

**Ancram Zoning Board of Appeals
October 6th, 2014 7:00PM
Meeting Minutes**

Board Members Present: Fred Schneeberger, Sue Bassin, William Lutz Jr., Chair Bonnie Hundt

Board Members Absent: Sheldon Waldorf

Clerk: Colleen Lutz

Others Present: Linda Chernewsky, Nancy Olyha

Chair Hundt opened the meeting at 7:00pm.

A motion was made by Fred Schneeberger to accept the minutes and seconded by William Lutz Jr.

The Chair asked if there was anyone who felt they might need to recuse themselves from the application. None of the membership present felt they needed to recuse.

No other correspondence to the Board.

Old Business

Nancy and Steve Olyha
31 Lake Shore Drive Ancramdale, NY 12503
Parcel ID# 197.3.-1-42

Recap:

Steven and Nancy Olyha of 31 Lake Shore Drive in Ancramdale have received a building permit denial for their proposed addition. Ms. Linda Chernewsky, from Morris Associates, has been contracted to design the addition and represent the applicant.

The Chair stated that the applicant needs and area variance of 7 Ft. 1 inch in the front yard and 12 Ft. 4 inches as well as they are building within the 100ft wetland buffer. They have applied for and received a freshwater wetland general permit.

The Chair stated that this action is considered a Type II action.

Ms. Cherenwsky stated that was no change in plans for the project. She submitted a copy of the recent septic pump out which includes an overall assessment of the current system. This letter was recommended by the planning board at their regular meeting dated 10/2/14.

The Chair discussed the NYS DEC freshwater wetlands permit and went over the conditions set forth in the permit.

Mr. Lutz asked if Ed Ferratto, the ZEO/Building Inspector for the Town of Ancram, monitors the compliance of the applicant to the conditions of the permit.

Ms. Cherenwsky stated that they were going to double check the location of the septic field to make sure the contractors did not drive over the area. She also stated that area of disturbance should be minimal but the silt fence will be maintained as required by the DEC permit.

The Chair asked if the new well was permitted.

Ms. Cherenwsky stated that they were using a reputable company.

Mr. Olyha stated that they had contracted with Eastern States Well Drillers to create the well.

Ms. Bassin asked about the septic report.

Ms. Cherenwsky stated that the septic was pumped in May 2014, but they could only find the report from 2011. The receipt shows the condition of the septic at the time of cleaning.

Ms. Bassin asked about the bedroom count. She stated she felt the planning board brought up a good point about the bonus room acting as a bedroom.

Ms. Cherenwsky stated the bedroom count is what determines what type and how large the septic will need to be. This project does not increase the number of bedrooms, just enlarges them.

The Chair addressed the planning board comment about the buffer zone.

Ms. Cherenwsky stated it might block the view of the lake.

Mr. Schneeberger stated that he felt that the buffer zone was not any of our concern and was not proportionate to the scope of work. The Board cannot place these types of conditions on an applicant.

The Chair went over the SEQRA with the Board as well as the applicant. The Board answered no to each of the 9 questions located on Part II of the NYS SEQRA form.

The Chair opened the public hearing at 7:29 PM. There was no public comment. The Chair closed the public hearing.

The Chair went over the 5 aspects of effect posed by the variance.

1. There will be no change in the character of the locality that might result.
2. There are no alternative methods to achieve what the applicant desires.

3. The degree of the variance is significant. Ms. Bassin and Mr. Lutz agreed the variance was substantial.
4. The variance will not negatively affect the physical and/or environmental conditions existing in the locality.
5. The hardship was self-created.

Deliberations:

The Chair stated she felt the biggest issue was the septic.

Ms. Bassin asked if the 1000 gallon capacity would be sufficient if the bonus room was used as a bedroom.

Mr. Schneeberger stated it would be sufficient. He stated that the BOH only comes into play when an actual bedroom is added.

Ms. Bassin stated that planning board comments should be addressed as a matter of record.

1. The septic system is adequate even if the bonus room was used as bedroom.

Mr. Schneeberger stated the tank is not the issue; it is the capacity of the leach fields. He stated it is not practical to examine the fields and based on the report it seems fine.

Ms. Chernewsky stated that the planning board did not have the report when it commented on the application. She also stated that the bathrooms will be updated to more efficient water saving fixtures.

Mr. Schneeberger stated he felt that the Board did not need to have that much input on the application.

Ms. Bassin stated that the comments from the planning board should still be addressed.

Mr. Lutz stated that suggestion number 2 on the list about the vegetated buffer is only a suggestion, and that the Board could not force the applicant to do that.

Ms. Bassin stated she agreed that it was a suggestion and agreed the Board had no control over the issue, but stated she felt it was not a bad idea.

Mr. Lutz stated that Long Lake has a buffer to help with the geese problem, but the plant choice is not really appropriate. He stated the planning board recommendation is not bad but it is not really enforceable.

Ms. Olyha stated that right now they just use a string with small flags tied on it to deter the geese.

A motion to approve the application with no additional conditions other than those set forth by the DEC General Freshwater Permit. Sue Bassin seconded the motion and all members present voted in favor. Sheldon Waldorf was not present at the meeting.

New Business

The Chair went over the training records.

The Chair also asked that a vice-chair be appointed. William Lutz Jr. nominated Fred Schneeberger, Sue Bassin seconded the motion. Mr. Schneeberger accepted the nomination and the Board voted unanimously in favor. Sheldon Waldorf was not present at the meeting.

At 7:00 PM a motion was made by Fred Schneeberger to adjourn the meeting. The motion was seconded by Sue Bassin and the Board unanimously agreed.

Respectfully Submitted
Colleen Lutz
Secretary Town of Ancram ZBA