

**ANDES ZONING BOARD
P.O. BOX 482
ANDES, NEW YORK
845-676-4105**

MEETING DATE:

January 19, 2009

PRESENT:

Doug Woodin – Chairman
John Gregg
Mel Ruff
Darwin Finkle

ABSENT:

Rosemary Schaumloffel

OTHERS PRESENT:

Frank Winkler – Chairman of Planning Board
Ed Leal – Contractor for Merna Popper
Marlys Hann
Marlys Hann's – tenant

CALL TO ORDER:

Meeting was called to order at 7:05 PM

APPROVAL OF MINUTES:

The minutes of the previous meeting were not available, so no minutes were approved

AGENDA:

Opened the public hearing on Merna Poppers request for two (2) variances for a garage addition, 16' x 19.5' (312 sq. ft) at 173 Main Street, Andes New York;

- Rear Setback Variance of 27 feet (35 feet required)
- Side Setback Variance of 8.5 feet (10 feet required)

Reason for the variances: Due to the garage addition being attached to the existing garage, the existing garage must come into conformity.

- Density Variance was not required (under 25%)

Certified letter with receipts were presented

Doug Woodin read Marlys Hann's letters, Bill Groom's letter and Chantal Ribeiro's letter.

Marlys Hann spoke from the floor stating her concerns about noise and eye pollution.

The public hearing was closed.

The board discussed Bill Groom's (adjoiner to the rear) concerns of the liability of the steep bank and stream that he owns adjacent to Merna Poppers property. A barrier fence (historically and functionally correct) was discussed and recommended to be a part of the variance, if granted. It was also recommended that this fence be installed by Ms. Popper prior to a building permit being issued for the garage addition.

The board also discussed the height of the proposed addition and recommended that the height be no taller than the existing garage is now, (01/19/09) and if the variance is granted this be a part of the stipulation of the variance.

It was also discussed that the "Garage and Garage Addition" would be used for a retail business (Art Gallery) and the Zoning Board told Ed Leal that Ms. Popper would have to get a special use permit from the Planning Board to open and operate a business from the "Garage and Garage Addition".

After this discussion, Darwin Finkle moved we grant the variances with the stipulations of the fence and building height mentioned above be a part of the conditions of the variances.

Mel Ruff seconded the motion.

The motion was carried (4 to 0)

It was also noted that the previous side setback variance of 5 feet, which was granted, is still applicable for the new structure.

ADJOURN:

A motion was made by John Gregg to adjourn the meeting

Darwin Finkle seconded the motion

The motion was carried (4 to 0) and the meeting was adjourned at 8:10 PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas Woodin", with a long horizontal flourish extending to the right.

Douglas Woodin - Chairman

**ANDES ZONING BOARD OF APPEALS
P.O. BOX 482
ANDES, NEW YORK, 13731
845-676-4105**

MEETING DATE:

February 19, 2009

PRESENT:

Doug Woodin-Chairman
John Gregg
Mel Ruff
Darwin Finkle

ABSENT:

Rosemary Schaumloffel

OTHERS PRESENT:

James McArdle
Dorothy McArdle
Liz Davis
James Andrews
Ed O'Neill

CALL TO ORDER:

Meeting was called to order at 7:00 PM

APPROVAL OF MINUTES:

Motion was made by Mel, seconded by Darwin to accept the minutes from the January meeting. All in favor, motion carried.

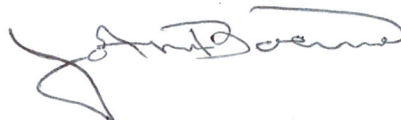
AGENDA:

Donald Hogan, tax map # 259.10-5-3, Mr. Hogan was not present. The Board did review a site plan sketch for Mr. Hogan. The need for side, rear and density variances was discussed, as well as property lines.

There were several concerns from others present about the plan. The concerns were, lighting, parking, noise control and privacy. The Board listened to the concerns and took no action as Mr. Hogan was not present and there was no application submitted.

ADJOURN:

Motion made by Mel to adjourn the meeting, seconded by Darwin, all in favor, motion carried. Meeting adjourned 7:11 PM.



