

**Andes Zoning Board of Appeals**

A meeting of the Andes Town Zoning Board of Appeals was held on Monday, May 01, 2006, at the Andes Town Hall. The following members were in attendance- Anthony Perosi-Chairman, and Rosemary Schaumlöffel. John Gregg, Doug Woodin and Mel Ruff were unable to attend. Present also were Al Mohr and Ed O'Neill.

The minutes from the November 21, 2005 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 Faith Chase, tax map # 238.-1-12, located on Gladstone Hollow Road- Alfred Mohr presenting. Ms. Chase is requesting a side setback variance needed for a proposed minor subdivision. Mr. Mohr is interested in purchasing a barn and approx. four acres from Ms. Chase. The Planning Board denied this subdivision sketch plat because the distance between the barn and the proposed boundary line does not meet the side setback requirements. The Zoning Law, Article 2, Section 2.06, Paragraph D, states that lots between 3-5 acres must meet a side and rear setback of 50 feet. Ms Chase's property line is approximately 80 feet from the barn. The access to her house and a stream are between the barn and her boundary line. The planning board would consider this subdivision a flag lot, but this would require, at the least, a 50 foot wide section connecting her remaining land with the road. Ms. Chase is requesting a 40' side setback variance with the intent that only a 25 foot variance would actually be used. This extra footage requested for the variance is to ensure that Ms. Chase has adequate width for her driveway if needed for the subdivision process. Mr. Mohr did present an e-mail from Ms. Chase stating he may represent her in this matter. A formal letter will be obtained and a copy will be put in the file. The Board saw no problems with this application. A Public Hearing will be scheduled for May 15<sup>th</sup> at 8:00 pm. at the town hall. The Public Hearing Notice will be submitted to the Walton Reporter for publication.

Next, the application of Sally O'Neill, tax map # 259.10-6-32, located on Main Street in the hamlet. The O'Neill's own and operate the Andes Hotel, they recently erected a bulletin board to display their menu and upcoming events at the restaurant. The Code Enforcement Officer received a complaint that the sign did not meet the setback requirements. The O'Neill's are requesting a 2' front setback variance. The Hamlet Zoning Law, Article 6, Section 6.3, Paragraph A-1, states all signs shall not project into a public right-of-way and shall not be closer than ten feet to any lot line except where it is attached to and flush with the facade or wall of a building. There had been another bulletin board in that exact location prior to this one, but it had been a couple of years since they removed it. The sign is eighteen inches closer to the road than the front porch, and the stairs are closer to the street than the sign. The sign is cattycorner to the porch

and it does not impede pedestrian or traffic visibility. A Public Hearing will be scheduled for May 15<sup>th</sup> at 8:00 pm. at the Town Hall. A Public Hearing Notice will be submitted to the Walton Reporter for Publication.

The meeting adjourned at 8:45 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, May 15, 2006, at the Andes Town Hall. The following members were in attendance- Anthony Perosi-Chairman, Rosemary Schaumlöffel, John Gregg, and Mel Ruff. Doug Woodin was unable to attend. There was no one else present.

Chairman asked for corrections and/or additions to the minutes from the November 21, 2005 meeting. Upon a motion by Mel Ruff and seconded by Anthony Perosi the minutes were approved as pre-filed. M/C all ayes. Chairman asked for corrections and/or additions to the minutes from the May 01, 2006 meeting. Upon a motion by Rosemary Schaumlöffel and seconded by Mel Ruff the minutes were approved as pre-filed.

Chairman Perosi opened the Public Hearing on the application of Faith Chase, tax map # 238.-1-12, located on Gladstone Hollow Road. Ms. Chase is requesting a side setback variance needed for a proposed minor subdivision. Mr. Alfred Mohr is interesting in purchasing the barn and 3-4 acres from Ms. Chase. The Planning Board denied this subdivision sketch plat because the distance between the barn and the proposed boundary line does not meet the side setback requirements. The Zoning Law, Article 2, Section 2.06, Paragraph D, states that lots between 3-5 acres must meet a side and rear setback of 50 feet. Ms Chase's property line is approximately 80 feet from the barn. The access to her house and a stream are between the barn and her boundary line. Ms. Chase is requesting a 40' side setback variance with the intent that only a 25 foot variance would actually be used. This extra footage requested for the variance is to ensure that Ms. Chase has adequate width for her driveway if needed for the subdivision process. Mr. Mohr did present an e-mail from Ms. Chase stating he may represent her in this matter. A formal letter will be obtained and a copy will be put in the file. This action did require 239 review by the Delaware County Planning Board. They reviewed and approved it at their May 3<sup>rd</sup> meeting. The Board saw no problems. There were no comments from the public.

