

Andes Town Zoning Board of Appeals

A meeting of the Andes Town Zoning Board of Appeals was held on Monday, March 21, 2005, at the Andes Town Hall. The following members were in attendance – Anthony Perosi- Chairman and Doug Woodin. Mel Ruff, John Gregg, and Rosemary Schaumloffel were unable to attend. Present also was Nathan Weaver.

Chairman Perosi called the meeting to order at 7:08 PM.

The Minutes from the May 03, 2004 meeting could not be approved at this time because there was not a quorum present. The minutes will be approved at the next meeting.

Chairman Perosi opened the meeting on the application of Patrick & Debra Weaver, tax map # 323.-1-12, located on Tremperskill Road- Nathan Weaver presenting. The Weavers are requesting two variances needed for a proposed subdivision. They are requesting a variance to create a lot smaller than one acre and a variance for an extra dwelling unit right. Article 2, Section 2.03 of the Zoning Law allocated the maximum number of dwelling units to all lots less than five acres to one. Article 2, Section 2.06 (A) of the Zoning Law states “No lot created after the effective date of this local law shall be less than one acre”. The Weavers own approx. 1.9 acres and would like to subdivide this into two lots. The Weaver’s son, Nathan, his wife and their grandchild want to put a home, through the MARK project, on this subdivided parcel so they can remain in the area. The MARK project requires the applicant to own the land the home is placed on. The home will be a 3 bedroom double wide, approx. 62’ X 28’. The Planning Board upon denying Mr. Weaver’s application did strongly suggest if he applied for a variance he keep one lot size an acre and apply for a variance for the other rather than creating two non-conforming lots. The plot plans meet the setback requirements of the Zoning Law. The Zoning Board saw no problems but did explain to Nathan Weaver that these variances may not ensure the approval of the Planning Board. He still has to accommodate a well and a septic system on this lot. This will need 239 review by the Delaware County Planning Board because the Tremperskill Road is a county highway. The Board will need affirmation from Mr. Weaver’s parents that they have given their approval for this action through the Zoning Board of Appeals. A Public Hearing will be scheduled in April after the County Planning Board review on the 6th.

The meeting adjourned at 7:25 PM.

Laurie Sidorowicz
Zoning Board Clerk

Laurie Sidorowicz

Pending Board Approval

Andes Town Zoning Board of Appeals

A special meeting of the Andes Town Zoning Board of Appeals was held on Wednesday, April 13, 2005, at the Andes Town Hall. The following members were in attendance – Anthony Perosi- Chairman and Doug Woodin, Mel Ruff, and John Gregg. Rosemary Schaumloffel was unable to attend. Present also was Nathan Weaver.

Chairman Perosi called the meeting to order at 7:08 PM.

Chairman asked for corrections and/or additions to the minutes from the May 03, 2004 meeting. Upon a motion by Doug Woodin and seconded by Mel Ruff the minutes were approved as pre-filed. M/C all ayes. Chairman asked for corrections and/or additions to the minutes from the March 21, 2005 meeting. Upon a motion by Tony Perosi and seconded by Doug Woodin the minutes were approved as pre-filed. M/C all ayes.

Chairman Perosi opened the Public Hearing on the application of Patrick & Debra Weaver, tax map # 323.-1-12, located on Tremperskill Road- Nathan Weaver presenting. The Weavers are requesting two variances needed for a proposed subdivision. They are requesting a variance to create a lot smaller than one acre and a variance for an extra dwelling unit right. The Weavers own approx. 1.9 acres and would like to subdivide this into two lots. One lot would be one acre and the other would be the remainder of the 1.9 acres. The Weaver's son, Nathan, his wife and their grandchild want to put a home, through the MARK project, on this subdivided parcel so they can remain in the area. The plot plans meet the setback requirements of the Zoning Law for lots less than one acre. This received 239 review and approval by the Delaware County Planning Board on April 06, 2005. The Board received a letter from Patrick & Deborah Weaver stating they have given their son Nathan permission to act on their behalf to obtain approval for this action through the Zoning Board of Appeals. There were no comments from the public.

