

ZONING BOARD OF APPEALS
MINUTES OF PUBLIC HEARING
MAY 2, 2016

	Carrie Andolina	Frank Broughton	Paul Cesana	Joe Gardyjan	Kathy Vespa	Steven Kohl
Term End	2018	2016	2017	2019	2015	Alternate
May 2	Excused	Present	Present	Present	Present	Present

Also Present: Planning Board Chairman Joseph Ostrowski, Michael Latimore, Robert and Susan Meyers, Susan Speck, Janice Hanson from 43 Wide Beach, Cynthia Smith from, Janet Latimore from 35 Wide Beach.

Call to Order: Chairman Broughton called the meeting to order at 7pm.

Roll Call: Chairman Broughton asked the Secretary to do a roll call. Carrie Andolina asked to be excused so Alternate Member Kohl will take her place. Member Cesana came late. He declared a quorum present.

Approval of Minutes: Minutes of the November 4, 2015 minutes were approved at that time.

Chairman Broughton explained the rules that will be followed during the proceedings asking all those coming to speak, please come forward and speak into the microphone. The Meyers will speak first.

Reading of Hearing Notice: The Chairman asked Secretary Ostrowski to read the Hearing Notice. She stated a correction to the notice should state 18 feet instead of 20 feet. (see attached)

Reading of Planning Board Opinion: The Secretary read the Opinion of the Planning Board. (see attached)

Motion to Open Public Hearing: Joe Gardyjan made the motion to open the public hearing and Kathy Vespa seconded the motion. Carried. The hearing opened at 7:15pm

Speakers:

Robert A Meyers, 22 Swanson Ter., Amherst – He said the Planning Board had done a great job at summarizing what they are looking to do. He stated the lot is 72ft which is more than large enough to build a summer home. It will be a cottage type home that will fit in with the rest of the homes in the area.

The Chairman asked if this will be a single story home. Mr. Meyers said it is. The Chairman then asked him to point out where the home will be located on a picture of the lot.

Mike Lattemore, 35 Wide Beach Rd – He said he feels the application is defective because he was not notified within 5 business days of this appeal. He received his notification on Thursday of this week. It's also defective that all interested parties within a 1000 feet were not notified. People across the street were not notified at all. He also feels it is too close to his home. He said when he built on an addition to his home, he had to notify everyone. The Chairman asked how long he has lived in his home and he said about 12 years. The Chairman also asked to see the receipts of when the letters were received. Susan

Meyers brought the receipts forward. The Chairman stated that there is no signature or date on the card to show proof of when the letter was received. Mr. Lattemore said he signed on an electronic machine so they do not give receipts. Mr. Lattemore also stated that this house to be built will be too close to his home.

Cynthia Smith, 34 Wide Beach – She said she agrees with Mr. Lattemore that the application is faulty because she did not receive any notification. She lives across the street. She pointed out on the picture provided where her house is located. Mr. Lattemore was asked to come up and point out his lot on the page showing all the lots in the area. He has lots 50 and 51. Ms. Smith is lot 34.

Susan Speck, 39 S Wide Beach – She said she lives across the street. She was under the impression she had to be notified because the previous owners of Mr. Lattemores' home had to send her the notice when they were building. She feels that this property is very wet because the previous people have brought in many truck loads dirt to fill in. She feels it is a small lot to put a house on and is too close to neighbors.

Mr. Lattemore asked if he could present part of his deed which states the Wide Beach Corp has control of lots. The Chairman asked the CEO and the Planning Board Chairman if there was a corporation for that area. They both said they hadn't heard of any. Mr. Lattemore said they pay for plowing and maintenance each month.

The Chairman had questions for the CEO. He asked Mr. Brecker to clarify local law 161 – 62 “The applicant shall, at least five days prior to the date of the hearing, give notice, in writing, by registered mail or by service in person, with adequate proof of contact thereof to all property owners within 1000 feet of the property to be affected by said appeal OR to all property owners of contiguous land or properties adjoining said property to be affected and other interested property owners as may be designated by the Board of Appeals.” The CEO stated that this was brought up about 5 years ago at the town board. The Town Board and Town Council said we can use either 1000 feet or the property owners of the contiguous land. He said he chose to use the contiguous land because using 1000 ft would mean notifying people about ¼ mile away. Both people who have property next to them were notified.

Mr. Brecker read his letter to the ZBA regarding this property. (see attached).

Chairman Broughton asked if there is anything stated anywhere in the code regarding a time limit on a variance. Mr. Brecker stated there is no time limit. If the property is sold, the variance remains with the property. Mr. Brecker also stated it that this will not be a concern to the health or welfare to the people.

Janet Lattimore, 35 Wide Beach Rd – She asked how close this house will be to her kitchen window. Mr. Brecker asked how old their house is. It's about 60 years old and that is why it is so close to the property line. State regulations says the house must be 3ft from the property line and that is a fire regulation. The town requires 10 feet so the Lattimore house is not conforming to the laws but the new house will be conforming.

Janice Hanson 43 Wide Beach – She said that they were one of the last to build in the area. They were told there would be no more water or sewer hookups. She is questioning if there will be water and sewer for that property. Chairman Broughton stated that this issue has nothing to do with the variance. It will be looked into once the owners apply for a building permit. This is not a determining factor for us.

Cynthia Smith – She is questioning the laws prior when Wide Beach was established. Mr. Brecker made it sound like none of this matters because those laws weren't in effect of when Wide Beach was established. If that's the case then this would need to go to the Homeowners Association which is in effect. She also wanted to know who suggested to the property owners to get a variance. Mr. Brecker said that he suggested it.

Motion to Close Public Hearing: Having no other evidence to be brought forth, the Chairman asked for a motion to close the Public Hearing. Joe Gardyjan made the motion to close the public hearing and Steve Kohl seconded the motion. Carried. The hearing closed at 7:43pm

Decision of the Zoning Board of Appeals: A motion was made by Paul Cesana and seconded by Joe Gardyjan to approve the attached resolution. Carried.

Other New Business: Frank discussed ideas for new forms which will make all proceedings orderly and concise. He also talked about different ways the members and can take training classes including online classes and possibly classes held in the conference room.

Motion to Close the Meeting: Joe Gardyjan made a motion to adjourn the meeting. The motion was seconded by Steve Kohl. Carried. The meeting was adjourned at 8:10pm

Respectfully Submitted,

Lynda Ostrowski, Secretary