

**Village of South Blooming Grove
Zoning Board of Appeals
January 20, 2011
7:21 P.M.**

Call to order

- Chairwoman Sarah Ramos called to order the Zoning Board of Appeals Meeting at 7:21pm on January 20, 2011 at the South Blooming Grove Village Hall located at 811 State Route 208, within the Village of South Blooming Grove, and having a mailing address of Monroe, New York.

➤ **Roll call**

The following persons were present:

- Sarah Ramos-Chairperson
- Peter Piampiano-Member
- Sonia Ayala-Member
- Patricia Adamcheck – Planning/Zoning Board Clerk

Also Present

- Joe McKay- Village Attorney
- Dennis Lynch – Village Attorney

Absent

- Kerry Ann Dougherty - Alternate

➤ **Adoption of Minutes**

- Motion to adopt minutes from 12-16-10 meeting made by Chairperson Ramos. Joseph McKay states that under New Business the board adopted a resolution regarding the schedule for the New Year but there is no indication as to who made the motion. Chairperson Ramos does not remember who made the motion and will have the Zoning Board Clerk review the resolution and amend the draft accordingly.

➤ **New business**

- Chairperson Ramos stated that due to a potential conflict of interest, Joseph McKay will be excusing himself as counsel and that Dennis Lynch will be acting as Village counsel regarding this matter.
- Mr. Lynch noted that Mr. Sweeney agreed to supply a copy of the minutes taken by his stenographer, Neil Bostock.
- Chairperson Ramos presents the application from Sheri Torah for request of area variance of interpretation and appeal of a decision of the building inspector.
- Public Hearing Notice was read by Patricia Adamcheck.
- Chairperson Ramos noted an error in the physical address of Village Hall in the public

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notice. Mr. Sweeney stated that he had no objections to the Public Hearing Notice.

- Mr. Sweeney introduced himself and stated that he was there on behalf of the applicant, Blue Rose Estates LLC. Mr. Sweeney then presented nine post office return receipts as proof of mailing the Public Hearing Notice. Chairwoman Ramos acknowledged receipt of the return receipts and verified that notices were mailed to all the names on the list.
- Mr. Sweeney then presented Applicant Exhibit No. 3, a copy of the Village Zoning Law 235-68 and then introduced Architect Rodger Braley.
- Mr. Sweeney then presented Applicant Exhibits No. 1 and No. 2, architectural drawings, made by Mr. Braley, of the building structures to be discussed.
- Chairperson Ramos asked Mr. Sweeney to clarify that Exhibits 1 and 2 are part of Exhibit #C. He stated that was correct.
- Mr. Sweeney presented a detailed background on the Lake Anne Country Club, Inc. property. Exhibit A in the packet is the approval the Boards gave Mr. Greene prior to the 1970's. The Town of Blooming Grove revised the zoning laws after the 1970's. When the Village of South Blooming Grove was created the Village adopted a zoning law which was identical to Town laws for single family detached homes.
- Mr. Sweeney referred to zoning law 235-68 (see Exhibit #3).
- Mr. Sweeney explained the new owners in conjunction with Sheri-Torah desire to replace the existing structure. It will be slightly larger with a 2 story dwelling, but not increase the footprint of the building. Mr. Sweeney stated that this plan was submitted to the Building Inspector in May of 2010 and that there were no deficiencies spoken of.
- It is the applicant's position that the application was before the Building Inspector's desk for months, so the applicants ended up in court to seek action.
- Mr. Sweeney referred to Exhibit H in the packet showing a letter dated 9/8/2010 from the Building Inspector explaining her denial.
- Mr. Sweeney introduced Mr. Braley as witness. He was sworn in by Chairwoman Ramos.
- Mr. Braley explained that he was retained by the applicants to design a structure to fit the original structure. He further stated that this was going to be a first of other houses they are looking to replace. He went to see the Building Inspector with a preliminary design (Exhibit 1 & 2) in our records it is Exhibit C. He stated that they submitted formal applications with the corrections requested by the Building Inspector and that subsequently the permit was denied.
- Chairperson Ramos asked Mr. Braley to explain the terminology of a footprint. Mr. Braley explained that an existing footprint of a building is the outline of the foundation of

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the building. Mr. Braley stated that the proposed building would be built on the existing foundation, not increasing the footprint and although it would be higher in height, it would not exceed the height requirement as listed in the Village code.

- A discussion followed regarding the violations listed in the building inspector's denial with respect to sections 235-14, 235-19, 235-68 and 163-2 of the Village zoning laws.
- Chairperson Ramos read section 235-69 E-2 of the Village Zoning Code. A discussion followed regarding the existing state of repair of the building.

➤ **Public General Comments**

- Chairperson Ramos opened the floor to public comment.
- Susan Blakeney – Monroe, NY – asked what the purpose was for improving and enlarging the present homes and are they presently owned or rented. Mr. Sweeney replied that it was to rehabilitate them as single family homes and that they were owned by his client, Blue Rose Estates and currently rented out to tenants.
- James Campbell – Monroe, NY – asked if the bulk requirements referenced were today's bulk. Mr. Sweeney confirmed that they were. Mr. Campbell also asked how many bedrooms were in the home. Mr. Sweeney replied three and that the number would not change.
- Chairwoman Ramos asked if the building had a basement. Mr. Braley replied that there was presently a crawl space that did not meet the NY state requirement for a cellar. The area was presently used to house the boiler and hot water heater and that the present plans would not change this.
- Dennis Lynch inquired if the Board could conduct an inspection of the building. Mr. Sweeney replied that they could.
- The Board agreed to keep the public hearing open and schedule a time to visit the site sometime before the next ZBA meeting. The Board could then come back and place on record their observations and address any further questions they may have for Mr. Sweeney. Mr. Sweeney had no objections.
- It was confirmed that the next ZBA meeting would be held on February 17, 2011 at 7 pm.

➤ **Adjournment**

- Motion to adjourn the meeting until February 17, 2011 made by Member Ayala and seconded by Member Piampiano at 8:10pm. 3 Ayes
 - Minutes Respectfully submitted by: Susan DeMaio, Assistant Clerk