

APPROVED

Zoning Board of Appeals
May 15, 2010
Mr. and Mrs. Robert Kwit

Members Present: Steve Barto, Ford Knight, Pete Keefer, Julie Thompson, Mike Cleere

With all ZBA members present, the public hearing was opened at 10:00 AM.

Todd Kwit (son) explained that they did receive a permit to do a deck on the north side of the house, but they are looking for a variance to put a 6 foot deck off the front of the house and a stone patio down below. A discussion took place concerning the spindles of the deck. Using glass would add approximately \$2000 to the cost. Neighbor, Steve Finewood, approved the plan using composite rail.

John Scanlon questioned the process for a local permit/county permit. Chairman Steve Barto explained that a zoning permit was already approved for the main part of the deck. The remainder of the construction was declined and had to go to the ZBA. Mr. Scanlon stated that he does not have a problem of what he (Mr. Kwit) does. Mr. Scanlon was still confused over the process and notification of neighbors. It puts people in a difficult position. Steve Barto added that neighbors can come forward and state their position or not say anything. Joe Judge, the builder, stated that they followed all the process to obtain a deck on the side. Mrs. Kwit added that they are trying to improve what the property looks like, make the neighborhood look nicer. They have painted and bought docks, and have the side deck and are looking for the front deck. They are looking to improve the house, making it maintenance free so it looks great. It was also mentioned that the porch that was there was cracking, the stairs next to the house were coming apart from the house and were uneven

Ford Knight motioned to close the public hearing at 10:20 AM, with a second from Mike Cleere.

Vote 5/0

Mike Cleere motioned to consider the application with a second from Julie Thompson

Vote 5/0

Chairman Barto reminded the board that they are looking at two different items, an upper Deck and raised patio / steps to get into the bottom of the house. Steve passed around pictures of the property. Ford Knight brought his laptop and all present were able to view the property. In regard to the upper deck, the zoning officer was correct in denying it for setback.....blocking the view of neighbors. The patio is needed and is somewhat of a hardship. Concerning the upper deck, they are already encroaching with the patio. Pete Keefer approved of the patio on the bottom, but doesn't agree with the deck on top. It was noted that the upper deck was not to go the full length. Chairman Barto again mentioned that the need for the steps was a hardship.

Mike Cleere motioned to act on the application with a second from Pete Keefer.

Chairman Barto made a proposal to deny the variance for the open deck above, and grant the stone steps to the doors down below, which is 5 x 27, as motioned by Mike Cleere with a second from Pete Keefer.

Roll Call Vote: Steve Barto – yes
 Julie Thompson – aye
 Ford Knight – no
 Pete Keefer – yes
 Mike Cleere – aye

Todd Kwit questioned the decision. Chairman Barto mentioned a phone call to the attorney in Albany who felt that with the new zoning law, shouldn't grant anything. Chairman Barto continued noting some hardship and that is why he is pleading that case. Julie Thompson added that criteria has to be followed. Chairman Barto added that each case is different. They are already encroaching. People tend to want to encroach more and more. That is why there are new zoning laws. Ford Knight went over the various aspects of a variance and stated that it was a substantial request. Also, concerning adverse impact-how neighbors are affected.....is a concern, noting that Mr. Finewood was generous (having no opposition to the deck.) Mr. Knight noted that the problems precluded their ownership of the property. Chairman Barto summarized with the encroachment and then other neighbors wanting to do the same. The board did what he feels is fair and just for everybody.

There was a motion from Ford Knight to adjourn at 10:40 AM, with a second from Mike Cleere.

Vote 5/0

Respectfully,

Susan Hensel
ZBA Clerk