

A Zoning Board of Appeals was held on Monday, September 14, 2009 at 7:00 pm in the Tannersville Village Hall, followed by a Planning Workshop Meeting

Present: Mark Hyer, Chairman, Zoning Board of Appeals  
Karen Terns, ZBA Member  
Catherine Palmieri, Deputy Clerk

Also present: Peter Fimalino, Contractor, representing Mary Bozzone

Mr. Hyer called the **Zoning Board of Appeals** to order in the matter of the **area use variance requested by Mary E. Bozzone** of 127 Park Lane and opened the Public Hearing. Mr. Hyer asked Mr. Fimalino to explain what Ms. Bozzone is asking to do.

Mr. Fimalino explained that there was an existing deck on Ms. Bozzone's house. It has been removed and she wants to replace the deck and put a roof over it. It is to be 5 foot wide, the footings will be 4 foot with a 1 foot overhang and will go from the door to the end of the house, which is about 18 feet.

Mr. Hyer asked how far it is from the house to the property line. Mr. Fimalino replied 16 feet. Mr. Hyer said you are aware that the setback is 20 foot, so you want to be within 11 foot, a 9 foot area use variance.

Mr. Hyer said we have in front of us letters from the contiguous neighbors, Byrne, Ward and Prince giving permission for replacement of the previously existing deck.

Mr. Hyer stated that, under the New York State Zoning Board of Appeals Law, the applicant has to show a hardship and it is that she will eventually need to add a ramp to the deck to be used for handicapped access.

Mr. Hyer asked if there was anyone from the public who wished to speak on the matter. There was no response.

Mr. Hyer closed the Public Hearing and stated that the first order of business was to make a motion for a Negative Declaration under SEQR. Ms. Karen Terns made a motion for a Negative Declaration under SEQR. Mr. Hyer seconded the motion. All in favor. Discussion: Aye. Motion carried.

Mr. Hyer stated that the second order of business was a motion to approve the Area Use Variance for Mary E. Bozzone as laid out in the Application presented by Mr. Fimalino. Ms. Terns made a motion for approval of the Area Use Variance for Ms. Bozzone. Mr. Hyer seconded the motion. Discussion. All in favor. Aye. Motion carried.

Mr. Hyer stated to Mr. Fimalino that he has received approval for the Area Use Variance and advised him to deliver the Application to the Code Enforcement Officer. Mr. Hyer closed the ZBA and turned the meeting over to the Village Board.

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The Mayor called the Planning Workshop Meeting to order and asked that everyone join in the Pledge of Allegiance.

Present: Lee McGunnigle, Mayor  
Linda Kline, Trustee

Gregory Landers, Trustee  
Anthony Lucido, Trustee  
Mary Sue Timpson, Trustee  
Mark Hyer, Planning Board Chairman  
Catherine Palmieri, Deputy Clerk

Also present: Joseph Vanucchi, Greg Lubow

**Weyant Lot Line Adjustment:** Mr. Hyer called on Mr. Vanucchi to make the presentation as the representative for Glenn and Donna Weyant. Mr. Vanucchi pointed out the lands on the map and said that what the Weyants are requesting to do is to adjust the lot line between the two properties to make them more equal in size and extend the 30 foot right of way through the properties. Mr. Hyer explained the Board's options as follows: the Board can tell the owners that as they are asking to redivide the land, they are required to have a 50 foot right of way, top to bottom. Or, the Board could approve the 30 foot right of way with a variance. The Mayor asked the trustees to go on record as to their opinions on the right of way. Trustees Landers, Lucido and Kline: 50 foot right of way; Trustee Timpson: no opinion. After discussion, it was concluded that the owner should be asked to provide a 50 foot right of way according to current law. It was also noted that the Lot Line Adjustment request listed the Weyant address as being Tannersville, NY. The Board asked Mr. Vanucchi to request that the form be redone to reflect the owners legal address, i.e., the address from which they vote.

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**Kosher Mountain – Site Plan Re-Approval:** Mr. Hyer stated that the issue is that the owners went with a hard awning instead of the roll back awning approved earlier and, for this reason, he recommended that it come back in front of the Board. Mr. Hyer added that the contractor put the roof slant in toward their own driveway so that none of the water will be coming out onto Main Street. It is DOT compliant and a much better arrangement than they had before. The Code Enforcement Officer looked at it and had no problem. Neither did Greene County Planning on their 239 Review. Mr. Hyer recommended to the Board that Kosher Mountain receive a Neg Dec under SEQR. Trustee Landers made a motion for a Negative Declaration. Trustee Kline seconded the motion. All in favor, motion passed unanimously. Trustee Landers made a motion for Site Plan Approval. Trustee Timpson seconded the motion. All in favor, motion carried.

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**Zoning Document:** The Mayor asked whether everyone could look at the dated Zoning Document which the Board addressed at the meeting of June 8, 2009. He continued that the Zoning Document does not have to be built according to what exists. It represents this Board's vision for the future development of the community. The Zoning Document can always be amended in the future as we find idiosyncrasies in the document that may have been overlooked. We have spent the money on this grant, and we have to be

cognizant of the fact that it would good to get this job done in some fashion that we are all comfortable with and get it done so that we can get reimbursed for \$25,000. The Mayor said he liked the procedure that was followed at the June 8<sup>th</sup> review. We were kind of voting on everyone's opinion where we had differences.

The Board continued the discussion regarding changes to be made on the map. The Mayor said he would articulate the proceeding for the minutes and he made the following statement:

“After lengthy and involved discussion by the Board, consensus of changes is as follows:

1. The section on the north and south sides of Spruce Street where there are current existing lots as articulated on the Revision Map 914, will be changed from R1 to R2. Remaining vacant land behind those will stay at R1.
2. We are making a correction to the Village designated DOT lot.
3. After lengthy discussion at the June 8<sup>th</sup> meeting, there was a vote by the Board 3-2 leaving the east side of Spring Street as R1. It has been revisited, and the Mayor is making a motion to change it to R2 due to the existing configuration of current lots as on the Revision Map 914. Trustee Lucido seconded the motion. All in favor, motion carried 5-0. The larger, more eastern parcels will remain R1.
4. The Mayor made a motion to submit the above changes to Fraser & Associates for a new map to be sent back here and then schedule a Public Hearing. Trustee Timpson seconded the motion. All in favor, motion carried 5-0.

Mr. Hyer said he will package up a clean copy of the map and send it up to Fraser and ask for a print out. \_\_\_\_\_

Trustee Lucido brought up the subject of water use by the school. The Mayor stated that at the meeting he and the Clerk attended, the school agreed that they will not water the fields during drought conditions and stated that they are seeking additional water sources. \_\_\_\_\_

**Approval of Minutes** of August 3, 2009 (Public Hearing and Planning Workshop Meeting) and Regular Board Meeting of August 11, 2009: Trustee Landers made a motion to approve the minutes as submitted. The Mayor and Trustee Lucido abstained from voting on the August 3<sup>rd</sup> minutes as they were absent and the Mayor abstained from voting on the August 11<sup>th</sup> meeting for the same reason. Trustee Kline seconded the motion. All in favor (with above exceptions), motion carried.

**Approval of Vouchers:** Trustee Landers made a motion to approve the vouchers. Motion was seconded by Trustee Kline. Trustee Timpson abstained from voting. Motion carried 4-0. \_\_\_\_\_

The Mayor made a motion to adjourn the meeting. Motion seconded by Trustee Kline. All in favor, motion carried.

Minutes submitted by Catherine Palmieri, Deputy Clerk

