

Ancram Zoning Board of Appeals
May 6, 2013 7:00PM
Meeting Minutes

Board Members Present: Chair Leah Wilcox, Sheldon Waldorf, Fred Schneeberger, Sue Bassin

Board Members Absent: None

Clerk: Colleen Lutz

Others Present: Mitchell Khosrova Esq., John Lyons Esq., Edward Ferrato, Rafel and Greta Graczkowski, Joseph and Barbara Crocco

Chair Wilcox opened the meeting at 7:00pm.

12/17/12 MINUTES

Ms. Bassin suggested some grammatical changes that were emailed to the Clerk. The changes were made and the minutes were resubmitted to the Board. No additional changes were recommended.

Ms. Bassin motioned to pass the minutes, Mr. Schneeberger seconded, all approved via email.

The Chair gave a brief description for the reason of the meeting. She stated that the Zoning Enforcement Officer (ZEO) for the Town of Ancram had issued Notice of Violation (NOV) for both the Gershon and Crocco turbines located on Carson Road. She stated that the meeting was considered a public meeting, not a public hearing, and no public comment would not be taken at this time. The purpose of the meeting was to accept the NOV's and schedule public hearings for both.

The NOV stated that there may have been a misrepresentation of the facts at the time of the application. This would cause a violation of the Special Use Permit. Public hearings must be scheduled to receive the public's input. The applications will be considered independently of each other.

Mr. Lutz asked if the public hearings must be separate or handled together.

The Chair stated that the hearings must be separate, but could be held on the same night.

Mr. Khosrova, counsel for Michael Gershon, asked why public comment will not be accepted at the meeting.

The Chair stated that the Board will not accept public comment until the formal public hearing. The function of this meeting was to accept, not necessarily agree with the ZEO's NOV, and move forward with the process of setting a public hearing. The acceptance of the NOV must be done at a public meeting as required by the Open Meetings Law of NYS.

Michael Gershon-NOV

The Chair moved to accept the NOV for Michael Gershon. The remaining members expressed agreement. The NOV was accepted by the ZBA.

Mr. Lyons suggested that upon the request of Mr. Davis Esq., attorney for Joseph Crocco, the public hearings should be scheduled after June 17th, 2013.

Ms. Wilcox asked if the Public Hearing for Mr. Gershon could be held on June 24th, 2013 at 7PM. The Board was unanimously in agreement. Notices will be sent to abutting property owners and noticed in the papers of record 10 days before the hearing.

Joseph Crocco-NOV

Mr. Crocco stated he felt Ms. Bassin should recuse herself from deliberations due to her relationship with the Town Supervisor.

The Board voted to unanimously accept the NOV for Joseph Crocco. The Board decided that the Public Hearing should be set for July 1st 2013 at 7:00PM.

The Chair stated that the Board would now go into private session to receive legal advice from counsel.

Mr. Khosrova asked why the legal advice is not given in public.

Mr. Lyons stated that under NYS Open Meetings Laws, municipal boards can conference in private to receive legal advice. It is a form of confidential attorney-client communication.

The Board convened to the conference room with their counsel John Lyons Esq.

The Board returned to the meeting room after counsel at 8:30 PM and motion was made by Ms. Bassin to adjourn the meeting. The motion was seconded by Mr. Lutz and the Board unanimously agreed.

Respectfully Submitted
Colleen Lutz
Secretary Town of Ancram ZBA