

**TOWN OF SCHUYLER FALLS
ZONING BOARD OF APPEALS
REGULAR MEETING SEPTEMBER 20, 2010**

The regular meeting of the Zoning Board of appeals was called to order at 6:30 p.m. by Chairman Frank Sklenarnik.

| <u>ROLL CALL</u> | <u>PRESENT</u> | <u>ABSENT</u> |
|--------------------|----------------|---------------|
| Robert Wicichowski | X | |
| Richard Potiker | | X |
| Donald Sorrell | X | |
| Tom Carlsen | X | |
| Frank Sklenarik | X | |

Others Present: Jeanette Potiker, Thomas Murnane, Jackie Beach, Steven Simpson Crystal Simpson, Peter Duso, Laurie Duso, William LaCount, Jeff Luck, Keith Bruno

Discussion regarding a change/correction to prior meetings minutes:

Prior meeting minutes approval.

Motion made by Mr. Sklenarik to accept minutes with recommended changes

Seconded by Mr. Wicichowski

| <u>ROLL CALL</u> | <u>YES</u> | <u>NO/ABSTAINED</u> |
|--------------------|------------|---------------------|
| Robert Wicichowski | X | |
| Richard Potiker | | |
| Donald Sorrell | X | |
| Tom Carlsen | | X |
| Frank Sklenarik | X | |

Motion Passed

The purpose of the Zoning Board of Appeals meeting:

Appeal # 10-06

Submitted by Steven Simpson

Appeal # 10-09

Submitted by RCC St. Alexander & St. Joseph

Mr. Sklenarik stated that we will now discuss tabled appeal #10-06 Steven Simpson for a use variance. Mr. Sklenarik reviewed use variance guidelines.

Mr. Sklenarik advised the applicants that we did not have a full board present and that they would need a majority of a full board to pass a motion. He advised them that they could postpone their hearing until next month where a full board may be present. All agreed to continue.

Mr. Sklenarik addressed Mr. LaCount regarding comments to the variances.

Mr. Sklenarik stated that we will now hear Appeal # 10-06

Mr. Murnane questioned Mr. Simpson on ownership of property.

A discussion continued between the board and Mr. Simpson regarding the location and signage. Mr. Simpson stated that he would adhere to town ordinances.

Mr. Sklenarik reviewed the requirements for a use variance.

Motion made by Mr. Carlsen to approve the request to sell used cars.

The board discussed the issues regarding the number of cars and location of cars with regard to the fence.

Motion made by Mr. Carlsen to approve the request to sell used cars with the maximum of 4 vehicles at any one time and to keep vehicles within the boundaries of the place of business.

Mr. Murnane reminded the board that a SEQR review was needed by the board.

Mr. Murnane requested a motion from the board that this matter be deemed an unlisted action for the purpose of SEQR and that the town of Schuyler Falls ZBA be deemed the lead agency for the purpose of SEQR.

Motion made by Mr. Sklenarik board that this matter be deemed an unlisted action for the purpose of SEQR and that the town of Schuyler Falls ZBA be deemed the lead agency for the purpose of SEQR and seconded by Mr. Carlsen.

| <u>ROLL CALL</u> | <u>YES</u> | <u>NO</u> |
|--------------------|------------|-----------|
| Robert Wicichowski | X | |
| Richard Potiker | | |
| Donald Sorrell | X | |
| Tom Carlsen | X | |
| Frank Sklenarik | X | |

Motion Passed

A signed SEQR form was submitted by the applicant and received by the board.

A review of the SEQR was done line by line by Mr. Murnane to the board.

A Motion was made for a negative declaration for the SEQR by Mr. Sklenarik and seconded by Mr. Wicihowski.

| <u>ROLL CALL</u> | <u>YES</u> | <u>NO</u> |
|-------------------|------------|-----------|
| Robert Wicihowski | X | |
| Richard Potiker | | |
| Donald Sorrell | X | |
| Tom Carlsen | X | |
| Frank Sklenarik | X | |

Motion Passed

Mr. Murnane restated the motion made by Mr. Carlsen to approve Appeal # 10-06 with a limit of 4 cars behind the fence and on the parcel of record. Motion seconded by Mr. Sorrell

| <u>ROLL CALL</u> | <u>YES</u> | <u>NO</u> |
|-------------------|------------|-----------|
| Robert Wicihowski | | X |
| Richard Potiker | | |
| Donald Sorrell | X | |
| Tom Carlsen | X | |
| Frank Sklenarik | X | |

Mr. Wicihowski explained reason for his no vote.

Motion Passed

Mr. Sklenarik stated that we will now hear Appeal # 10-09 submitted by RCC St. Alexander & St. Joseph for a use variance.

Mr. Carlsen questioned the need for the variance.

A discussion continued between Jeff Luck and Mr. Carlsen and the board.

Board made an interpretation and determined that a use variance was not necessary and that the property would need to go in front of the planning board for a special use permit.

Motion made by Mr. Wicihowski that an interpretation determined that a use variance was not needed and the applicant would have to go in front of the planning board for a special use permit and to refund the applicant's use variance application fee. Seconded by Mr. Carlsen

| <u>ROLL CALL</u> | <u>YES</u> | <u>NO</u> |
|-------------------|------------|-----------|
| Robert Wicihowski | X | |
| Richard Potiker | | |
| Donald Sorrell | X | |
| Tom Carlsen | X | |
| Frank Sklenarik | X | |

Motion Passed

Motion to adjourn made by Mr. Sklenarik and seconded by Mr. Wicihowski.

| <u>ROLL CALL</u> | <u>YES</u> | <u>NO</u> |
|-------------------|------------|-----------|
| Robert Wicihowski | X | |
| Richard Potiker | | |
| Donald Sorrell | X | |
| Tom Carlsen | X | |
| Frank Sklenarik | X | |

Motion Passed

Meeting Adjourned 7:32pm

Respectfully submitted

Richard S Potiker