Chairman closed the Public Hearing.

The Board continued with the application of Faith Chase. Chairman Perosi completed the Short Environmental Assessment Form. Upon a motion by Anthony Perosi and seconded by Rosemary Schaumlöffel to declare this a negative declaration. M/C all ayes. This is an unlisted action. Upon a motion by Anthony Perosi and seconded by Mel Ruff to approve the 40' side setback variance for Faith Chase. M/C all ayes. Application # 06-01 was approved. Chairman completed and signed the Notice of Action Form.

Chairman Perosi opened the Public Hearing on the application of Sally O'Neill, tax map # 259.10-6-32, located on Main Street in the hamlet. The O'Neill's own and operate the Andes Hotel, they recently erected a bulletin board to display their menu and upcoming events at the restaurant. The Code Enforcement Officer received a compliant

that the sign did not meet the setback requirements. The O'Neill's are requesting a 2' front setback variance. The Hamlet Zoning Law, Article 6, Section 6.3, Paragraph A-1, states all signs shall not project into a public right-of-way and shall not be closer than ten feet to any lot line except where it is attached to and flush with the facade or wall of a building. There had been another bulletin board in that exact location prior to this one, but it had been a couple of years since they removed it. The sign is eighteen inches closer to the road than the front porch, and the stairs are closer to the street than the sign. The sign is cattycorner to the porch, at the Northwest side of the building, and it does not impede pedestrian or traffic visibility. The board saw no problems. There were no comments from the Public.

Chairman Perosi closed the Public Hearing.

The Board continued with the application of Sally O'Neill. Upon a motion by Anthony Perosi and seconded by John Gregg to approve the 2' front setback variance for Sally O'Neill. M/C all ayes. Application # 06-02 was approved. Chairman Perosi completed and signed the Notice of Action Form.

Upon a motion by Mel Ruff and seconded by Rosemary Schaumloffel to adjourn the meeting. M/C all ayes. The meeting adjourned at 8:45 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, June 05, 2006, at the Andes Town Hall. The following members were in attendance- Anthony Perosi-Chairman, Rosemary Schaumlöffel, John Gregg, Mel Ruff and Doug Woodin. Present also were Jerome Zaccaria, Jr. and Mario Sanchioli.

Chairman Perosi opened the meeting at 7:03 pm.

The minutes from the May 15, 2006 meeting will be approved on the Board's regular meeting night.

Chairman Perosi opened the meeting on the application of Jerome Zaccaria, Jr., tax map # 302.-1-7.12, located on Wolf Hollow Road. Mr. Zaccaria is requesting a front setback variance and a side setback variance needed for a proposed mobile home. The Planning Board denied the site plan review because the distance between the mobile home and the brook was less than 100 feet. If the mobile home is moved 100 feet from the brook then it no longer meets the front and side setback requirements. 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. Mr. Zaccaria is requesting a 35' front setback variance and a 50' side setback variance. Mr. Zaccaria would like to raise horses on this property. To move the home to the other side of the brook would be very costly. This action will need 239 review by the Delaware County Planning Board. The Board saw no problems. A Public Hearing will be scheduled for June 19<sup>th</sup>.

The meeting adjourned at 7:30 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, June 19, 2006, at the Andes Town Hall. The following members were in attendance- Anthony Perosi-Chairman, Rosemary Schaumlöffel, John Gregg, and Doug Woodin. Mel Ruff was unable to attend.

Chairman Perosi opened the meeting at 7:03 pm.

Chairman asked for corrections and/or additions to the minutes from the May 15, 2006 meeting. Upon a motion by John Gregg and seconded by Rosemary Schaumlöffel the minutes were approved as pre-filed. M/C all ayes. Chairman asked for corrections and/or additions to the minutes from the June 05, 2006 meeting. Upon a motion by Rosemary Schaumlöffel 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 Jerome Zaccaria, Jr., tax map # 302.-1-7.12, located on Wolf Hollow Road. Mr. Zaccaria is requesting a front setback variance and a side setback variance needed for a proposed mobile home. The Planning Board denied the site plan review because the distance between the mobile home and the brook was less than 100 feet. If the mobile home is moved 100 feet from the brook then it no longer meets the front and side setback requirements. 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. Mr. Zaccaria is requesting a 35' front setback variance and a 50' side setback variance. Mr. Zaccaria would like to raise horses on this property. To move the home to the other side of the brook would be very costly. This received 239 review and approval by the Delaware County Planning Board On June 07, 2006. The Board saw no problems.

Chairman Perosi closed the Public Hearing.

The Board continued with the application of Jerome Zaccaria, Jr.. Upon a motion by Anthony Perosi and seconded by Rosemary Schaumlöffel to approve the 35' front setback variance and the 50' side setback variance for Jerome Zaccaria, Jr.. M/C all ayes. Doug Woodin abstained from the vote.

