

ZONING BOARD
TOWN OF STUYVESANT
STUYVESANT, NEW YORK 12173

MINUTES OF JANUARY 24, 2006

** Approved at 6/26/06 meeting

MEMBERS PRESENT:

Mr. William Vick, Chairman
Mr. Robert Keller
Ms. Margaret Pino
Mr. Steve Montie
Mr. Sal Costanzo
Mr. James Antalek

MEMBERS ABSENT:

Ms. Patricia Casey

OTHERS PRESENT:

Mr. Tal Rappleyea
Mr. William Better

Chairman Vick called the meeting to order at 7:35 p.m.

1. A motion was made by James Antalek and seconded by Steve Montie to accept the minutes of the November 22, 2005 meeting. All members voted in favor.
2. Area Variance Application by Joseph & Theresa David, 8 Clow Lane, Stuyvesant, New York 12173. This application was continued from the November 22, 2005 meeting. Mr. Better stated this issue involved the rear yard setback requirements under the ordinance. Mr. Better referred to the zoning ordinance pertaining to fences. He states the prior existing fence was erected in 1991 and prior to the zoning ordinance involving fences. Applicants purchased their property in November 1986 from Ronald & Faith Gagnier with a fence that existed along Clow Lane. In 1991, the fence was replaced with a picket fence measuring 66 inches at its tallest point. In September 2005, applicants replaced the existing picket fence with a new stockade type fence measuring approximately 70 inches. Discussion continued on the height of the fence in 1991 versus today and how the height is determined – post height versus fence height. Chairman Vick stated part of the fence was outside the David's property line. Chairman Vick stated it is outside the Board's authority to act on something that is not on the applicant's

property. Chairman Vick indicated if the fence was on Town property, the issue would need to come before the Town Board. Mr. Better argued it was not on the Town's property. Mr. Rappleyea and Mr. Better disagreed on the interpretation of Highway Code 183. Mr. Better indicated a strip of land between the road and property owner was not owned by anyone. Mr. Better will ask the applicants if they will consider moving the fence back and how far. He will then contact the Zoning Enforcement Officer, Mr. Ennis. Chairman Vick stated the application was not entertained as the Zoning Board does not have jurisdiction over the matter of a fence that is not on the applicant's property. The application was not accepted.

A motion to adjourn the meeting was made by Robert Keller and seconded by Sal Costanzo. All members voted in favor.

Respectfully submitted,

Shirley Narzynski
Secretary