Chairman Perosi closed the Public Hearing.

The Board continued with the application of Patrick & Deborah Weaver. The Chairman did the short environmental assessment form. Upon a motion by Mel Ruff and seconded by Doug Woodin to declare this a negative declaration. M/C all ayes. This is an unlisted action. Upon a motion by Tony Perosi and seconded by Mel Ruff to grant a variance to create a lot less than one acre in size and to give an additional dwelling unit right to tax map # 323.-1-12. M/C all ayes. Application # 05-01 was approved.

The meeting adjourned at 7:35 PM.

Laurie Sidorowicz
Zoning Board Clerk

Pending Board Approval

Andes Town Zoning Board of Appeals

A meeting of the Andes Town Zoning Board of Appeals was held on Monday, June 20, 2005, at the Andes Town Hall. The following members were in attendance – Anthony Perosi- Chairman, Doug Woodin, John Gregg and Rosemary Schaumloffel. Mel Ruff was unable to attend. Present also was Ken Schwartz with an employee from Upright Builders, Inc.

Chairman Perosi called the meeting to order at 7:33 PM.

Chairman asked for corrections and/or additions to the minutes from the April 13, 2005 meeting. Upon a motion by Rosemary Schaumloffel and seconded by John Gregg the minutes were approved as pre-filed. M/C all ayes.

Chairman Perosi opened the meeting on the application of Blazing Wisdom Institute (Sherab Posel), tax map # 257-1-19.1, located on Fall Clove Road- Ken Schwartz-presenting. Mr. Posel is requesting a side setback variance needed for a proposed addition to the residence. This is a 20' X 20' two-story addition set on a slab with no basement. The Zoning Law, Article 2, Section 2.06 paragraph D, states that lots over 5 acres must meet a side and rear setback of 75 feet which he does not have. Mr. Sherab owns approx. 14.2 acres with an existing residence. The entire existing house owned by Mr. Posel is within 75 feet of the side boundary line. It would be cost prohibitive due to the topography of the land to site this addition in another location. Since the house is an existing structure, Mr. Posel will need a side setback variance for 25 feet. Mr. Schwartz did present to the Board a letter from Blazing Wisdom Institute authorizing Upright Builders, Inc. to represent them in regards to obtaining variances. The Board saw no problems with this application. A Public Hearing will be scheduled for June 29th at 7:30 at the Town Hall. The proper advertisements will be submitted to the Walton Reporter for publication.

The meeting adjourned at 8:25 PM.

Laurie Sidorowicz
Zoning Board Clerk

Pending Board Approval

Andes Town Zoning Board of Appeals

A meeting of the Andes Town Zoning Board of Appeals was held on Wednesday, June 29, 2005, at the Andes Town Hall. The following members were in attendance – Anthony Perosi- Chairman, Doug Woodin, John Gregg and Rosemary Schaumloffel. Mel Ruff was unable to attend. Present also was Jared Moberg from Upright Builders, Inc.

Chairman Perosi called the meeting to order at 7:50 PM.

Chairman asked for corrections and/or additions to the minutes from the June 20, 2005 meeting. Upon a motion by Anthony Perosi and seconded by Doug Woodin the minutes were approved as pre-filed. M/C all ayes.

Chairman Perosi opened the Public Hearing on the application of Blazing Wisdom Institute (Sherab Posel), tax map # 257-1-19.1, located on Fall Clove Road- Jared Moberg- presenting. Mr. Posel is requesting a 25' side setback variance needed for a proposed addition to the residence. This is a 20' X 20' two-story addition set on a slab with no basement. Mr. Sherab owns approx. 14.2 acres with an existing residence. The entire existing house owned by Mr. Posel is within 75 feet of the side boundary line. It would be cost prohibitive due to the topography of the land to site this addition in another location. Since the house is an existing structure, Mr. Posel will need a side setback variance for 25 feet. There were no comments from the public.

