

LUMBERLAND ZONING BOARD OF APPEALS
1054 PROCTOR ROAD
GLEN SPEY, NY 12737
(845) 856-8600



337th meeting, September 21st, 2021
Meeting Minutes

David Riley- Chairman	
Terri Fountain-Vice Chairman	Margrette Blabac- Member
Christine Smetaniuk – Member	Patty Potter- Clerk
Daniel Edzenga- Member	Jacqueline Ricciani – Counsel

The Board began a Workshop portion of the meeting at 6:35. The Board discussed the Public Hearing for Kramarchuk as well as the 4 variances for Valkema. The Board read a letter from Campanelli & Associates, PC about the 5 G rollout

The 337th meeting was called to order by David Riley at 7:00 pm following the Pledge of Allegiance.

Roll Call: Christine Smetaniuk, Margrette Blabac, Terri Fountain, Daniel Edzenga
David Reilly

Others Present: Zenon Kramarchuk, Natalia Kramarchuk, and His Attorney Glen Plotsky. Orest Lebed, Igor Smetaniuk, Patricia Wysocki her in-laws and husband were also present

Review /Acceptance of Minutes: August 17th meeting minutes

A Motion was made by, Midge Blabac seconded by Daniel Edzenga to accept the minutes.

CORRESPONDENCE: none

PUBLIC HEARING: Kramarchuk Area Variance ZBA002-21

CONTINUING BUSINESS: Kramarchuk Area Variance ZBA002-21
Owen Valkema 4 variances 003-21

Motion to recess the regular meeting and open the Public Hearing in the matter of Kramarchuk area variance made by Midge Blabac seconded by Terri Fountain

KRAMARCHUK AREA VARIANCE: ZBA002-2021: The public hearing began at 7:05 but there was a mishap with the time and 2 adjoiners received a 7:35 meeting notice, David announced that we could have 2 hearings incase other adjoiners received the wrong notice. Glen Plotsky explained the project and what the applicant was asking for. He stated that Zenon provided a revised survey map as well as an amended application and that they appeared before the board

a month ago and now before a Public Hearing. Glen said his clients intentions are to basically install a panel fence 6.3' from the property line and has a 20' right of way. Mr. Kramarchuk has a chain link fence which has been there for years and it was 1.3' from the property line. The chain link was removed except the post with the intentions of reinstalling the chain link. The Towns Highway Superintendent has no issues with the proposed fence as long as the chain link fence is reinstalled to ad protection. The town is familiar with the chain link fence. Glen Plotsky said that the more decorative side of the panel fence will face outward towards Hunczak Blvd. The purpose of the panel fence is to offer some protection from noise dust etc. In addition to the panel fence there will be a set of gates that will swing inward so there will be no impact at all to Hunczak Blvd. In past meetings Mr. Kramarchuk discussed with the board that part of the reason for the variances is very little space between the residence and the street depending on which corner of the residence you are looking at .There is a 2.8' wide walkway that surrounds the premises .There is only 5.3' to 8.2' that varies because the angle between the residence and the proposed fence. In order to comply with the 10' requirement he reduced to less than 3' and no more than 5'. Mr. Kramarchuk was looking for more of a variance when he started and knows he needs to keep the grass groomed between the fences. Based upon presentation Mr. Plotsky said it should be a more desirable view because now they will be looking at a decorative panel fence and not a house and is asking that the Board consider this project. Based on a letter from the Towns Highway Superintendent the only potential negative impact will be damage to the panel fence due to any snow plowing or road work and that Mr. Kramarchuk is assuming the risk with no liability to the town. There will be no environmental impact. Glen Plotsky said it's clearly self-created but that doesn't mean Zenon shouldn't or can't put up a fence.

Public Hearing 7:05

Orest Lebed

14 Hunczak Blvd but resides in NJ

Orest is telling the board that he doesn't believe that Hunczak Blvd is 20' wide even though the Town went out to measure. Orest also commented on the road work the Town did to Hunczak Blvd that morning widening the road about 4-5' so now 2 cars can pass along Mr. Kramarchuk's property where Orest claims usually 2 cars can't pass. Orest told the board that the proposed fence that Zenon wants is really a wall and if they wanted to see it they should go look at the one on High road that Zenon's son put up. Orest also believes that there's some kind of stipulation that you're not supposed to block the view of a natural habitat. Jacy stated that its private property and he is entitled to erect a fence. Jacy also pointed out the section of the code the applicant is seeking relief from because it has to be 10' back from the property line. Orest then asked to have the road measured from the chain link fence to all the neighboring houses because of the work the town did that morning. He did mention the Town did a phenomenal job but he said that himself and all the neighbors present think the proposed fence looks horrible. Jacy pointed out that the applicant did an updated survey to show the chain link fence is within the property line, Patricia spoke up asking when the survey was done in which Jacy stated it was updated on June 24th 2021. David then asked if there were any more comments.

