

3 PUBLIC HEARINGS – Hodge, Williams, Jackson

In attendance: Chairman Ken Macari, Dan Retajczyk, Mike Doran, Sue Kimmel, and alternate Mark Somers

From the public: Town Attorney Warren Bader, Councilman Rip Colsante, Dan Gibbs, Ed Hodge, Jeffrey and Sandra Williams, Christine Johnson, Steven Morrane, Tara Jackson, and secretary Kay Foster

OPENING: Chairman Ken Macari opened the meeting at 7 pm with everyone joining in the pledge of allegiance to flag of the United States of America

PUBLIC HEARING opened at 7:01 – Ed Hodge, 1428 State Rt. 49

Ed Hodge is requesting a side yard variance to put up a garage on an existing concrete pad on his property. The concrete pad was left after the removal of a larger garage. He would like to place a new garage on the concrete pad as far from the property line as possible. He is requesting a reduction in the 15' side yard setback to 10'. It might possibly be further from the property line but he's waiting for a survey to clarify that.

MOTION

Dan Retajczyk made a motion to declare the Appeals Board as lead agency for SEQRA review and to declare this project a type 2 unlisted action of non-significance, a negative declaration will be filed. The motion was seconded by Sue Kimmel. Vote as follows: Ken Macari, yes; Dan Retajczyk, yes; Mike Doran, yes; Sue Kimmel, yes; and Mark Somers, yes. The motion was carried unanimously.

The Appeals Board reviewed the formatted questions for "Variance Findings and Decisions". The form will be filed in the Clerk's office. Discussion followed.

MOTION TO CLOSE THE PUBLIC HEARING

At 7:20 Sue Kimmel made a motion to close the public hearing, seconded by Mike Doran. Vote as follows: Ken Macari, yes; Dan Retajczyk, yes; Mike Doran, yes; Sue Kimmel, yes; and Mark Somers, yes. The motion was carried unanimously.

MOTION

Sue Kimmel made a motion to approve the variance requested, a side yard setback for a reduction from the required 15' to 10'. The motion was seconded by Mike Doran. Vote as follows: Ken Macari, yes; Dan Retajczyk, yes; Mike Doran, yes; Sue Kimmel, yes; and Mark Somers, yes. The motion was carried unanimously.

Chairman Macari will send a letter of approval to the applicant and the code office.

PUBLIC HEARING –opened at 7:24 – Jeffrey & Sandra Williams, 298 N.Auringer Rd.

The applicants would like to place two RVs on their property for longer than the permitted 120 day limit for one RV in the Land Development Law (LDL). They could

possibly get a permit for the summer months and then get another one for the hunting season in the Fall. The property is located on a private dirt road. They have placed electric service, a well, and a septic system on the property for the RVs.

Noted: this is the first application for a variance concerning parking RVs on property within the Town since the new law was enacted in November 2020.

MOTION

Dan Retajczyk made a motion to declare the Appeals Board as lead agency for SEQRA review and to declare this project a type 2 unlisted action of non-significance, a negative declaration will be filed. The motion was seconded by Mark Somers. Vote as follows: Ken Macari, yes; Dan Retajczyk, yes; Mike Doran, yes; Sue Kimmel, yes; and Mark Somers, yes. The motion was carried unanimously.

The Appeals Board reviewed the formatted questions for "Variance Findings and Decisions. The form will be filed in the Clerk's office. Discussion followed.

Attorney Warren Bader pointed out that by definition in the LDL, two or more RVs on one parcel require a permit for an RV park/campground.

The neighbors across the road from the Williams' presented a strong argument opposing permitting 2 RVs on the property. A lengthy discussion followed between the Board, the applicants, and the neighbors.

MOTION TO CLOSE THE PUBLIC HEARING

At 8 pm Sue Kimmel made a motion to close the public hearing, seconded by Mark Somers. Vote as follows: Ken Macari, yes; Dan Retajczyk, yes; Mike Doran, yes; Sue Kimmel, yes; and Mark Somers, yes. The motion was carried unanimously.

Sue Kimmel stated it is the duty of the Appeals Board to uphold the law therefor she would vote to deny the application.

Dan Retajczyk stated the law would only allow one RV to be permitted.

Mike Doran stated he would be in favor of permitting the two RVs temporarily since the applicant is planning on building a house on the property in December.

Mark Somers stated he's in favor of upholding the law.

Chairman Macari reiterated the law and gave some history of the reason for the development of the law concerning RVs.

MOTION

Mike Doran made a motion to grant the variance request to permit the second RV on the property until the house is built by the end of December. The motion was seconded by Ken Macari. Vote as follows: Ken Macari, no; Dan Retajczyk, no; Mike Doran, yes; Sue Kimmel, no; and Mark Somers, no. The variance request was denied.

The neighbor asked what the next step is to enforce the law. Jeffrey Williams stated the second RV will be removed immediately.