Chairman Perosi closed the Public Hearing.

The Board continued with the application of Mr. Posel. The Chairman completed the short environmental assessment form. Upon a motion by Doug Woodin and seconded by Tony Perosi to declare this a negative declaration. M/C all ayes. This is an unlisted action. Upon a motion by Rosemary Schaumloffel and seconded by John Gregg to approve a 25' side setback variance for Blazing Wisdom Institute, Sherab Posel. M/C all ayes. Application # 05-02 was approved.

The meeting adjourned at 8:45 PM.

Laurie Sidorowicz
Zoning Board Clerk

Andes Town Zoning Board of Appeals

A meeting of the Andes Town Zoning Board of Appeals was held on Monday, August 29, 2005, at the Andes Town Hall. The following members were in attendance – Anthony Perosi- Chairman, Doug Woodin, John Gregg and Mel Ruff. Rosemary Schaumlöffel was unable to attend. Present also was Andreas Gertes, Ballantine Manor, LLC.

Chairman Perosi called the meeting to order at 7:30 PM.

Chairman asked for corrections and/or additions to the minutes from the June 29, 2005 meeting. Upon a motion by Anthony Perosi and seconded by Doug Woodin the minutes were approved as pre-filed. M/C all ayes.

Chairman Perosi opened the meeting on the application of Ballantine Manor, LLC., tax map # 257.07-1-18, located in the hamlet of Andes- Andreas Gerdes presenting. Mr. Gerdes is requesting a variance needed for a proposed non-business property use sign. The Hamlet Zoning Law, Article VI, sub-section 6.3, paragraph F-1 allows for no more than 15 square feet in area. The sign Mr. Gerdes is proposing is 18.88 square feet. This sign would provide the public with information on this historic house, names of the prior owners, as well as a web site where individuals could access more information. To include all this information the sign would need to be larger than 15 square feet. The sign meets the setback of 10 feet from street pavement. The sign does not interfere with the sight distance for vehicles exiting from High Street onto NYS Route 28. The Board saw no problems.

Mr. Gerdes is also interested in replacing the barn and carriage-house that were original to the property when owned by Duncan Ballantine. The original structure appears to border High Street. Mr. Gerdes would like to request a variance to rebuild the structures in the original site. The Board felt Mr. Gerdes could meet the 25' front setback. They did suggest he apply for a height variance to cover any anticipated height over the 35' maximum building height allowed in the Zoning Law. The Board saw no problems. A Public Hearing will be scheduled for September 19th.

The meeting adjourned at 8:10 PM.

Laurie Sidorowicz
Zoning Board Clerk

Andes Zoning Board of Appeals

A meeting of the Andes Town Zoning Board of Appeals was held on Monday, September 19, 2005, at the Andes Town Hall. The following members were in attendance- Anthony Perosi-Chairman, Doug Woodin, John Gregg and Rosemary Schaumloffel. Mel Ruff was unable to attend. Present also were Andreas Gerdes, Paul Moore, Jim Andrews, Carole Braden and William Day.

Chairman Perosi called the meeting to order at 7:30 PM.

Chairman asked for corrections and/or additions to the minutes from the August 29, 2005 meeting. Upon a motion by Doug Woodin and seconded by John Gregg the minutes were approved as pre-filed. M/C all ayes.

Chairman Perosi opened the Public Hearing on the application of Ballantine Manor, LLC., tax map # 257.07-1-18, located in the hamlet of Andes. Mr. Gerdes is requesting a 3.88 square foot variance needed for a proposed non-business property use sign. The hamlet Zoning Law, Article VI, sub-section 6.3, paragraph F-1 allows for no more than 15 square feet in area, the sign Mr. Gerdes is proposing is 18.88 square feet. This sign would provide the public with information on this historic house, names of the prior owners, as well as a web site where individuals could access more information. In order to include all this information on the sign it would need to be larger than 15 square feet. The sign meets the setback of 10 feet from the street pavement. The sign does not interfere with the sight distance for vehicles exiting from High Street onto NYS Route 28. The people that were present were all supportive of a readable sign where information on the history of this house could be accessed. There were no other comments.