ANDES ZONING BOARD
P.O. BOX 482
ANDES, NEW YORK
845-676-4105

MEETING DATE:

March 16, 2009

PRESENT:

Mr. Doug Woodin-Chairman
Mr. John Gregg
Mr. Mel Ruff
Mr. Darwin Finkle
Mrs. Jo Ann Boerner -Clerk

ABSENT:

Mrs. Rosemary Schaumloffel

OTHERS PRESENT:

CALL TO ORDER:

Meeting was called to order at 7:00 PM

APPROVAL OF MINUTES:

Motion was made by Mr. Gregg seconded by Mr. Finkle to accept the minutes from the February meeting.
Vote: All Ayes-so carried.

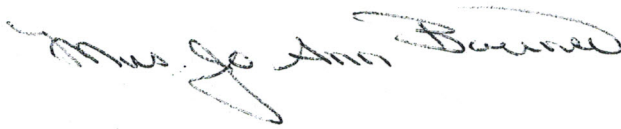
AGENDA:

Mr. Hubana Damir-tax map #304-2-16, application for a variance. Mr. Woodin explained that Mr. Damir's property is located on Weidick Road. It is a vacant 6 acre+ lot. Mr. Damir would like to build a house but would like to build it closer then the 75 feet to the side set back. Mr. Damir is requesting this because there is an electric line going through his property which takes up a 30 foot wide easement. Mr. Damir has had an architect, a septic system engineer and an excavator's opinion on where to build his house. Mr. Damir would need a side set back variance for where he would like to build his house because of the location of the power line. The side set back variance would be approximately 45 feet. This would meet the 75 feet regulation. Mr. Woodin suggested that the Board should go to the property some time this month. The Board reviewed Mr. Damir's ariel photoes, letter, and application. After further review Mr. Woodin made a motion to classify Mr. Damirs property located on Weidick Road, tax map #304-2-16 as a side set back variance with a maximum of 45 feet. A public hearing will be held on April 20th at 7PM in the Andes Town Hall concerning Mr. Damir's application. Motion 2ed by Mr. Finkle. Vote: All Ayes-so carried.

EXECUTIVE SESSION:

ADJOURN: Motion made by Mr. Gregg to adjourn the meeting 2ed by Mr. Ruff. Vote All Ayes-so carried. The meeting adjourned at 7:20 PM.

Mrs. Jo Ann Boerner
Clerk

A handwritten signature in cursive script that reads "Mrs. Jo Ann Boerner". The signature is written in dark ink and is positioned below the typed name and title.

ANDES ZONING BOARD
P.O. BOX 482
ANDES, NEW YORK
845-676-4105

MEETING DATE:

March 16, 2009

PRESENT:

Mr. Doug Woodin-Chairman
Mr. John Gregg
Mr. Mel Ruff
Mr. Darwin Finkle
Mrs. Jo Ann Boerner -Clerk

ABSENT:

Mrs. Rosemary Schaumloffel

OTHERS PRESENT:

CALL TO ORDER:

Meeting was called to order at 7:00 PM

APPROVAL OF MINUTES:

Motion was made by Mr. Gregg seconded by Mr. Finkle to accept the minutes from the February meeting.
Vote: All Ayes-so carried.

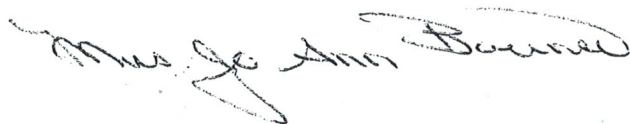
AGENDA:

Mr. Hubana Damir-tax map #304-2-16, application for a variance. Mr. Woodin explained that Mr. Damir's property is located on Weidick Road. It is a vacant 6 acre+ lot. Mr. Damir would like to build a house but would like to build it closer then the 75 feet to the side set back. Mr. Damir is requesting this because there is an electric line going through his property which takes up a 30 foot wide easement. Mr. Damir has had an architect, a septic system engineer and an excavator's opinion on where to build his house. Mr. Damir would need a side set back variance for where he would like to build his house because of the location of the power line. The side set back variance would be approximately 45 feet. This would meet the 75 feet regulation. Mr. Woodin suggested that the Board should go to the property some time this month. The Board reviewed Mr. Damir's ariel photoes, letter, and application. After further review Mr. Woodin made a motion to classify Mr. Damirs property located on Weidick Road, tax map #304-2-16 as a side set back variance with a maximum of 45 feet. A public hearing will be held on April 20th at 7PM in the Andes Town Hall concerning Mr. Damir's application. Motion 2ed by Mr. Finkle. Vote: All Ayes-so carried.

