8 Board of Appeals (Area Variances) - page 210-97.

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

Betsy votes No
Jennie votes No

David votes No
Kristina votes No

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

Betsy votes Yes
Jennie votes Yes

David votes Yes
Kristina votes Yes

Question 3: Is the requested variance substantial?

Betsy votes No
Jennie votes No

David votes No
Kristina 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 says need to define substantial. All board members agree this is not substantial construction.

Betsy votes No
Jennie votes No

David votes No
Kristina votes No

Question 5: Is the alleged difficulty self-created?

Betsy votes Yes
Jennie votes Yes

David votes Yes
Kristina votes Yes

Balancing Test Results: 8 - Yes votes 12 - No votes

A no response is to the benefit of the applicants. Betsy asks if everyone is ready to vote? Dave makes a motion to vote and Kristina seconds the motion. All Board members are in favor of granting the Citrolo's application.

Dave suggests under Article 8 Section 210-83 Powers and Duties of the Zoning Board to Betsy to send the parties a copy of these minutes. Betsy agrees and will send a letter to the parties and attach a copy of the minutes.

OLD BUSINESS

Jennie makes a motion to accept the June minutes as corrected and Dave seconds the motion.

OTHER BUSINESS

At the next scheduled meeting, Betsy says the Board has to do SEQR after the Public Hearing. Betsy suggests to the Board to spend time the read the code in the ZBA Handbook 210.10; 210.13 (c); and Appendix I and see about trying to interpret it. Betsy also suggests for the Board to take a look at the property at 28-30 S. Main Street, Castleton. Betsy explains the way the code reads, the building is a nonconforming use as it already has four apartments, which is the maximum allowed.

Dave makes a motion to close the meeting and Kristina seconds the motion. Meeting is closed at 8:45 PM.

The next scheduled meeting is scheduled on July 21, 2011 at 7 PM.

Respectfully submitted,

Helen Barrington, Secretary