Patricia Wysocki is speaking for her in-laws due to a language barrier. Her in-laws live at 8 Hunczak Blvd right across the street from the Kramarchuk's. Patricia told the board that her in-laws really do not want to look at a wall because if they did then they would have stayed in Brooklyn and that's the major factor in this, David asked if that was the only factor and they said yes for now it was.

Igor Smetaniuk

454 High Road

Jacy asked Igor if he had any relations with anyone on the ZBA Board that needs to be disclosed, Igor told Jacy that yes his wife Christine is on the board and that she recused herself.

Igor told the Board that over the past 23 years he has owned a home inspection business and that from 2011-2012 he was The Town of Tusten's code enforcer. He said that he received the letter about the Public Hearing but no supporting documents as to why they want this fence and asked if he can see them. Glen told him that he can see them and that anyone who actually took the time to go to the Town Hall could have seen all the records for this project. Igor also asked for the exact zoning requirements to be read aloud (Jacy read) Jacy told Igor that the board has the power to interpret what the term right of way means and he asked what they are determining the right of way to be. Jacy said it's a possibility that there isn't one and that not every road in the town has a dedicated right of way., David explained to Igor that the ZBA is only focused on the variance from the property line and Jacy explained what a right of way could be .The opposing neighbors told the board that there isn't enough room for two cars on Hunczak Blvd and Jacy said the proposed fence is going behind the chain link fence which is grandfathered in and Igor questioned whether or not the term grandfathered was in the zoning laws. Jacy told Igor that the Board has specific criteria they have to consider when granting a variance and Igor said he just wants to voice his opinion against the variance of the wall and that he has no objection to putting the wall up according to the zoning regulations. He also stated and if Zenon can give reasons for the fence he can give reasons against the fence, which the Board has allowed Igor to do. Igor stated that he is in total opposition of the wall going up anywhere closer than the variance allows. David kept telling Igor that it's all part of the criteria ZBA has no say on the aesthetics of the fence, it's a consideration. David asked if there were any further comments .NO FURTHER COMMENTS

Motion to recess the Public Hearing and resume the regular meeting;

Motion Terri Fountain seconded by Midge Blabac

Regular meeting: the board was told they have 62 days to make a determination on the project, they could consider the application, table it or make a decision now .The board agreed to put it on the agenda for next month's meeting and revisit the property. Moving on to the second item on the agenda.

ZBA-0003-21-Owen Valkema has 4 variances the board is discussing the fact that it's a narrow lot and the way the measurements are different inch by inch down the length of the house, so Jacy suggest they take the smallest measurement and go off that. The concern from last month's meeting was the measurements from the deck to the property line and now it looks like all the correct measurements are on the updated survey. Owen mentioned the steps are not good and the insurance company said they need to be repaired. A dotted line on the survey map was questioned and Owen said it was at one time another parcel and that he owns it. Owen plans on taking out the landscape stairs and replacing them with wood steps which he plans on sharing with his neighbor so proposed stairs are totally on his property there is no need for a variance for the steps. The proposed deck will not interfere with the well and that the well will now be underneath the proposed deck. Daniel asked what size the sonnet tubes will be and Owen said whatever the code calls for and there will be no impact on any neighbors during construction. The Board went over the variance request to make sure of the accuracy.

1. Back side of house 30'
2. North side of back deck 33.3'
3. North front 31.3'
4. Front deck center 46'
5. Back of deck south side 30.1'

The board has no more questions or comments for Owen.

This is a type II action under SEQUA and does not require an environmental review, because

they are individual setbacks
SECTION 617.5 © 16

A motion to hold a Public Hearing at 7:05 on October 19th, 2021

Was made by **Midge Blabac** and seconded by **Daniel Edzenga**

A **Motion** to adjourn the meeting was made by **Midge Blabac** and seconded by **Christine Smetaniuk**

All in favor, so carried

Respectfully Submitted, Patty Potter, Secretary Clerk