EXECUTIVE SESSION:

ADJOURN: Motion made by Mr. Gregg to adjourn the meeting 2ed by Mr. Ruff. Vote All Ayes-so carried. The meeting adjourned at 7:20 PM.

Mrs. Jo Ann Boerner
Clerk

A handwritten signature in cursive script that reads "Mrs. Jo Ann Boerner". The signature is written in dark ink and is positioned below the typed name and title.

**ANDES ZONING BOARD
P.O. BOX 482
ANDES, NEW YORK
845-676-4105**

MEETING DATE:

April 20, 2009

PRESENT:

Mr. Doug Woodin-Chairman
Mr. John Gregg
Mr. Mel Ruff
Mr. Darwin Finkle
Mr. Artie Short-Building Inspector
Mrs. Jo Ann Boerner -Clerk

ABSENT:

Mrs. Rosemary Schaumlöffel

OTHERS PRESENT:

Mrs. Dorothy McArdle
Ms. Barb Ackerly
Mr. Al Bradbury
Mr. Don Hoagan

CALL TO ORDER:

Meeting was called to order at 7:00 PM

APPROVAL OF MINUTES:

Motion was made by Mr. Woodin seconded by Mr. Finkle to accept the minutes from the March meeting.
Vote: All Ayes-so carried.

AGENDA:

First on the Agenda was a Public Hearing for Mr. Hubana Damir-tax map #304-2-16, application for a variance. Property is located on Weidick Road. Mr. Damirs has a vacant 6+ acre lot, he would like to build a house on. He would like to build it closer then the 75 feet to the side set back. He is requesting this because there is an electric line going through his property which takes up a 30 foot wide easement. Mr. Woodin opened the Public Hearing and asked if anyone from the public had any comments or would like the floor? No comment. The Public Hearing was closed by Mr. Woodin and opened for discussion. Mr. Woodin and Mr. Finkle took a ride up to look at the property. Mr. Woodin commented that Mr. Damir

has put a new driveway in along the property line of adjoining property owner, Mr. Walter Hunt. There is a letter (see attached) from Mr. Hunt. His concerns was that Mr. Damirs driveway was extremely large and has taken away his views, he also was concerned that the driveway appears to be partially on his property. Mr. Woodin commented that as far as Mr. Damir would like to build his house in relation to the side set back variance, there are other spots on the property that he could build on without getting a variance. After further Board discussion, Motion was made by Mr. Finkle seconded by Mr. Gregg to deny the side set back variance for Mr. Hubana Dimir. Vote: All Ayes-so carried.

Next on the Agenda was Mr. Al Bradbury, issue size of sign on the side of his business. Mr. Bradbury commented that he was informed by Mr. Artie Short, Building Code Office that it appeared his sign was not in compliance with the Town Codes, the sign is to large. Mr. Bradbury commented that he had the art work for 27 years it is a picture window that has antiques on it. There is nothing on the sign that advertises his business. He was trying to make the alley way attractive. Mr. Woodin commented that there needs to be an interpatation of the zoning regulations on if it is a sign or declared a decoration. The Board will take all comments into consideration and contact Mr. Bradbury as to their decision at the next months meeting. If it is declared a sign Mr. Bradburys next step would be to fill out an application and apply for a variance. The Board asked Mr. Short to let them know the size of this sign.

