
Members Present:

Dave Everett, Chairman
Bob Leary
Mike Hart
Don Hegeman
Adrian Ooms (7:35PM)
Mitchell Khosrova
Suzanne Williams
Tal Rapplelea, Atty.
Walt Simonsmeier, ZEO

Members Absent:

None

Public Present:

Bill Better
Georgia Stacey
Jack Schultz

The October 27, 2005 Zoning Board of Appeals meeting was called to order at 7:06 PM by Chairman Dave Everett. Suzanne Williams moved, and Mike Hart seconded that the minutes from the previous meeting be accepted. This carried. Because the next meeting is scheduled for Thanksgiving, the Board set Monday, November 21st for the next meeting.

TERRY AND GEORGIA STACEY- REQUEST FOR A VARIANCE ON THE HEIGHT OF A FENCE ON THEIR PROPERTY- PUBLIC HEARING

Atty. Bill Better is representing the applicant. Atty. Better distributed information regarding this request, as well as signed letters from the adjoining property holders indicating that they have been notified of the project. The intention of the applicant is to have a 4' fence, which will protect her child from running into the road, as opposed to a 3' fence, which is allowed by the Town Code. The fence, however, was constructed prior to receiving the requested variance, and without having obtained a building permit. Atty. Better claimed that this property is located on the corner of Mesick and Merwin Roads, and before the property coming from Valatie, there is a bad curve. Once drivers have cleared the curve, they often speed up. The Staceys had contacted Joe Rickert, who showed them where the setbacks would be. According to Mrs. Stacey, she applied for a building permit, but the opportunity came up for them to put the fence up, and as they finished it, the letter from Walt Simonsmeier arrived stating that a variance was needed. The Board felt that the timeline of events needs additional clarification as to whether the fence erected prior to the informational meeting in June when Mr. Simonsmeier made the request for the Staceys, who were unable to attend. Mr. Simonsmeier stated that he didn't know if it had been erected; Mrs. Stacey said that it had been. Suzanne Williams and Mike Hart both spoke to the fact that there is a reason for the Town Code requiring fences to be 3' in height. Walt Simonsmeier stated that most municipalities permit 4' fences in the front, and if it is beyond the setback 6' fences are allowed. Most standard sized fences come in 4, 6 or 8 feet. Bob Leary stated that a 5 month period between filing the application and actually seeing the applicant is a lengthy time. Mrs. Stacey said that the house is currently being rented, and the family is living out of town, so she was

unable to contact the neighbors about the proposal. The Public Hearing was opened at 7:45 PM. There was no comment. The Public Hearing was closed at 7:46 PM.

Suzanne Williams moved that the Board approve the 4' Variance for the fence. Mike Hart seconded the motion. Board discussion ensued, and the vote was 3 Aye (Williams, Hart, Hegeman), 3 Nays (Leary, Everett, Khosrova) and 1 abstention (Ooms). The motion did not receive a majority, so the motion was denied.

Mrs. Stacey spoke to the fact that there is speeding on this road, and that the construction of the fence is to protect her child. Mitchell Khosrova stated that he would be willing to discuss this further, if a timeline of events was submitted. Atty. Better will provide this timeline, a dated receipt as to when the materials for the fence were purchased, information about the lease, and the intentions of the owners to either continue to lease this property or to use it themselves. Chairman Everett stated that if the information is available two weeks prior to the next meeting, which would be by November 7 so that the Board could review it, further discussion will take place.

Don Hegeman moved that the meeting be adjourned. This was seconded by Mitchell Khosrova. It carried and the meeting terminated at 7:55 PM.

Dave Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk