

ZBA Monthly Meeting 6/20/11

PUBLIC HEARING

Roll Call:

Betsy Prohonic	present
Jennie Cipperly	present
David Milano	present
Kristina Hallenbeck	present
Norm Wiley	absent
Pete & Jody Citrolo, applicants	present
Bob Iwaniec (Co-owner of 28-30 S. Main St, LLC)	present

NEW BUSINESS

Pete and Jody Citrolo, of 4 Mann Drive, Castleton applied for area variance for a fence at the back of their house, 5 feet from their property line. They would like to install a 6 foot solid vinyl fence, not stockade. They have a gate at the back corner of the house. They have an upper deck and a lower deck. The upper deck is raised; the lower is not. Their neighbor's door comes right out from their deck. Mr. Citrolo says he is concerned as to the time frame of his application. He says he submitted it March 21st and he asks what the delay was. He informs he wants to make it known his annoyance to whomever is in charge of this process. Betsy assures she will find out what the delay was.

Betsy informs the Citrolo's that a public hearing is the next step. Mr. Citrolo asks for a time line for this public hearing. Betsy says the hearing has to be advertised and his neighbors have to be notified within 10 days of the hearing.

Bob Iwaniec, co-owner of 28-30 S. Main Street, LLC brings a copy of the lease and has given it to Glenn Hebert to verify this was part of the purchase agreement.

Betsy said she asked Glenn for clarification why he denied this permit. Betsy says he was looking at Appendix I, 211-17 of the Zoning Handbook. Glenn said the application was not a permitted use based on what the code says. The applicant's desired use is not a permitted use.

Betsy asks Mr. Iwaniec about the balance sheet but he says that George is in charge of the finances. Mr. Iwaniec said there is an outside company that does the management. Betsy asks Mr. Iwaniec what is their personal impact on the business? Do they file as an LLC for income tax purposes? Mr. Iwaniec responds yes. Betsy asks Mr. Iwaniec for copies of income tax returns.

Betsy informs Mr. Iwaniec that the Planning Board met last month as they came back with no opinion concerning this application. They said it was up to the Zoning Board. The Planning Board was to have sent the Zoning Board a letter to this fact but Betsy has not yet received it.

Betsy reads aloud a letter she received from Glenn Hebert. Glenn concurs the outstanding violations. Mr. Iwaniec says that the back decking or walkout on the upstairs apartments needs to be replaced. Betsy asks Mr. Iwaniec to get this matter clarified as any variances cannot be approved with any outstanding violations.

Betsy informs the Zoning Board has to make a decision as to if we are going to be Lead Agency on this matter and has to look at any possible environmental impacts, including esthetics and community. Betsy gives Mr. Iwaniec a copy of the referral form for Planning Department to fill out and a short form SEQR to fill out. The SEQR form is to be mailed to the County.

Kristina asks Mr. Iwaniec what would happen to the property if the variance was not approved? Mr. Iwaniec replied it would probably remain vacant. Betsy discusses the balancing test and that all the criteria have to be met. The criteria are reasonable return; unique to the property; character of the neighborhood; self-created.

There being no more business, the public hearing was closed at 8:00 PM.

REGULAR MEETING:

Jennie moves to accept the May minutes as corrected and Betsy seconds the motion. All Board members in favor.

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

The public hearing on the Citrolo application will be held on July 7, 2011 at 7 PM.

Kristina makes a motion to close the meeting and David seconds the motion. Meeting is closed at 8:27 PM.

Respectfully submitted,

Helen Barrington, Secretary