Next on the Agenda was Mr. Don Hoagan, Tax Map #259.10-5-4, 119 Main Street. Mr. Hoagan was not present at the time. Mr. Short explained that Mr. Hoagan wanted to go from a Group M ccupancy to a Group A2. He is going from a Mercantile where he is selling items from his store to a restaurant. Mrs. McArdle asked if Mr. Hoagan application would be dismissed. Mr Woodin replied at this time there was no application. Mr. Short commented that he understood that Mr. Hoagan does not want to put an addition on at this time he only wants a waitress in the back to wait on tables. After further discussion Mr. Hoagan did appear at the meeting he thought that the meeting started at 7:30 PM. Mr. Hoagan explained that what he wanted to do had nothing to do with the last time he was at this meeting he wants to have a waitress and understands that he needs a change of use permit. He has contacted the Health Dept. and they will be working with him. He would like to hire a short order cook and two waitresses. Mr. Finkle asked him if he had been to the Planning Board he commented that he had not. Mr. Woodin commented that if he is doing no structural changes that the Zoning Board would be eliminated Mr. Hoagan would have to go to the Planning Board for Special Use Permit for a change in classification. Mr. Hoagan commented that he may possible put a counter in Mr. Woodin said this is interior and would not pertain to this Board. The Board told Mr. Hoagan to get on the Agenda for the Planning Board. Also (see attached) Hogan submitted two letters concerning the use of the parking lot.

Motin made by Mr. Gregg 2nd by Mr. Ruff to adjourn the meeting . All in favor, motion carried.
Meeting adjourned. 7:40PM

Jo Ann Boerner
Clerk



EXECUTIVE SESSION:

ADJOURN: Motion made by Mr. Gregg to adjourn the meeting 2ed by Mr. Ruff. Vote All Ayes-so carried. The meeting adjourned at 7:20 PM.

Mrs. Jo Ann Boerner
Clerk

**ANDES ZONING BOARD
P.O. BOX 482
ANDES, NEW YORK
845-676-4105**

MEETING DATE:

May 18,, 2009

PRESENT:

Mr. Doug Woodin-Chairman
Mr. John Gregg
Mr. Darwin Finkle
Mr. Artie Short-Building Inspector
Mrs. Jo Ann Boerner -Clerk

ABSENT:

Mrs. Rosemary Schaumloffel
Mr. Mel Ruff

OTHERS PRESENT:

Ms. Barb Ackerly

CALL TO ORDER:

Meeting was called to order at 7:00 PM

APPROVAL OF MINUTES:

Motion was made by Mr. Finkle seconded by Mr. Gregg to accept the minutes from the April meeting.
Vote: All Ayes-so carried.

AGENDA:

Mr. Al Bradbury, sign on the side of the building located on main street, rt. 28. A letter was received by Mr. David Merzig, Town Attorney in regards to the sign. (letter attached to minutes). The square footage of the sign in the Towns regulation has a limit to 40 square feet. Mr. Woodin asked Mr. Short if he knew the size of the signs on the building. Mr. Short commented that there are approximately 4 that are 3x5 Square feet and one that is 96 square feet. The Board had further discussion on the size of the sign and if this is a sign on the building or considered a decoration. The Board deemed it necessary to have Mr. Short take a picture of the signs on the building and forward to Attorney Mr. Merzig to interperate the regulations.

EXECUTIVE SESSION: none

ADJOURN: Motion made by Mr. Woodin to adjourn the meeting 2ed by Mr. Gregg. Vote All Ayes-so carried. The meeting adjourned at 7:20 PM.

Mrs. Jo Ann Boerner
Clerk

A handwritten signature in cursive script, appearing to read "Mrs. Jo Ann Boerner", written in dark ink.

**ANDES ZONING BOARD
P.O. BOX 482
ANDES, NEW YORK
845-676-4105**

MEETING DATE:

July 20, 2009

PRESENT:

Mr. John Gregg
Mr. Mel Ruff
Mrs. Rosemary Schaumloffel
Mrs. Jo Ann Boerner -Clerk

ABSENT:

Mr. Doug Woodin-Chairman
Mr. Darwin Finkle
Mr. Artie Short-Building Inspector

OTHERS PRESENT:

Mr. & Mrs. Al Bradbury

CALL TO ORDER:

Meeting was called to order at 7:00 PM

APPROVAL OF MINUTES:

Note: There was no meeting in June.