Upon a motion by Doug Woodin and seconded by Rosemary Schaumlöffel to adjourn the meeting. M/C all ayes. The meeting adjourned at 7:45 PM.

Laurie Sidorowicz  
Zoning Board Clerk

Pending Board Approval

ANDES ZONING BOARD OF APPEALS

September 18, 2006

7:00 P.M

PRESENT: Anthony Perosi-Chairman, Rosemary Schaumloffel, John Gregg,  
Doug Woodin, Mel Ruff

OTHERS PRESENT: Laurie Sidorowicz, Richard Goldstein

APPROVAL OF MINUTES:

Chairman asked for corrections and/or additions to the minutes from the June 19, 2006 meeting. A motion was made by John Gregg, seconded by Rosemary Schaumloffel, to accept the minutes. All in favor, motion carried.

Chairman Perosi opened the meeting with the application of Richard Goldstein, tax map #363.-2-3, located on Hunt Hill. Mr. Goldstein is requesting a rear 25' setback variance for a proposed 22' X 40' structure. 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. Mr. Goldstein owns 6.7 acres with a setback of 50'. The Board saw no problems with this request. A Public Hearing will be scheduled for October 16, 2006 at 7:00 P.M. The Public Hearing Notice will be submitted to The Walton Reporter for publication.

Next, Laurie Sidorowicz asked the Board to clarify the determination of a variance they approved on September 19, 2005, File No. 05-03, for Ballantine Manor, LLC. The Board stated that it had approved a 10' height variance over the 35' height allowance permitted by the Zoning Law, on a proposed Carriage House.

Next, the application of Rick Shaver and Lee Melahn, tax map #259.7-1-19, located at 217 High Street, in the Hamlet of Andes. Mr. Shaver and Mr. Melahn are requesting a 27' rear setback variance for an accessory structure. The structure does not meet the rear setback requirement of 35' in the Hamlet of Andes. The Board saw no problems with this request. A Public Hearing Notice will be submitted to The Walton Reporter for publication.

The meeting adjourned at 7:53P.M.

Pending Board Approval

ANDES ZONING BOARD OF APPEALS

October 16, 2006

7:00 P.M

PRESENT: Rosemary Schaumloffel, John Gregg, Doug Woodin  
Mel Ruff

ABSENT: Anthony Perosi

OTHERS PRESENT: Art Reed, Andreas Gerdes, Bill Piervincenzi, Richard Goldstein

APPROVAL OF MINUTES:

Doug Woodin asked for corrections and/or additions to the minutes from the September 18, 2006 meeting. A motion was made by Rosemary Schaumloffel and seconded by Mel Ruff to approve the minutes. All in favor, motion carried.

Doug Woodin opened the Public hearing on the application of Richard Goldstein, tax map #363.-2-3, located on Hunt Hill. Mr. Goldstein is requesting a rear 25' setback variance for a proposed 22' X 40' structure. 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. Mr. Goldstein owns 6.7 acres with a setback of 50'. The Board saw no problems, no comments were made by the public.

Doug Woodin closed the Public hearing.

The Board continued with the application of Richard Goldstein. Doug Woodin completed the Short Environmental Assessment Form. Upon a motion by Mel Ruff and seconded by John Gregg to declare this a negative declaration. All in favor, motion carried. Upon a motion by John Gregg and seconded by Mel Ruff to approve the 25' setback for Mr. Goldstein. All in favor, motion carried. The Notice of Action form was completed.

Next, Doug Woodin opened the Public Hearing on the application of Rick Shaver and Lee Melahn, tax map #259.7-1-19, located at 217 High Street, in the Hamlet of Andes. Mr. Shaver and Mr. Melahn are requesting a 27' rear setback variance for an accessory structure. The structure does not meet the rear setback requirement of 35' in the Hamlet of Andes. Mr. Gerdes and Mr. Piervincenzi were questioning why this structure would need a variance when it could easily be picked up and moved to a location within zoning law regulations. They also commented that if this variance application is granted, it should also be as easy for neighboring parcels to have their variances granted. They stated that if one property owner is pointed out to abide by the zoning laws, all property owners should have to.



Doug Woodin closed the Public Hearing.

The Board continued with the application of Rick Shaver and Lee Melahn. The Board is going to request more information from the Code Enforcement Officer, in regards to dates he received applications from Mr. Melahn and Mr. Shaver before they vote on this matter. They scheduled another meeting for Monday, October 30, 2006, at 7:00pm.

The meeting adjourned at 7:40pm.