Chairman Perosi closed the Public Hearing.

The Board continued with the application of Ballantine Manor, LLC. Upon a motion by Anthony Perosi and seconded by Doug Woodin to grant a 3.88 square foot area variance for a non-business property use sign. M/C all ayes.

Chairman Perosi re-opened the Public Hearing to finish the application of Ballantine Manor. Mr. Gerdes is also interested in replacing the barn and carriage house that were original to the property when owned by Duncan Ballantine. He is requesting a height variance of 18' for the maximum building height for a proposed barn. This includes a 10' height variance for the barn and an 8' height variance for a cupola. The height limitations of the Zoning Law do not apply to cupolas therefore the Board will consider only the 10' height variance for the barn. The people present were supportive. Mr. Moore stated he was proud of Andes and for Mr. Gerdes to restore Ballantine Manor could only add value to the community. Mr. Andrews thought it was good to restore this property because it honors the people who originally built it. There were no other comments.

Chairman Perosi closed the Public Hearing.

The Board continued with the application of Ballantine Manor, LLC. Upon a motion by Anthony Perosi and seconded by Rosemary Schaumloffel to grant a 10' area variance for the maximum height of a building. Because this project is not scheduled to begin in the near future the variance will remain in effect for ten years. M/C all ayes. Application #05-03 was approved.

Next the application of E.M. Decker & Son, Inc., tax map # 259.10-6-21, located on Redden Road. William Day is in the process of purchasing this property and is requesting a side setback variance for a proposed building addition. The addition will be 12' X 56' in size and it will house the miscellaneous items that have accumulated on the outside of this building. Article V, subsection 5.1, paragraph E-6c states a 10' side setback is required and Mr. Day only has 6' therefore he will need a 4' side setback variance. The Board saw no problems. A Public Hearing will be scheduled for October 3rd.

The Meeting adjourned at 9:20 PM.

Laurie Sidorowicz
Zoning Board Clerk

Andes Zoning Board of Appeals

A meeting of the Andes Town Zoning Board of Appeals was held on Monday, October 03, 2005, at the Andes Town Hall. The following members were in attendance- Anthony Perosi-Chairman, Doug Woodin, John Gregg, Rosemary Schaumloffel, and Mel Ruff. Present also was William Day.

Chairman Perosi called the meeting to order at 7:30 PM.

Chairman asked for corrections and/or additions to the minutes from the September 19, 2005 meeting. Upon a motion by Tony Perosi and seconded by John Gregg the minutes were approved as pre-filed. M/C all ayes.

Chairman Perosi opened the Public Hearing on the application of E.M. Decker & Son, Inc., tax map # 259.10-6-21, located on Redden Road. William Day is in the process of purchasing this property and is requesting a side setback variance for a proposed building addition. The addition will be 12' X 56' in size and it will house the miscellaneous items that have accumulated on the outside of this building. Article V, subsection 5.1, paragraph E-6c states a 10' side setback is required and Mr. Day only has 6' therefore he will need a 4' side setback variance. There were no comments from the public.

Chairman Perosi closed the Public Hearing.

The Board continued with the application of E.M. Decker & Son, Inc. The Chairman completed the Environmental Assessment Form. Upon a motion by Doug Woodin and seconded by Rosemary Schaumloffel to declare this a negative declaration. M/C all ayes. This is an unlisted action. Upon a motion by John Gregg and seconded by Rosemary Schaumloffel to grant a 4' side setback area variance for a proposed building addition. M/C all ayes. Application # 05-04 was approved.

