

ZONING BOARD OF APPEALS
TOWN OF STUYVESANT
STUYVESANT, NEW YORK 12173

MINUTES OF OCTOBER 22, 2013

Approved at the 11/19/13 meeting

MEMBERS PRESENT:

Patricia Casey, Chairman
Margaret Pino
Amy Abbati
Christian Sweningsen
Jeff Jensen
Steven Taylor
Steve Montie, alternate

MEMBERS ABSENT:

Paul Harpis

OTHERS PRESENT:

Chairman Casey called the meeting to order at 7:00 p.m.

A motion was made by Margaret Pino and seconded by Amy Abbati to approve the minutes of the February 26, 2013 meeting. All members voted in favor.

Application for an Interpretation: by Frank Eschberger, 63 Oak Leaf Drive, Stuyvesant, NY. Property tax map number 63.1-1-18 for property located at 61 Oak Leaf Drive owned by John Dorsey which is located adjacent to Mr. Eschberger's property. The applicant states the building permit issued by Mr. Ennis, the Town ZEO, was not valid as the contractor is not the person listed on the building permit and since the deck is attached to the principal use structure it becomes part of the principal use structure. Therefore, Mr. Eschberger states the deck should be 25 feet from the property line. Mr. Ennis provided a statement dated September 23, 2013 to the Board. Mr. Ennis states he issued the building permit because according to the Town's zoning, a deck is an accessory structure. Also the deck is at ground level at its closest location to the neighbor's property line (which is 17 feet). Town zoning allows for a 10 foot setback for accessory structures which is within the 17 feet. Mr. Ennis provided a follow up report dated October 22, 2013 stating he completed the final inspection of the deck today. He walked the property line with John Dorsey. The pins marking the property line were located. The proposed deck on the building permit was much wider than the finished deck. Measurements were taken from the corner of the deck to the property line. The measurement was found to be in excess of 26 feet. Mr. Ennis states Mr. Eschberger's argument would be irrelevant based on these findings. Chairman Casey agreed that the interpretation would appear to be irrelevant at this time. Mr. Ennis stated if you go on-line in New York State, decks are considered an accessory structure so the 10 feet requirement would apply. Mr. Eschberger states he feels the deck is attached to the principal structure and then should be considered part of that structure and not an accessory structure. Chairman Casey dismissed the interpretation request with a decision of no finding.

Board members were provided information concerning upcoming training opportunities. Amy Abbati and Chairman Casey provided certificates of training for courses completed. Chairman Casey reminded the Board Members that four hours of training are required annually.

The next meeting is scheduled for November 19, 2013, a week early due to the Thanksgiving Holiday. A motion to adjourn the meeting was made by Jeff Jensen and seconded by Margaret Pino. All members voted in favor.

Respectfully submitted,

Shirley Narzynski
Secretary to the Board