**Town of Andes**  
**Zoning Board of Appeals**  
**October 30, 2006 Meeting**

**Present:** Tony Perosi, John Gregg, Rosemary Schaumloffel, Doug Woodin

**Absent:** Mel Ruff

**Also Present:** Andreas Gerdes, Bill Piervincenzi, Colin Ruthven

Meeting called to order at 7 pm at the Town Hall.

Rosemary moved to approve minutes of Oct. 16 meeting, seconded by John. **Motion passed.**

**Consideration of Application 06-05 of Rick Shaver and Lee Melahn for a rear setback variance of 27'**

Art Short reports the structure was erected approximately 6 years ago.

Doug Woodin stated that the County Planning Board recommended not to grant a variance. Tom Evans and Nichole Frazee unanimously agreed to deny it.

John Gregg suggested that it was inappropriate for the ZBA to even rule on the issue because of the time period that has elapsed. He queried whether there was some standard akin to a statute of limitations on granting or denying variances. Tony will consult Town attorney David Merzig for an opinion.

Sixty-two days from the October 16<sup>th</sup> Public Hearing are allowed by law for a decision. Board agreed to postpone a ruling until a legal opinion is rendered.

John moved, and Doug seconded motion, to hold a formal meeting on November 20 at 7 pm. Tony and Rosemary assented to motion.

Motion to adjourn unanimously approved. Meeting adjourned at 7:55 pm.

Respectfully submitted,

Tony Perosi, acting secretary

ANDES ZONING BOARD OF APPEALS  
November 20, 2006  
7:00 P.M.

PRESENT: \_\_\_\_\_ Anthony Perosi, Rosemary Schaumlöffel, John Gregg, Doug  
Wooden, Mel Ruff

OTHERS PRESENT: \_\_\_\_\_ Martin Donnally, Bill Piervencenzi, Lee Melahn

APPROVAL OF MINUTES

Doug Wooden made a motion to approve the minutes of October 16<sup>th</sup> meeting, Rosemary Schaumlöffel second. All in favor, minutes approved for October 16, 2006.

Anthony Perosi opened the meeting with a request from Lee Melahn asking for a variance for a setback for his playhouse on his property in the Village of Andes, tax map #259.07-1-19. This request involved the setback of 25 feet of the property line for the playhouse from his neighbor's property. Lee was under the impression that a complaint was filed from his neighbor regarding the playhouse.

The board knew of no complaint and as of this date has received nothing in writing of such a complaint. Lee stated he had heard of this complaint from a resident in town who implied that a complaint was made to the board.

The board discussed zoning laws in both the village and town. Bill Piervencenzi stated that there was no complaint and that the playhouse was built six years ago. If no one has any objections why can't the playhouse stay where it is?

Martin Donnally stated until we have a reason to remove something, leave it if it does no harm.

Anthony Perosi raised the questions to the board if they felt that this playhouse is an undesirable change in neighborhood character, answer NO. Has an alternative been sought? YES, there is nowhere to move playhouse. Does adverse effect or impact, NO.

Anthony polled the board on granting the variance for the playhouse. Board saw no objection to leaving the playhouse where it is.

Variance was approved for playhouse, tax map #259.07-1-19. All in favor, Doug Wooden abstained as he was the original surveyor of the property.

M/C: 4- approved

1- abstain

OTHER BUSINESS

Anthony Perosi, after serving many years of hard work as the chairman of the board is resigning. Letter of resignation was accepted with regret. Doug Wooden will act as acting chairman until the position is filled. Mr. Donnally and the board thanked Mr. Perosi for his many years and dedication to the town of Andes.

Meeting adjourned at 7:45

D.B.  
ZBA clerk

TOWN OF ANDES

NOTICE OF ACTION - ZONING BOARD OF APPEALS

Reference:

File No. 06-05 Dated 11-20-20

TO: Rick Shaver / Lee Melahn, Appellant

At a meeting of the Zoning Board of Appeals on \_\_\_\_\_, 19\_\_\_\_, the reference appeal was considered and the action indicated below was taken on your:

- Request for an interpretation of the Zoning Law.
- Request for a variance to the Zoning Law.

1. INTERPRETATION: The Board adopted a resolution which states its interpretation of the Zoning Law as requested in your appeal and follows here in summary.

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and that the previous decision of the Zoning Enforcement Officer

- be confirmed
- be confirmed with conditions
- be reversed

2. VARIANCE: By resolution of the Board, it was determined that the requested variance

- be granted
- be granted with conditions
- be denied

Conditions, if any of the variance being granted:

27' set back of Toll House Tax Map # 259.07-1-19  
Toll House has been in place for six years  
erected during past improvement in village

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TOWN OF ANDES ZONING BOARD OF APPEALS

By: [Signature]  
Chairperson