PUBLIC HEARING opened at 8:16, Tara Jackson, 147 Co. Rt. 23b

The applicant is requesting a variance to the front yard setback for the purpose of building a garage. She would like to place a garage at 50' from the road. Currently there is a garage 25' from the road which will be removed after the new one is built. The proposed garage location cannot be further back on the property because of a drop off.

MOTION

Dan Retajczyk made a motion to declare the Appeals Board as lead agency for SEQRA review and to declare this project a type 2 unlisted action of non-significance, a negative declaration will be filed. The motion was seconded by Mark Somers. Vote as follows: Ken Macari, yes; Dan Retajczyk, yes; Mike Doran, yes; Sue Kimmel, yes; and Mark Somers, yes. The motion was carried unanimously.

The Appeals Board reviewed the formatted questions for "Variance Findings and Decisions. The form will be filed in the Clerk's office.

MOTION TO CLOSE THE PUBLIC HEARING

At 8:32 pm Sue Kimmel made a motion to close the public hearing, seconded by Mark Somers. Vote as follows: Ken Macari, yes; Dan Retajczyk, yes; Mike Doran, yes; Sue Kimmel, yes; and Mark Somers, yes. The motion was carried unanimously.

The applicant agreed to remove the existing garage within 60 days of completion of the new garage, allowing time to move contents from the old to new garage and demo the old one.

MOTION

Sue Kimmel made a motion to approve the variance requested, a front yard setback from the required 80' to 50'. The motion was seconded by Mike Doran. Vote as follows: Ken Macari, yes; Dan Retajczyk, yes; Mike Doran, yes; Sue Kimmel, yes; and Mark Somers, yes. The motion was carried unanimously.

Chairman Macari will send a letter of approval to the applicant and the code office.

NEW BUSINESS – none

OLD BUSINESS

APPROVAL OF PAST MINUTES

June 25, 2020 meeting – Sue Kimmel made a motion to approve the minutes, seconded by Ken Macari. Vote as follows: Ken Macari, yes; Dan Retajczyk, abstain; Mike Doran, abstain; Sue Kimmel, yes; and Mark Somers, abstain. Abstentions were due to not being in attendance at the meeting. The motion was carried with the contingency that Cathy Kline approves the minutes. It was the recommendation of Town Atty. Bader to ask Cathy Kline to approve the minutes by mail as she has been unable to attend recent meetings due to illness. Secretary Kay Foster will send a copy of the minutes by mail to Cathy Kline and make the request for her approval.

July 22, 2020 meeting - Dan Retajczyk made a motion to approve the minutes, seconded by Mike Doran. Vote as follows: Ken Macari, yes; Dan Retajczyk, yes; Mike Doran, yes; Sue Kimmel, abstain; and Mark Somers, abstain. Abstentions were due to not being at the meeting. The motion was carried.

August 26, 2020 meeting - Dan Retajczyk made a motion to approve the minutes, seconded by Mike Doran. Vote as follows: Ken Macari, yes; Dan Retajczyk, yes; Mike Doran, yes; Sue Kimmel, abstain; and Mark Somers, abstain. Abstentions were due to not being at the meeting. The motion was carried.

October 22, 2020 meeting – Mike Doran made a motion to approve the minutes, seconded by Ken Macari. Vote as follows: Ken Macari, yes; Dan Retajczyk, abstain; Mike Doran, yes; Sue Kimmel, abstain; and Mark Somers, abstain. Abstentions were due to not being in attendance at the meeting. The motion was carried with the contingency that Cathy Kline approves the minutes.

November 5, 2020 - Dan Retajczyk made a motion to approve the minutes, seconded by Mike Doran. Vote as follows: Ken Macari, yes; Dan Retajczyk, yes; Mike Doran, yes; Sue Kimmel, abstain; and Mark Somers, abstain. Abstentions were due to not being at the meeting. The motion was carried.

March 18, 2021 - Sue Kimmel made a motion to approve the minutes, seconded by Dan Retajczyk. Vote as follows: Ken Macari, yes; Dan Retajczyk, yes; Mike Doran, abstain; Sue Kimmel, yes; and Mark Somers, abstain. Abstentions were due to not being in attendance at the meeting. The motion was carried.

May 13, 2021 - Sue Kimmel made a motion to approve the minutes, seconded by Mike Doran. Vote as follows: Ken Macari, yes; Dan Retajczyk, abstain; Mike Doran, yes; Sue Kimmel, yes; and Mark Somers, abstain. Abstentions were due to not being in attendance at the meeting. The motion was carried.

CLOSE

MOTION at 8:43 pm Sue Kimmel made a motion to close the meeting, seconded by Dan Retajczyk. Vote as follows: Ken Macari, yes; Dan Retajczyk, yes; Sue Kimmel, yes; Mike Doran, yes; and Mark Somers, yes. The motion was carried unanimously.

Respectfully submitted, Kay Foster, Appeals Board secretary

June 9, 2021 note: Cathy Kline signed a note and returned to Kay Foster by mail, stating she approved the meeting minutes of the June 25, 2020 and Oct.22, 2020.