

Members Present:

Adrian Ooms
Robert Leary
Kary Jablonka
Mitchell Khosrova, Deputy Chairman
Suzanne Williams
JP Henkel
Walt Simonsmeier, ZEO

Members Absent:

David Everett

Public Present:

Mary A. Howard
Gerard K. Howard

The August 28, 2008, Zoning Board of Appeals meeting was called to order at 7:00 PM by Deputy Chairman Mitchell Khosrova. The Pledge of Allegiance was recited. A quorum of members present at the June meeting was not in attendance, so the minutes from that month need to be deferred until the next meeting. Kary Jablonka moved that the July minutes be adopted. This was seconded by Robert Leary and it carried.

Chairman Khosrova clarified that the Kadlec variance request on Silvernail Rd. had been denied last month because it had been abandoned by the applicant. Suzanne Williams moved that the Kadlec variance be denied due to abandonment of same. This was seconded by JP Henkel and carried unanimously.

**MARY HOWARD- REQUEST FOR A VARIANCE (SIDE-YARD) ON HER
PROPERTY LOCATED ON HAMILTON POINT TO ALLOW THE
CONSTRUCTION OF AN ENTRYWAY PUBLIC HEARING (cont.)**

The Public Hearing was reopened at 7:04 PM. Chairman Khosrova explained that the Board was under the impression that part of the old variance could be used in this request, but ZEO Walt Simonsmeier explained that this can't be done, as there is a time limit when one can use a variance. Hence, the Board will look at this request as one for 5' in order to meet the needs of the applicant. Suzanne Williams told the rest of the Board that she had seen Mrs. Howard, and had requested that she bring photographs of the properties showing the current entrances. These were presented to the Board, along with an overhead picture. Mrs. Howard also provided some statistics on the property lines and houses of the three properties. The applicant also spoke to the fact that her older sister asked her to change the entrance from the proposed 5x10 to 5x7, and she is considering this in light of safety and ease of ingress and egress to the house. However, the 5' variance is being pursued at this time. The Public Hearing was closed at 7:18 PM. The Board reviewed the 5 standards in the Zoning Code to consider in approving a variance. They felt that all standards were met. Suzanne Williams moved, and Adrian Ooms seconded that the 5' side-yard variance be approved. This carried unanimously.

Clerk Marilyn Cohen reported that she received a call from Berkshire Telephone (Fairpoint Communications) and was told that the plantings that the Board had requested on the site located on Route 203 near Kinderhook Lake had been put in. However, they

were stolen recently. The applicant will provide a letter to the ZBA requesting that other screening be allowed to be used.

Kary Jablonka moved and Adrian Ooms seconded that the meeting be adjourned. The meeting ended at 7:22 PM.

Mitchell Khosrova, Deputy Chairman

Respectfully submitted,

Marilyn Cohen, clerk



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