AGENDA:

Mr. Al Bradbury, sign on the side of the building located on main street, route 28. A letter was received by Mr. David Merzig, Town Attorney in regards to the sign. (letter attached to minutes). Mr. Merzig deemed that it was a sign displayed on the side of Mr. Bradburys business and therefore it would have to go under the Towns Zoning regulations. Mr. Bradbury commented that under the Towns regulations the sign would have to face the road and where he placed it was on the side of the building next to Lee Rd. therefore it should not be under the regulations. He also commented that he had spent a large amount of money on this sign and even though it says Antiques it was not promoting his business. The other business owners around him have also commented on how nice the appearance of the sign is on the building. The Board discussed

the sign and regulations of the Zoning Board and deemed it necessary for Mr. Bradbury to apply for a variance for the sign.

Mr. Ruff made a motion to deem Mr. Bradburys art display on the side of his business a sign. Because of its size Mr. Bradbury will have to apply for a variance under the Town of Andes Zoning regulations to keep the sign on the building because of its size. Mrs. Schaumloffel seconded the motion. Vote All-Aye-so carried.

EXECUTIVE SESSION: none

ADJOURN: Motion made by Mr. Ruff to adjourn the meeting seconded by Mrs. Schaumloffel. Vote All Ayes-so carried. The meeting adjourned at 7:20 PM.

Mrs. Jo Ann Boerner
Clerk

**ANDES ZONING BOARD
P.O. BOX 482
ANDES, NEW YORK
845-676-4105**

MEETING DATE: August 3, 2009

PRESENT:

DOUG WOODEN - CHAIRMAN
JOHN GREGG
MEL RUFF-ABSENT
ROSEMARY SCHAUMLOFFEL-ABSENT
DARWIN FINKLE
JO ANN BOENER- CLERK

OTHERS PRESENT:

None

CALL TO ORDER: Meeting was called to order at 11:30 a.m.

AGENDA:

Special meeting called by Mr. Woodin for Mrs. Margaret Sluiter, tax map # 324-1-34 Kaatskill Mountain Surveyors, LLP- Douglas S. Woodin, L.S. submitted a sketch and application for Mrs. Sluiter for two variances. The complete parcel of land is 20.9 acres, she would like to Subdivide into two lots, . Mrs. Sluiter is asking for a Road frontage variance and a side setback variance. Mr. Finkle made a motion to advertise a Public hearing for August 17, 2009 at 7pm for the approval of the two variances. (notice attached to minutes) motion seconded by Mr. Gregg- Vote-all-aye, so carried.

ADJOURN: A motion was made by John Gregg an 2nd by Darwin Finkel to adjourn the meeting at 11:45am, Vote-all-aye, so carried. Meeting adjourned

Respectfully Submitted
Jo Ann M. Boerner
Zoning Board of Appeals Clerk

ANDES ZONING BOARD
P.O. BOX 482
ANDES, NEW YORK
845-676-4105



MEETING DATE:

Aug. 17, 2009

PRESENT:

Mr. Doug Woodin-Chairman
Mr. Darwin Finkle
Mr. John Gregg
Mr. Mel Ruff
Mrs. Rosemary Schaumloffel
Mr. Artie Short-Building Inspector
Mrs. Jo Ann Boerner -Clerk

ABSENT:

OTHERS PRESENT:

Mrs. Barbara Ackerly

CALL TO ORDER:

Meeting was called to order at 7:00 PM

APPROVAL OF MINUTES:

Mrs. Schaumloffel made a motion to accept the July 20, 2009 minutes , seconded by Mr. Gregg. Vote- All Aye- so carried.

AGENDA:

Firsst on the Agenda was the Aug. 3rd meeting. Mr. Woodin explained that he called for a special meeting. A Public Hearing notice would have to be placed in the newspaper the week of Aug. 3rd for Mrs. Margaret Sluiters property. She would need two Variances in order to go back to the Planning Board meeting Aug. 24, 2009. Mr. Woodin also explained that in order to go back to the Planning Board meeting on August 24th, the Zoning Board of Appeals would need to approve the two variances first. After further discussion

Mr. Woodin made a motion to accept the Aug. 3rd minutes, motion seconded by Mr. Finkle. Vote-All-Aye-so carried.

