

Village of Tannersville

Date

December 28, 2022

Time

7:00 AM

Location

Tannersville Village Hall

Present: David Kukle, Chairman
Charles Knopp, Member
Jeremiah Dixon, Member

Type of meeting: ZBA Meeting

Robin Dumont, Village Clerk-
Treasurer

Absent:

Also Present: Andriy Besaga,

Minutes:

Chairman Kukle opened the meeting with the Pledge of Allegiance and called it to order.

Besaga Variance Request – 10 Prospect Street

Chairman Kukle asked the applicant if he had any further questions or items to add to the application. Mr. Besaga replied no.

SEQR

Member Knopp made a motion to declare this a Type II action under SEQRA. Member Dixon seconded. All in favor, motion carried.

Member Knopp made a motion to state this project as a negative declaration. Member Dixon seconded. All in favor, motion carried.

Mr. Kukle stated that the Zoning Board of Appeals of the Village of Tannersville has been reviewing an application from Andriy Besaga named applicant and in connection with 10 Prospect Street. A public hearing was held and comments received. After review, the Zoning Board of Appeals has weighed the effects of the variance on the health, safety, and welfare of the neighborhood and made the following findings:

1. The requested variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties in that single family residences exist on surrounding properties.
2. The benefits sought by the applicant cannot be achieved by some other feasible method because limitations of grade, a drainage/retention pond on Southeast half of property.

3. The requested variance is not substantial in that there is little to no impact on neighborhood.
4. The proposed variance will not have an adverse effect on the physical and environmental conditions of the neighborhood or district because the proposed addition is on a building that is currently existing.
5. The alleged difficulty was not self-created because the building is currently on a nonconforming lot of record.

Member Knopp made a motion to approve the Variance Request for Mr. Besaga at 10 Prospect Street be approved due to the reasons just read by Chairman Kukle and subject to the following conditions if applicable:

1. A building permit is required.
2. All outstanding planning fees to be paid prior to building permit issuance
3. Current tree plantings must be moved 5 feet to the East off the property line. Tree plantings along West/Northwest corner.
4. Northwest corner left as green space (lawn) and not developed.
5. Propane tank buried – Dig safe notification/registration required.
6. A/C and heat units screened for view.
7. No lighting on West side
8. All other lighting down. Lighting must be per zoning regulations.
9. Wooden trash enclosure built as proposed on site plan.

Member Dixon seconded. All in favor, motion carried, variance for 10 prospect approved subject to the aforementioned conditions.

Chairman Kukle stated that the clerk will give a formal determination to the applicant with a copy to the building department to ensure any applicable conditions are met.

40 Hill Street LLC Variance Request

Chairman Kukle stated that the applicant did not attend the meeting, nor sent a representative.

The Zoning Board of Appeals reviewed the application submitted including a layout, a complaint received from a neighbor and application.

The summary of the complaint received from an adjacent property owner included concerns for noise, disturbance of the peace, parking issues, trash, bears, trespassing issues. Chairman Kukle stated that they will review this when the application is deemed complete.

Given the items presented, Chairman Kukle made a motion to deem this application incomplete to begin review. Member Knopp seconded. All in favor, motion carried.

The board ask that a letter be prepared asking the applicant for the following items as they were incomplete or missing from the application:

1. A complete and proper site plan showing necessary items that accompany the application:

- a. Name of project, including name and address of applicant, contact person, and person responsible for preparation of the site plan/subdivision plat and any necessary contact information for such person
- b. Evidence of approval from all applicable agencies (ex. Health Department, Department of Environmental Conservation, etc.).
- c. North arrow, scale, and date.
- d. Boundaries of the property plotted to scale.
- e. Existing watercourses.
- f. Grading and drainage plan, showing existing and proposed contours.
- g. Location, proposed use, and height of all buildings.
- h. Location, design, and construction materials of all parking and truck loading areas, showing access and egress.
- i. Provision of pedestrian access.
- j. Location of outdoor storage, if any.
- k. Location, design, and construction materials of all existing or proposed improvements, including drains, culverts, retaining walls and fences.
- l. Description of the method of sewage disposal and location, design, and construction materials of such facilities.
- m. Description of the method of securing public water and location, design, and construction materials of such facilities.
- n. Location of fire and other emergency zones, including the location of fire hydrants.
- o. Location, design, and construction materials of all energy distribution facilities including electrical, gas, and solar energy.
- p. Location, size, design, and construction materials of all proposed signs.
- q. Location and proposed development of all buffer areas, including existing vegetative cover.
- r. Location and proposed design of outdoor lighting facilities.
- s. Designation of the amount of building area proposed for retail sales or similar commercial activity.
- t. General landscaping plan and planting schedule.
- u. Other elements integral to the proposed development as considered necessary by the Village Board, including identification of any state or county permits required for the project's execution.
- v. A completed Environmental Assessment For or Draft Environmental Impact Statement, as required by the Village Board under the NYS Environmental Quality Review Act (SEQR).
- w. Signature box (attached) (one submitted not signed)

2. The dimensions of ingress and egress of the proposed downstairs apartment. Please indicate the number of exits on the drawing.

3. Please indicate if there is a separate entrance for the upstairs and downstairs. In documents submitted, there is a drawing with indication of a stairwell connecting the upstairs and downstairs.

- a) Please clarify if staircase is to remain.

b) If staircase is to remain, what is the head height space on the stairs

4. On documentation submitted, parking was only generalized. The parking needs to clearly be articulated and identified on a proper site plan.

5. Please indicate trash storage on site, if outdoor, must be in a bearproof container and located in a proper place per the zoning regulations.

6. Letter of authorization must be signed and notarized if the applicant cannot attend to meetings themselves and they require someone else to attend on their behalf.

7. Planning and zoning fees paid to date.

The ZBA also asked that the applicant address the following in their response:

State law provides the ZBA with the standards for granting the use variance:

“No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

a) “The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.” You as the applicant must demonstrate that the local zoning laws prevent the land from being used in an economically feasible manner, that current zoning prevents land development, or that the applicant would incur a financial loss under the current zoning regulations.

b) “The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.” In order to satisfy this requirement, you, as the applicant must demonstrate that the uniqueness of the hardship relates to the individual characteristics of the land, and not the applicant. For example, an applicant would need to show that the dimensions and shape of the lot, structures on the land, or even geological conditions impact the applicant’s use.

c) “The requested use variance, if granted, will not alter the essential character of the neighborhood.” Please demonstrate whether a variance will impact the essential character of the neighborhood and the community.

d) “The alleged hardship has not been self-created.” In order to satisfy this criteria, the applicant must demonstrate that he or she did not purchase the land for a purpose specifically prohibited by local zoning laws.

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