The Meeting adjourned at 7:50 PM.

Laurie Sidórowicz
Zoning Board Clerk

Andes Zoning Board of Appeals

A meeting of the Andes Town Zoning Board of Appeals was held on Monday, October 31, 2005, at the Andes Town Hall. The following members were in attendance- Anthony Perosi-Chairman, Doug Woodin, John Gregg, Rosemary Schaumlöffel, and Mel Ruff. Present also were Marlys Hann & Merna Popper.

Chairman Perosi called the meeting to order at 7:30 PM.

Chairman asked for corrections and/or additions to the minutes from the October 03, 2005 meeting. An addition was noted. At the October 3rd meeting the Zoning Board members designated Doug Woodin as the Vice Chairman: in the event Anthony Perosi was unable to attend a meeting Mr. Woodin could assume the role of Acting Chairman. Upon a motion by Anthony Perosi and seconded by John Gregg to name Doug Woodin as Vice Chairman of the Zoning Board of Appeals with the responsibility of assuming the role of Acting Chairman of the Board in the event of Anthony Perosi's absence. M/C all ayes. Upon a motion by Doug Woodin and seconded by Mel Ruff the minutes were approved with the noted addition. M/C all ayes.

Chairman Perosi opened the meeting on the application of Marlys Hann, tax map # 259.10-5-08, located at 161 Main Street in the hamlet of Andes. Ms. Hann recently had a fence constructed between her house and the home of Ms. Popper. Ms. Hann had been on vacation during part of the fence construction. Upon her return a 'Stop Work Order' had been issued by Arthur Short the Code Enforcement Officer. The Hamlet of Andes Zoning Law, Article IV, Section 6.9, Paragraph I, states fences shall not exceed eight feet in height. A portion of Ms. Hann's fence is over the eight foot maximum. She explained the fence must remain level at the top for it to have the effect she desired with the clapboard of the house. Due to the slope of the land at the rear of the property the fence did not stay within the eight foot height restriction. The contractor assumed with the fill and the plantings the final result would be within the proper limits. Ms. Hann is requesting a, seven inch, area height variance for this fence so she may complete this project before the winter. The board does not have the measurements showing where the fence violates the Zoning Law therefore they agreed they would try to take measurements of the fence and all members who could visit the site should do so if possible before the next meeting. A Public Hearing will be scheduled for November 21st.

Upon a motion by Anthony Perosi and seconded by Mel Ruff the meeting adjourned at 8:00 PM.

Laurie Sidorowicz
Zoning Board Clerk

Andes Zoning Board of Appeals

A meeting of the Andes Town Zoning Board of Appeals was held on Monday, November 21, 2005, at the Andes Town Hall. The following members were in attendance- Anthony Perosi-Chairman, Doug Woodin, Rosemary Schaumlöffel, and Mel Ruff. John Gregg was unable to attend. Mr. Gregg chose to recuse himself from tonight's meeting and vote because of his associations with both Ms. Hahn and Ms. Popper. In a letter to the Board he stated he is not only a neighbor of both parties but he has worked alongside Marlys Hann on the Andes Streetscape and Beautification Committee, for the past two years, and is associated with Merna Popper through their merchant's group and he has been entertained in her home. Present also were Marlys Hann, Merna Popper, Lester Bourke, Barbara Melon, Phyllis Kochersberger, Wilma & Allen Mazo, Ron Guichard, Lilo Richter, Earl Albright, Pam Kranier and Mai & Raouf Zarrouk

Chairman Perosi called the meeting to order at 7:04 PM.

Chairman asked for corrections and/or additions to the minutes from the October 31, 2005 meeting. Upon a motion by Rosemary Schaumlöffel and seconded by Doug Woodin the minutes were approved as pre-filed. M/C all ayes.