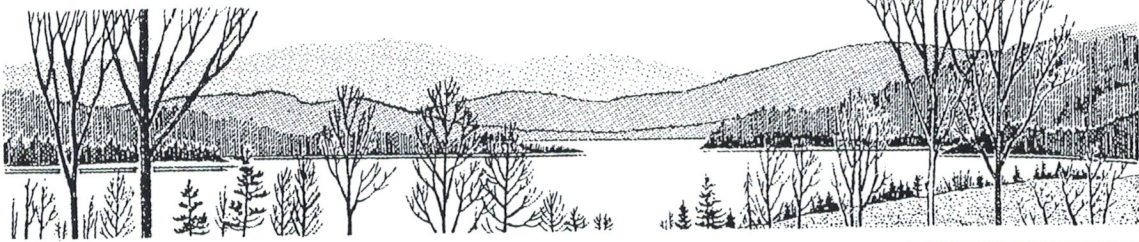
Next on the Agenda was a Public Hearing for Mrs. Margaret Sluiter, tax map E 324-1-34.1. Property located on 1512 Perch Lake Rd. Mr. Doug Woodin is representing Mrs. Sluiter. Mr. Woodin explained that There is currently one lot with 20.9+/-acres of land with a house on. Mrs. & Mrs. Sluiter are in a Senior Health Care Facility and are no longer able to maintain the property. Mrs. Sluiter would like to sell the property and subdivide it into two lots one with 11.8+/- acres of land and one lot with 9.1+/- acres of land. Mrs. Sluiter is applying for two variances #1, a road frontage variance for 220+/-feet and 240+/-feet. #2, a side set back variance for 15 feet. Mr. Woodin described the Basis for Area Variances per the application as follows: " The complete parcel of land is 20.9 acres+/- . We would like to subdivide into two (2) lots, but the total road frontage is 460+/- . The land lends itself to be divided and not obstruct the view of either parcel. The new division line would be south of the garage, 60+/- , and would be at a natural location for a new division line. Mr. Wooding asked if there was any comment from the audience. There was no comment. Mr. Woodin deemed the meeting closed. After further discussion Mr. Ruff made a motion to grant Mrs. Margaret Sluiter two variances. #1, a road frontage variance for 220+/- feet and 240+/- feet. # 2, a side set back variance for 15 feet. Motion seconded by Mrs. Schaumloffel. Vote- Mr. Gregg-aye, Mr. Finkle-aye, and Mr. Wooding abstained from voting-so carried.

Next on the Agenda was Mr. Al Bradbury. Mr. Bradbury did not submit his application for a sign variance. Last month a letter was received by Mr. Merzig, Town Lawyer in regards to Mr. Bradbury's sign on the side of the building where he has his business. Mr. Merzig's decision was that it was a sign and therefore in violation of the Building Codes regulations as it is to large. The Zoning Board of Appeals told Mr. Bradbury at last months meeting to apply for for a variance and the Board would make a decision at this months meeting. Mr. Gregg commented that Mr. Bradbury had been out of Town with a family emergency. Mr. Short commented that the sign is now in violation of the Towns Zoning codes and as the Code Enforcement Officer, will have to issue Mr. Bradbury a notice of violation and inform him the sign will have to be taken down. After further discussion the Board decided to mail Mr. Bradbury a letter that he is in violation of Zoning regulations for Commercial Signs found on Page 22 of 6.3 6-#1 for the Hamlet of Andes. The Board also requested that Mr. Bradbury submits the application for a variance or takes the sign down. A copy of Mr. Merzigs letter will be attached. (see attached for a copy of the letter).

EXECUTIVE SESSION: none

ADJOURN: Mr. Finkle deemed the meeting adjourned at 7:29PM, due to the agenda being completed.

Respectfully Submitted,
Mrs. Jo Ann Boerner
Zoning Board of Appeals Clerk



TOWN OF ANDES

Andes, New York 13731

Zoning Board of Appeals

Mr. Al Bradbury
PO #1,
Andes, N.Y. 13731
August 18, 2009

Dear Mr. Bradbury,

This letter is to inform you that you are in violation of the following: Commercial Business signs within the Hamlet of Andes. This violation falls under Zoning Regulations for Commercial signs Page #22-6. 3-G #1. The Zoning Board of Appeals request that you take the sign down or submit the application for A variance. Your immediate attention to this matter would be appreciated.

