

ZONING BOARD OF APPEALS MEETING MINUTES - FINAL
WEDNESDAY, FEBRUARY 24, 2016

MEMBERS PRESENT:

Rocco Mancini, Chairman
Stephanie Fitzpatrick
Ingrid Kulick

Phillip Zemke

MEMBERS ABSENT:

Martin Otter

ALSO PRESENT:

Chairman Mancini opened the meeting at 7:00 p.m.

Public Hearings:

- 1. Fraina Special Use Permit** – Diane Fraina appeared regarding her special use permit application for an existing accessory apartment on her property located at 17 Molland Drive, tax grid number 6470-0-420487. The property is 3.7 acres located in the A3A zoning district. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Joseph Volaro, 11 Molland Drive, was present. Mr. Varlaro submitted a letter expressing a couple of concerns as follows: that there are currently two accessory apartments on this property and complaints about the inadequacy of the septic system. Ms. Fraina said this special use permit is for one apartment in the garage for her mother. She said she does have a kitchen downstairs in the basement and it was once used by the caregivers for her mother but it is no longer used. She will remove the kitchen if necessary. Mr. Zemke said the septic is a big issue of concern as addressed by Mr. Volaro. Ms. Fraina said she is not aware of any current septic problems. She moved in in December of 2002 and did have some problems at that time although the previous owner did install a new septic tank in September prior to the sale. Mr. Volaro had noticed a green pipe coming up out of the ground and he told her it was leaking raw sewage so Ms. Fraina contacted Richard Von Der Leith who came out and put in a new leach field. The roots of dogwood trees were coming up and pulling up the pipes so Mr. Von Der Leith also took out two of the trees to prevent a recurrence. She said since then to her knowledge there have not been any problems. She tried to contact Mr. Von Der Leith for a letter confirming the work he did but she has not heard back from him. Ms. Fraina did supply the paperwork for the installation of the new septic tank. The reason the new tank was installed is because the inspector thought there was a septic problem. With the new tank and new leach fields, Ms. Fraina said she assumed the problems had been corrected. She pumps the tank out every two or three years. Mr. Volaro said when the Johnsons lived there full time and had a large family, the smell of septic and grey water was very noticeable due to the exposed pipe. Mr. Volaro had a survey done and the surveyor found a couple of exposed pipes so Mr. Volaro addressed the problem with the Johnsons and they had the septic pumped every few months to control it but since then, Ms. Fraina had all that work done. Mr. Volaro said Mr. Von Der Leith told him that he replaced an infiltrator, that he did not put in a new leach field, and he installed a

dry well for the laundry run off which was running into the tank. Mr. Volaro said the septic could never handle normal usage for a three bedroom home. His concern is that the usage would go up and the infrastructure, which is not built for high usage, would not be able to handle it. Mr. Volaro would like to see the septic properly inspected, properly repaired, and brought up to current code. He said this house has been a work in progress from the current owner. There were separate living quarters in the basement and garage which brings the bedrooms up to five or six. Ms. Fraina said there are four bedrooms in the house - three upstairs and the garage apartment – which are serviced by the one septic system. She said her mother has been living there since 2003. Mr. Zemke wondered how the Board determines the adequacy of the septic system since, if you are repairing an existing septic, you do not need Board of Health approval. This Board needs to know that this septic can accommodate this number of bedrooms. Chairman Mancini suggested the Board, along with the Building Inspector, have a site visit. Mr. Varlaro said he has no problem with Ms. Fraina’s mom living in the garage apartment. There are living quarters in the basement and there have been people in both at one time or another. Ms. Fraina said, as she said earlier, she is not using the downstairs apartment now and will dismantle the kitchen. Mr. Volaro asked if someone applied for a permit before they installed the apartment, wouldn’t the Board ask about the adequacy of the septic system? This was never asked from day one. Mr. Zemke said we need to have someone determine if the existing septic is adequate for the existing use. He said it seems like Ms. Fraina has done everything she could have done to correct the situation. Mr. Zemke suggested the Board hold the public hearing open to give the applicant time to get an engineer in to look at the adequacy of the septic system.

Mr. Zemke motioned that the Zoning Board of Appeals hold the public hearing for the Fraina area variance open until the March 23rd meeting to allow the applicant time to have an engineer inspect the septic system. Ms. Kulick seconded.

Rocco Mancini, Chairman	Aye	Martin Otter	Absent
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 4-0.	

Applications:

1. Debbie Reynolds appeared as the authorized representative for Kenneth Cole who is seeking an area variance for lot area for property located at 2 Old Mill Road, tax grid number 6371-00-962814. Steve Schreiber was also present. Ms. Reynolds said Mr. Cole has started the process with the Planning Board to do a lot line adjustment with Steve Schreiber. Mr. Cole’s 0.14 acre parcel is bisected by Route 199. Mr. Cole is conveying the 0.6 acres to Mr. Schreiber who will attach it to his property. Both lots are located in the Hamlet zoning district. The variance is required because this action will make Mr. Cole’s lot, which is a pre-existing, non-conforming lot, more non-conforming. The Planning Board sent a positive recommendation for approval to the Zoning Board of Appeals for this area variance to allow Mr. Cole to move forward with the lot line adjustment.

Mr. Zemke motioned that the Zoning Board of Appeals set the date for the public hearing for the Cole area variance application for the Wednesday, March 23rd ZBA meeting. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Martin Otter	Absent
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 4-0.	

Discussion Items:

1. Edward and Magdalena Sheridan have purchased the Mergendahl property located at 30-32 Rock City Road, a 3.0 acre parcel located in the Hamlet district, tax grid number 6371-00-952905. Ms. Sheridan is interested in keeping goats on the property and discovered right before they purchased the property that animal husbandry is not allowed in the Hamlet zoning district. They are here tonight to find out if there is any way they could have the goats. The property around them is in the A3A zoning district. They are the last property in the Hamlet district. Ms. Sheridan was wondering if a use variance would be a possibility. Mr. Zemke explained that a use variance would be very difficult to get for this property as per the criteria that must be met for a use variance. He suggested, and the Board agreed, that one approach Ms. Sheridan could take would be to approach the Town Board about possibly changing the zoning for this parcel since it is a three acre parcel and is the last parcel in the Hamlet district. Ms. Sheridan agreed and said she would call the Town Supervisor tomorrow.
2. Linda Jacoby Ahlin asked the Board if there were any plans at this time to change the requirement to have horses from the minimum ten contiguous acres and the ZBA said they were not aware of the Town Board making any changes to that requirement at this time.

Administrative Items:

- **Approval of Minutes:** Ms. Kulick motioned that the Zoning Board of Appeals accept the minutes of the January 27, 2016 meeting as presented. Mr. Zemke seconded.

Rocco Mancini, Chairman	Aye	Martin Otter	Absent
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 4-0.	

Mr. Zemke motioned to adjourn the meeting at 7:50 p.m. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Martin Otter	Absent
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 4-0.	

The next regular meeting will be held on Wednesday, March 23, 2016 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board