

**Village of South Blooming Grove
Zoning Board of Appeals
Public Hearing
May 20, 2010
7:00 P.M.**

➤ **Call to order**

- Chairwoman Sarah Ramos called to order the Zoning Board of Appeals Meeting at 7:00 pm on May 20, 2010 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-Chairwoman
- Sonia Ayala-Member
- Peter Piampiano-Member
- Kerry Ann Dougherty-Alternate Member
- Joe McKay – Village Attorney

➤ **Public General Comments**

- None

➤ **Adoption of Minutes**

- Motion was made to adopt the 4/22/10 minutes, Sonia Ayala asked for a discussion.
- Resolution as prepared by the Village Attorney was read. Resolution outlined in detail what transpired at the April 22, 2010 meeting. Motion to accept resolution was made by Sonia Ayala, seconded by Peter Piampiano. 3 Ayes
- Sonia Ayala had a discussion regarding the 4/22/10 minutes and would like to add the resolution.
- Motion to accept the minutes as amended of 4/22/10 by Sarah Ramos, seconded by Peter Piampiano. 3 Ayes

➤ **New business**

- Chairwoman Ramos set the agenda for the next meeting to discuss the extension of a variance issued to Geri Ann's Co. Inc.
- Chairwoman Ramos read the public hearing notice dated 5/20/10 regarding George and Lina Baroutjian's application for an area variance to allow a subdivision of a parcel of land located at section 221 block 7 lot 9 also known as 42 Fort Worth Place.

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- Mr. Baroutjian was sworn in to testify that everything he is submitting to be true. Mr. Baroutjian provided the Board with an affidavit dated 5/17/10 stating the proof of mailing to everyone within the 500 feet radius. The Board certified that everyone on the list has been sent the mailing.
- Mr. Baroutjian has provided the Board with a copy of a letter from his attorney. She was not able to attend this meeting.
- Mr. Baroutjian explained his intentions for the application and what he expects to build if the application goes through. He wants to build a two-story home with a driveway. Residents present asked for specifics and he answered them accordingly.
- Donna McGoldrick – 44 Dallas Drive – asked if originally the lot was divided into three. Mr. Baroutjian explained that yes it was. Originally it was a three lot zone until the current zoning law changed it to one.
- Joseph McKay asked Mr. Baroutjian how he discovered this. Mr. Baroutjian explained that he had the map that showed the original three lots. When the subdivision was made the lot he owns was originally subdivided into three. Now it is one. Mr. Baroutjian stated that he believes it was changed so that the previous owner did not have to pay taxes on three separate lots.
- John Ortez – 4 Kingsville Drive – if Mr. Baroutjian’s plans are approved, how does he intend to excavate and will he be blasting? Mr. Baroutjian explained that there would be no blasting. If excavation is needed they will just be removing rocks and some trees. Mr. Ortez expressed concern because he has a stone wall, how will he create an entrance to the new home? Mr. Baroutjian explained that he would just remove the stone wall with no blasting. Mr. Ortez expressed concern with the sewer and water issues and asked if Mr. Baroutjian has looked into this matter? Mr. Baroutjian answered that he is in the water and sewer district and that he has obtained information regarding the cost of hooking up to the water and sewer lines.
- Chairwoman Ramos asked Mr. Baroutjian to clarify who “they” were when he stated that they meant to build three homes. She also asked why they did not build a third home. Mr. Baroutjian explained that it was the original developer but he did not have an answer as to why the developer did not build three homes, only that when he bought the property he was given a map showing the three subdivisions.

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- Betty Domenech –5 Fort Worth Place – asked how large were each of the original three lots. Mr. Baroutjian replied it was 1.2 acres divided approximately by three.
- William Collins - 38 Fort Worth Place – wanted to clarify the size of the lot now. Mr. Baroutjian again answered that it was 1.2 acres. Mr. Collins is concerned because he lives next door, and would like to know if there will be a need to be on his property to do any of the work and would there be a fence put up during construction. He is also concerned as to how they are going to remove the rocks. Mr. Baroutjian stated that there would be no need to be on Mr. Collins property and that removing the rocks would not be difficult. The end result would also be much better looking than the way the lot looks now.
- Chairwoman Ramos asked Mr. Collins where his house was situated with regards to the purposed new lot. Does it face the road or the Baroutjian's lot? Mr. Collins replied that his house faces Fort Worth.
- Joseph McKay clarified for Donna McGoldrick that the purpose of a public hearing was for residents to ask questions and the board would consider their input but that ultimately the board makes the decision regarding the outcome of all applications.
- Jeff Baum – 48 Fort Worth Place – is also concerned that the rocks in place now, where Mr. Baroutjian wants to place the purposed driveway, will be difficult to remove without blasting. Mr. Baroutjian explained that he had those rocks put there and that he would have some of them removed again to make room for the driveway.
- Joseph McKay reminded everyone that this application was for a variance regarding the lot sizes only and that an application still had to go before the planning board also.
- Donna McGoldrick – 44 Dallas Drive – is also concerned with the removal of the rocks. She would like an engineer to state in writing that blasting is not required.
- Chairwoman Ramos commented that Mr. Baroutjian had stated that he bought this property in 2000 and asked if he had considered applying for a variance at that time. Mr. Baroutjian said he had not.
- Danielle Collins – 38 Fort Worth – asked how many feet from their house would the purposed house be. Mr. Baroutjian replied that it would be farther