Respectfully,

Town of Andes
Zoning Board of Appeals
Mrs. Jo Ann Boerner, Clerk

ANDES ZONING BOARD
P.O. BOX 482
ANDES, NEW YORK
845-676-4105



APPROVED

MEETING DATE:

Oct.19, 2009

PRESENT:

Mr. Doug Woodin-Chairman
Mr. Darwin Finkle
Mr. John Gregg
Mr. Mel Ruff
Mrs. Rosemary Schaumloffel
Mr. Artie Short-Building Inspector
Mr. David Merzig-Town Attorney
Mrs. Jo Ann Boerner-Clerk

ABSENT:

OTHERS PRESENT:

Mr. & Mrs. Al Bradbury
Mr. Charlie Green
Mrs. Rosalie Glauser
Mrs. Barbara Short,
Mr. Mark Weaver, Ms. Ann Marie Weaver & Ms. Nikki Weaver

CALL TO ORDER:

Meeting was called to order at 7:00 PM

APPROVAL OF MINUTES:

Mr. Ruff made a motion to accept the Sept. 21, 2009 minutes , seconded by Mr. Gregg. Vote- All Aye- so carried.

AGENDA:

First on the Agenda was Mr. Charlie Green Public Hearing on a set back variance for road frontage for two portable car units. Mr. Woodin opened the Public Hearing and asked if any one from the public would like to speak? There was no response. Mr. Woodin deemed the Public Hearing closed. Mr. Woodin had a concern that one of the units would be in the Town right-of way. It was not possible for Mr. Green to move it any further. Mr. Short asked if it was possible for a waiver to be signed by Mr. Green so that if the one portable unit was in the Town right-of way and it had to be moved Mr. Green would be obligated to move it. Mr. Woodin asked for Town Attorney- Mr. David Merzigs advice. Mr. Merzig commented that he would have to look at the Town map to see where Mr. Greens property was located. It may be possible for Mr. Green to sign a waiver that if it was necessary at any time in the future if the Town Highway Dept. had to widen the road Mr. Green would understand that the unit was a portable unit not a permanent unit and the Town could ask him to move it. Mr. Green commented that he would be in agreement to sign a waiver. After further discussion Mr. Finkle, made a motion to table Mr.Greens set back variance for 30 days until the next Board meeting on Nov. 16, 2009. Mr. Ruff seconded the motion. Vote-All Aye-so carried. Mr. Finkle-asked if the Public Hearing was satisfied? Mr. Woodin commented that it was. Mr. Green just needs to come to the next months ZBA meeting.

Next on the Agenda was Mr. Al Bradbury-Public Hearing on an area variance for a sign. Mr. Bradbury has a sign on a building where his business is located that is too large. Mr. Wooding opened the Public Hearing and asked if any one from the Public would like to speak? There was no response. Mr. Woodin deemed the Public Hearing closed. Mr. Woodin commented that the Board has had previous discussion on the sign at the Zoning Board of Appeals meetings also there has been letters submitted from adjoining merchants that have no objection to the sign. There have been no letters in objection to the sign. Mr. Woodin commented that the sign is in violation of the zoning laws. The square footage of a sign is 40 square feet and the sign is 2-3 times larger then that. The Board reviewed the zoning law. The Board asked Mr. Merzig for his advice. Mr. Merzig commented that a sign is a sign and the statue says what the statue says. He also commented that the statue could be written a little better to address these issues. Mr. Merzig stated that the Board has the authority weather to grant a variance or enforce the statue. He also commented that if the Board decided to grant a variance that the large sign that says Antiques upon it not be changed or modified in any way. Mr. Merzig reiterated this was the Board decision based on what they believe the purpose of the statue is. Mr. Woodin asked if the sign is granted the variance what kind of precedent would it set for other Signs being put up? Mr. Merzig commented that precedence is always a issue. Again this was the Boards decision. Mr. Gregg commented that he had no objection to the sign. Mr. Woodin asked if any one would like to read the letters submitted by the merchants that they could. The following submitted the letters,

