

**ZONING BOARD OF APPEALS
REGULAR MEETING - MINUTES
September 17, 2014 – 7:00 PM
NEW HARTFORD TOWN HALL
530 MAIN STREET**

PRESENT: Chairman Mary Lou Rayno, Scott Goff, Paul Griffin; Alternate John Wilhelm; Zoning Enforcement Officer Steve Sadlowski.

ABSENT: Lew Chappel, Bert Brander, John Rouleau, Keith Schaufler.

Chairman Mary Lou Rayno called the meeting to order at 7:00PM. Mr. John Wilhelm was seated for Mr. Bert Brander. The entire proceedings were recorded digitally and are available in the Town Hall.

1. PUBLIC HEARINGS:

A. Stephen M. Kayser & Vicki L. Radford Kayser, 122 Camp Workcoeman Road, Special Exception for demolition and reconstruction of a non-conforming deck.

Ms. Rayno read into the record the legal notice for this matter. Ms. Rayno verified proof of notice to abutting neighbors was present in the file. Mr. Kayser explained that he is looking to replace his deck but understood that there was an issue with the setback requirements. He explained that his proposed reconstruction of his existing non-conforming deck would be within three (3) feet of the property line. He described his current deck as thirty to forty years old and that it is not constructed of pressure treated wood. Ms. Rayno confirmed with the applicant that it is not his intention to enlarge the deck. The applicant confirmed that he would be slightly angling the deck to move away from the property line.

Mr. Scott Goff asked the applicant if he was in possession of a site plan for the subject property. Mr. Kayser indicated that he had an A2 survey but that it was not with him for the meeting.

Attorney William Case, representing Bonnie and John Flattery of 116 Camp Workcoeman Road, addressed the board regarding the subject property. He reported that there was a recent boundary line agreement resulting from litigation between Mr. and Mrs. Flattery and Mr. and Mrs. Kayser. He opined that the application was lacking in that the plans were not sufficiently descriptive as to what is currently existing and what is being proposed.

Attorney Case also opined that the notice to abutting neighbors was deficient due to a lack of a copy of the application accompanying the notice of public hearing.

Ms. Rayno questioned the applicant as to the dimensions of the current deck. Mr. Kayser reported that the current deck is eight (8) feet deep by twenty-something feet (20+) wide. Mr. Sadlowski provided board members with a copy of the proposed

building plan on the subject property for their review. Review of the plan indicated that the deck is eight feet by twenty-six feet. Mr. Goff asked whether this was the length of Mr. Kayser's house. He confirmed that it was.

Ms. Rayno confirmed with the applicant that the height of the deck would remain the same. Ms. Rayno inquired as to the distance between the house and the water. Mr. Kayser responded that it was approximately fifteen or twenty feet from the closest corner of the deck.

Ms. Rayno inquired as to whether there were stairs from the deck down to the lawn below or an exit off the deck. Mr. Kayser responded that there is none.

Mr. John Wilhelm confirmed that according to the statute, if approved, the applicant's deck would have to remain at the same height and same format. Mr. Griffin clarified that the board would have to approve the dimensions of the deck if the application is approved.

Mr. Goff pondered what other options the applicant might consider that would reduce the nonconformity of the existing deck. Mr. Sadlowski offered that the applicant could consider reducing the size of the deck, resulting in its placement being less close to the boundary line. Mr. Goff inquired as to whether normal wear and tear falls under the qualification within the regulation as an act of nature causing the damage. Mr. Kayser interjected that the house had seen what he characterized as a mini hurricane, causing damage to his roof and necessitating an insurance claim.

Attorney Case reported that his clients are opposed to the application but are encouraged at the idea of moving the deck further away from the boundary line which would result in the property being less non-conforming. Attorney Case also commented that his clients are concerned over the controls that would be put in place to ensure the end result. He continued that if the application is approved, his clients are hopeful that it does not increase the non-conformity.

Mr. John Flattery of 116 Camp Workcoeman Road personally addressed the board stating that he and his wife have no objection to Mr. Kayser redoing his deck but that they'd like to see the proximity to the property line be moved back, ideally three (3) feet. He reported that they are not opposed to his having a deck or his fixing his deck but merely would like to see it backed away from the property line and not any further non-conforming.

Ms. Bonnie Flattery of 116 Camp Workcoeman Road also personally addressed the board and stated that she would like to see detailed plans of what is being proposed, including height measurements. She, too, would like to see the deck moved at least three feet back away from the property corner.

Mr. Kayser inquired as to exactly what the board would like him to supply to them at the next meeting. Ms. Rayno responded he should provide his survey map and the exact

dimensions of the proposed reconstructed deck. Mr. Goff added that the board wants an engineer's verification of the dimensions of the building including the deck. Mr. Sadlowski suggested to Mr. Kayser that he may even want to phone his engineer and ask him to call out the dimensions on his CAD (computer-aided design) and reprint the drawings for him.

MOTION: Mr. Griffin, Mr. Goff second, **to continue the public hearing in the matter of Stephen M. Kayser & Vicki L. Radford Kayser, 122 Camp Workcoeman Road, Special Exception for demolition and reconstruction of a non-conforming deck to September 30, 2014 at 7:00PM; unanimously approved.**

2. PENDING APPLICATIONS:

A. None.

3. NEW APPLICATIONS:

A. None.

4. APPROVAL OF MINUTES - August 20, 2014:

The August 20, 2014 minutes are amended to reflect that John Wilhelm was not seated for Scott Goff. The August 20, 2014 minutes should also be amended to include Lew Chappel as a regular member of the board and not as an alternate. The August 20, 2014 minutes should also be amended to reflect that Bert Brander was present at the meeting.

MOTION: Mr. Griffin, Mr. Wilhelm second, **to approve the August 20, 2014 minutes as amended; unanimously approved.**

5. OTHER BUSINESS PROPER TO COME BEFORE THE BOARD:

Discussion ensued about likely upcoming meetings.

MOTION: Mr. Griffin, Mr. Goff second, **to adjourn at 8:02PM; unanimously approved.**

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**