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from their house than the neighbor's house on the other side of them. It would be approximately 25 feet from the Collins' house.

- Chairwoman Ramos asked that if these plans were approved, what the resulting area between the two lots would look like. Would there be any kind of barrier between the neighbor's house and the proposed house. Mr. Baroutjian replied that he hadn't decided what would be there yet but that there would still be trees between the two lots.
- Joseph McKay stated again that while many of these questions were relevant, the real issue is a variance for the size of the lots and whether or not the granting of the variance would be in character with the rest of the neighborhood or if there could be any adverse environmental impacts from the subdivision itself.
- Chairwoman Ramos asked if Mr. Baroutjian's application was denied, does he anticipate any hardship financially or otherwise. Mr. Baroutjian replied that his engineer thought that the lot sizes were in character with the rest of the area lot sizes and that the original developer was approved for development of the original lot sizes and that there were no problems with the water and sewer capacities.
- Peter Piampiano asked if looking ahead, would Mr. Baroutjian have any problem with the planning board stipulating that some kind of barrier be put in place to prevent the head lights of a car coming up the proposed driveway from shining in the neighboring resident's windows. Mr. Baroutjian stated that he had no problem with this.
- Joseph McKay asked if the stone wall there presently was in place when Mr. Baroutjian bought the property, or did he put it up. Mr. Baroutjian clarified that he put up that wall. Mr. McKay also asked if there is any area on Mr. Baroutjian's property where water pooled or where drainage was a problem. Mr. Baroutjian replied no and that his basement was always dry.
- John Ortez – 4 Kingsville Drive – clarified that the present zoning laws state that a minimum of two acres are needed to build in the Village, not the third of an acre as was the case approximately 40 years ago when the area was originally developed and that this is one of the reasons a variance is needed.
- Jeff Baum – 48 Fort Worth Place – stated that if Mr. Baroutjian has no drainage issues he's very lucky because when there is a heavy rain, the water comes down the hill and the rest of the area has flooding problems and mold

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due to moisture issues. Mr. Baroutjian replied that drains were put in place around his house to solve such problems.

- Joseph McKay asked if there were any properties going up the mountain behind Mr. Baroutjian's property. Mr. Baroutjian replied that no there are not. Mr. McKay also asked if the purposed house would block anyone's view of the mountain. Mr. Baroutjian said that it would not.
- Chairwoman Ramos asked if there were any other questions from the board or the public. There were not. She then pointed out that there was a typographical error in the public notice hearing document. It was sent out with an incorrect Village Hall address.
- Joseph McKay stated that due to this error in the public notice he made the suggestion to the board that they do one of two things. The first thing they could do would be to leave the public hearing open and to continue on one more night. The alternative would be for Mr. Baroutjian to wave any issue he might have with respect to the notice. What that would mean for Mr. Baroutjian would be, if for example four months from now someone comes in and says I didn't get a notice, the board cannot be sued and Mr. Baroutjian would have to deal with it at that time. Mr. Baroutjian agreed to sign such a waiver.
- Motion to go into executive session by Chairwoman Ramos, seconded by Peter Piampiano at 8:23pm. 3 Ayes
- Motion to close executive session-----, seconded by -----at -----
- 3 Ayes
- Chairwoman Ramos stated that the board has agreed to continue the public hearing on the next meeting of June 17th.
- Mr. Baroutjian waives any objection to the typographical error in the public notice hearing document.
- Motion to continue the public hearing to the 6/17/10 meeting made by Sonia Ayala, seconded by Peter Piampiano. 3 Ayes

➤ **Adjournment**

- Motion to close meeting by Sonia Ayala, seconded by Peter Piampiano at 8:49 pm. 3 Ayes
 - Minutes Respectfully submitted by: Susan DeMaio – Assistant Clerk