Ms. Zoey Randall-The Chase Randall Gallery, Mr. Charles and Kathryn O'Neill-owners of the building, The Andes Hotel-Mrs. Sally O'Neill and Mrs. Dorothy McArdle also a verbal comment from Mr. Don Hogan. Mr. Merzig commented that the sign was able to be seen by the road therefore was facing the street. Mr. Bradbury commented that The sign was in the alley way and it was not a sign but a mural. Mr. Woodin commented that the Public Hearing was closed and he had asked if there was any comments and there was not. Mr. Woodin asked If there was a motion to grant or deny the signs set back variance? Mr. Gregg made a motion to accept the signs set back variance. Mrs. Schaumoffel seconded the variance. Vote Mr. Finkle-nay, Mr. Ruff-nay, and Mr. Woodin-nay. Motion denied as per vote 2 yes 3 no. Mr. Woodin commented that the sign has to be taken down. Mr. Bradbury commented that he would seek legal council and that he stands it is a mural he even would leave it up for now and take it down if ever he moved his business.

Next on the Agenda was Mr. Mark Weaver was at the previous meeting and the Board asked him to submit his plan and application. Mr. Weaver is asking for a road front variance so he can put trailer on the existing concrete slab. Mr. Short commented that the slab is the same distance form the road but Mr. Weavers trailer would just go back further. The Board reviewed the Zoning regulations. After further discussion the Board made the conclusion that this would be a non-conforming building requiring no Public Hearing as the trailer would be put on an existing concrete slab. Mr. Weaver commented that his mother was not living in the house on the property and it would be used for storage, also he would be hooking into a new septic system that DEP had approved. Mr. Ruff made a motion that Mr. Weavers request for a road variance was a existing non-conforming request and does not need the Boards approval per the Zoning regulations Mr. Weaver will be putting his trailer on an existing concrete slab. Motion seconded by Mrs. Schaumloffel. Vote-All-Aye-so carried.

EXECUTIVE SESSION: none

ADJOURN: Mr. Finkle deemed the meeting adjourned at 8:31 PM, due to the agenda being completed.

Respectfully Submitted,
Mrs. Jo Ann Boerner
Zoning Board of Appeals Clerk

 **DRAFT**

ANDES ZONING BOARD
P.O. BOX 482
ANDES, NEW YORK
845-676-4105

MEETING DATE:
Nov. 16, 2009

PRESENT:

Mr. Doug Woodin-Chairman
Mr. Darwin Finkle
Mr. John Gregg
Mr. Mel Ruff
Mrs. Rosemary Schaumloffel
Mrs. Jo Ann Boerner-Clerk

ABSENT:

Mr. Artie Short-Building Inspector-absent & excused

OTHERS PRESENT:

Mr. Charlie Green
Mr. Ron Guichard

CALL TO ORDER:

Meeting was called to order at 7:00 PM

APPROVAL OF MINUTES:

Mrs. Schaumloffell made a motion to accept the Oct. 19, 2009 minutes with the following correction. In the first paragraph for Mr. Greens Public Hearing the date was to be changed from the 23rd to the 16th, seconded by Mr. Ruff. Vote: All Aye- so carried.

AGENDA:

Mr. Charlie Green, 86 Wolf Hollow Rd. tax map #302-1-7.12 Mr. Green had been before the Zoning Board of Appeals last month at a Public Hearing for a variance. He would like to put up a portable car unit on his property. The Zoning Board of Appeals had asked Mr. David Merzig, Town Attorney to draw up an agreement between Mr. Green and the Town of Andes.(Agreement attached to minutes.) The Board and Mr. Green reviewed the agreement. Mr. Green commented that in the future, if he did not own the property he would like to make sure that no permanent structure could be built where his portable car unit is. The Board assured Mr. Green that this agreement was for the current portable car unit and if a permanent structure were to be built an application would have to be made to the Town and reviewed for their regulations. After further discussion Mr. Gregg made a motion to accept the agreement between Mr. Charles Green and the Town of Andes Zoning Board of Appeals, dated Nov. 16, 2009, seconded by Mr. Ruff Vote: All Aye-so carried.

Mr. Guichard was not on the agenda but asked if the Senior Citizen Housing Project was on the agenda. Mr. Woodin commented the project was not on the agenda.

EXECUTIVE SESSION: none

ADJOURN: Mr. Woodin deemed the meeting adjourned at 7:30 PM, due to the agenda being completed.

Respectfully Submitted,
Mrs. Jo Ann Boerner
Zoning Board of Appeals Clerk