

Village of Tannersville

Date

February 21, 2019

Time

4:00PM

Location

Tannersville Village Hall

Present: David Kukle, Chairman **Type of meeting:** ZBA Meeting
Jeremiah Dixon, ZBA Member
Charles Knopp, ZBA Member
(Via FaceTime)
Robin Dumont, Village Clerk-
Treasurer

None

Absent:

Also Present: Greg Lubow, Esq.
Mrs. Osipenko, Michael Becker

Minutes:

Chairman Kukle opened the meeting with the Pledge of Allegiance.

Member Dixon made a motion to approve the minutes from the previous meeting. Member Knopp seconded. All in favor, motion carried.

Mr. Becker asked what kind of variance are they seeking. Notice did not say.

Mr. Giangrande explained that the original permits that the applicant received was for a garage with storage space above the bays. The applicant was previously before the ZBA for a setback variance on the house when they did an expansion. The clerk provided copies of those minutes for all to reference. The applicant is here today as they are seeking to convert the storage space into an accessory apartment. It would be a separate apartment from the primary residence.

Member Knopp asked if this was going to be for residential or commercial use.

Mr. Giangrande stated that there is no indication that the intention is for commercial.

Mr. Lubow stated that he has a client who's interested in this matter and who's impacted by the presence of a second residence. He's concerned that there is a half-acre with a residence on the property. He had no objection to the residence being renovated, expanded, and met all of the code issues. The garage again just isn't allowed structure and it's there. He has concerns that the garage has two entrances – Spring Street and Lichtenstein. On Lichtenstein he's concerned about that as it as it comes towards his property. But at the same time, he doesn't believe that this one half acre parcel is allowed to have a second residence and that's what essentially this is the second separate residents so

he's opposed to that. He has concerns about the design was to make sure that any lighting on the entire structures and going the garage are down or hooded so that makes the standards that you guys and the Village has enacted over the years. Those are his main concerns. He's been told as many other people, many of his friends, that you can't have a second residence on these properties along Spring Street. It's a half acre, and this is essentially the same.

Chairman Kukle stated that, basically, this is a second residence on a half acre lot is our concern. And it doesn't appear to be permitted by this by the statute. So that's happening. So questions at hand in terms of various decisions for a use various the following need to be considered: (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.

Mr. Dixon stated that he was concerned with setting a precedent and didn't want to steam roll anything.

Mr. Becker stated that once you do for one, you have to do for all.

Chairman Kukle asked if anyone else had further comments for the applicant. No further comments.

Mr. Kukle stated that he observed the neighborhood and did Google mapping of Spring Street and on Park. There other types of lots in the area are also smaller than a half acre and there are numerous lots that fall into that category.

Mr Kukle stated that this is a public hearing there will be no decision tonight. We will set a date for another meeting and wait for further comment.

The board considered dates to look at. The clerk noted that all Wednesdays were out due to court unless they were during the day. Mr. Dixon stated he would not be available until beginning of April.

Chairman Kukle asked if everyone was available on April 9th. The clerk noted if it was that day, it would had to be prior to 6 as it was our regular board meeting night.

The other members stated that they were available that evening and decided on 4pm again. Chairman Kukle stated that comments will be accepted until a week prior to the next meeting.

Member Dixon made a motion to adjourn the public hearing. Member Knopp seconded. All in favor, motion carried.