Chairman Perosi opened the Public Hearing on the application of Marlys Hann, tax map # 259.10-5-08, located at 161 Main Street in the hamlet of Andes. Ms. Hann recently had a fence constructed between her house and the home of Ms. Popper. Ms. Hann had been on vacation during part of the fence construction. Upon her return a 'Stop Work Order' had been issued by Arthur Short the Code Enforcement Officer. The Hamlet of Andes Zoning Law, Article IV, Section 6.9, Paragraph I, states fences shall not exceed eight feet in height. A portion of Ms. Hann's fence is over the eight foot maximum. She explained the fence must remain level at the top for it to have the effect she desired with the clapboard of the house. Due to the slope of the land at the rear of the property the fence did not stay within the eight foot height restriction. The contractor assumed with the fill and the plantings the final result would be within the proper limits. Ms. Hann is requesting a, seven inch, area height variance for this fence so she may complete this project before the winter.

There were some board members who were able to take the measurements of the fence. There were discrepancies between the Board member's measurements concerning how much of the fence is in violation of the current zoning law. These measurements differed from the Code Enforcement Officer. The ground is not level where the fence is; the grade drops as you proceed towards the brook. The law states only the height of the fence it does not specify whether it is the post height or the panel height.

There were many comments from the public. Barbara Melon stated the fence regulation in the zoning law is adequate but in this case the neighbor has an issue with the current height of the fence. She also asked if there were regulations for bringing fill

into the property. There are not. Phyllis Kochersberger stated if the zoning says the fence cannot exceed 8 feet then it should be lowered to meet that requirement. Lester Bourke stated that Ms. Hahn wanted to level the ground initially and he suggested she put the fence up first and then level the ground. The Board asked Ms. Hahn about stepping the fence down where it does not meet the zoning requirement. She stated the fence was not designed to be stepped, the height difference between the posts would cause the fence to lose its integrity. She stated for the audience that she is asking for a variance because the fence is designed to run level. She did not want to put the fence panels on the ground because of the winter snow. She did not want to interfere with the sewer pipes. Mr. Bourke does not believe the sewer pipes are under the fence, but they are near it. Ms. Hann wanted to level and seed the lawn after they were done with the town sewer project. She also stated she was out of town when the fence went up and did not realize it was over 8 feet. She also stated she would like to keep the fence the current height because it does block the view of the business next door. Lilo Richter stated she can understand Marlys wanting her privacy with a business next door. Ms. Hann stated there was not a good neighbor relationship before the fence went up and the fence is necessary for personal and professional reasons. Ms. Popper asked that her character or her business be left out of the discussion. She wanted to stick to the height of the fence. She thought Mr. Bourke did a wonderful job. Ron Guichard stated that Merna's back yard has pockets that collect the water when it rains due to the fence construction. Doug Woodin asked if Merna would be acceptable to Marlys filling her backyard also to level the ground. She was not agreeable to this. Wilma Mazo asked if Marlys had to notify the neighbors when she applied for the variance. She was informed that she did not. Mr. Perosi stated to the audience that they are there to determine if there is a reasonable cause to grant the variance.

Chairman Perosi closed the Public Hearing

The Board continued with the application of Marlys Hann. The Board members completed the worksheet with the members having a difference of opinions. Upon a motion to grant the height variance for the fence.

Anthony Perosi- Vote Yes

Rosemary Schaumlöffel - Vote No

Mel Ruff- Vote No

Doug Woodin- Vote Not

The variance was not granted. The fence must be brought into compliance. There is a property line dispute between the two property owners, Ms. Hann does not want to correct the height of the fence with the property line in question. The Board agreed she could have until July 01, 2006 to bring the height of the fence into compliance. The ground will no longer be frozen and hopefully she has her survey done by then. The top of the post should not exceed eight feet. The stop work order is rescinded so she may complete this project.

Upon a motion by Doug Woodin and seconded by Mel Ruff the meeting adjourned at 8:50 PM.

Laurie Sidorowicz
Zoning Board Clerk