

**TOWN OF SCHUYLER FALLS
ZONING BOARD OF APPEALS
REGULAR MEETING NOVEMBER 15, 2010**

Revised 12/20/2010

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 Wicihowski		X
Richard Potiker		Recued
Donald Sorrell	X	
Tom Carlsen	X	
Frank Sklenarik	X	
Frank Dorrance (A)	X	
Cristal Russell (A)	X	

Others Present: Thomas Murnane, Mark Spooner, Anne Spooner, William LaCount, Aaron Ovios, Jim Hockney

Prior meeting minutes approval.

Motion made by Mr. Carlsen to accept minutes as presented.

Seconded by Mr. Sklenarik

<u>ROLL CALL</u>	<u>YES</u>	<u>NO/ABSTAINED</u>
Robert Wicihowski		
Richard Potiker		
Donald Sorrell	X	
Tom Carlsen	X	
Frank Sklenarik	X	
Frank Dorrance (A)		X
Cristal Russell (A)		X

Motion Passed

The purpose of the Zoning Board of Appeals meeting:

Appeal # 10-10

Submitted by John Schmitt

Mr. Sklenarik stated that we will now discuss appeal #10-10 John Schmitt for a use variance.

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

Mr. Sklenarik asked Mr. Potiker if any letters were received regarding the requested use variance. Richard stated that to his knowledge no letters were received.

Mr. Murnane questioned if the determination by the County had been received. Mr. Lacount advised that due to a timing issue delaying the letter to the county no determination had been issued.

Mr. Murnane explained that no action could be voted on by the board until the county action was complete. He explained that the board could hear the details from the applicant's counsel but the vote would have to be tabled until the next regular meeting.

The board listened to the applicant's counsel regarding the background for the details leading up to the need for this use variance and reasons why it should be granted. Mr. Ovios addressed each of the requirements needed for a use variance and explained to the board how each was met.

Mr. Dorrance questioned that there appears to be two separate parcels that should be combined to a single parcel. Applicant's counsel stated that that could be done.

Mr. Murnane stated that the board could complete the SEQR .

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. Carlsen 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. Sklenarik.

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Robert Wicichowski		
Richard Potiker		
Donald Sorrell	X	
Tom Carlsen	X	
Frank Sklenarik	X	
Frank Dorrance (A)	X	
Cristal Russell (A)	X	

Motion Passed

A signed SEQR form was included 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. Carlsen and seconded by Mrs. Russell.

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Robert Wicihowski		
Richard Potiker		
Donald Sorrell	X	
Tom Carlsen	X	
Frank Sklenarik	X	
Frank Dorrance (A)	X	
Cristal Russell (A)	X	

Motion Passed

Mr. Dorrance asked if the two parcels could be combined and the applicant's council stated that it was possible. A discussion regarding the driveway location and access around the build as well as the property lines was explained.

A motion was made by Mr. Carlson to table application 10-10 until December's regular meeting when a determination by the County was completed. Seconded by Mr. Sklenarik.

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Robert Wicihowski		
Richard Potiker		
Donald Sorrell	X	
Tom Carlsen	X	
Frank Sklenarik	X	
Frank Dorrance (A)	X	
Cristal Russell (A)	X	

Motion Passed

A discussion regarding the timing for the meeting with regard to the County determination between Mr. Murnane, Mr. Lacount and the board and it was determined that the board would handle future applications the same as this one was handled.

Motion to adjourn made by Mr. Carlsen and seconded by Mr. Dorrance.

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Robert Wicihowski		

Richard Potiker
Donald Sorrell X
Tom Carlsen X
Frank Sklenarik X
Frank Dorrance (A) X
Cristal Russell (A) X

Motion Passed

Meeting Adjourned 7:00pm

Respectfully submitted

Richard S Potiker