

**Village of South Blooming Grove
Zoning Board of Appeals
Public Hearing
June 17, 2010
7:17 P.M.**

➤ **Call to order**

- Chairwoman Sarah Ramos called to order the Zoning Board of Appeals Meeting at 7:17 pm on June 17, 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-Absent
- Kerry Ann Dougherty-Alternate Member
- Joe McKay – Village Attorney

➤ **Public General Comments**

- None

➤ **Adoption of Minutes**

- Motion was made to adopt the 5/20/10 minutes Chairwoman Ramos, Sonia Ayala asked for a discussion.
- Joseph McKay advised that changes be made to the May 20, 2010 minutes. A statement made by Mr. McKay should read as follows: “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.”
- Motion to accept the minutes as amended for 5/20/10 by Chairwoman Ramos, seconded by Sonia Ayala. 3 Ayes

➤ **New business**

- Chairwoman Ramos made the motion to re-open the public hearing on Mr. Baroutjian’s application seconded by Kerry Ann Dougherty.
- Chairwoman Ramos restated for the record that Mr. Baroutjian has agreed to waive any objection to the public hearing notice which had an error with

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regards to the address to the Village Hall. Mr. Baroutjian stated that it was correct and still his intention.

- Mr. Baroutjian was sworn in to testify that everything he is submitting to be true.
- Mr. McKay stated for the record that prior to the meeting, Mr. Farr was here and that Mr. Baroutjian was here as well and participated in a conversation with Jim Farr but that Mr. Farr was unable to attend the meeting itself due to another obligation.
- Chairwoman Ramos stated again for the record that Mr. Farr came in and reviewed the map with herself, Sonia Ayala and Mr. Baroutjian. Mr. Farr had stated at that time, that it was his opinion that the application for the variance that Mr. Baroutjian is asking for does fit in with the neighborhood. Mr. Farr did have some concerns with the fact that the drive way need to be graded and the proposed stone wall, but that he felt these were more planning issues to be addressed if the variance was accepted. Mr. Baroutjian confirmed that this is the conversation that took place.
- Mr. Baroutjian asked if there were any other public comments. Chairwoman Ramos stated that there had not been any other comments received either by phone or by mail.
- Chairwoman Ramos asked Joseph McKay if he had any other comments to add at this time. Mr. McKay wanted to clarify that the conversation between the applicant and the Village engineer with regards to the driveway and the stone wall while those matters are important in part for the board's review, are things that will ultimately be approved by the Planning Board. The ZBA has to decide whether the granting of the variance, which would permit subdivision into the second lot, would be in keeping with the character of the neighborhood. Mr. McKay also pointed out that if the Board decides to grant this particular variance, that conditions could be placed on it; for example, make the granting of the variance conditional upon the Planning Board's site plan approval. The board could also further indicate in their decision that Mr. Baroutjian could not take any steps to subdivide the lot until the Planning Board granted Mr. Baroutjian's application.
- Mr. Baroutjian asked if the Planning Board might come back to the Zoning Board with questions. Mr. McKay explained that the Planning Board would not change the Zoning Board's decision on the subdivision of Mr. Baroutjian's lot. Mr. McKay further explained that if the site plans are not approved by the Planning Board, that he may have to come before the Zoning

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Board for more variances but that if this happens, he would be able to come before the Board with all of the changes needed to be made at one time as opposed to a different meeting for each individual change needed.

- Mr. McKay explained that the Zoning Board has to provide their decision in writing. Chairwoman Ramos further explained that the Board needed time to review all of the documents that had been handed in before making a decision. Mr. McKay stated that the board could not give Mr. Baroutjian a verbal answer at this meeting, but that they would do their best to expedite the decision.
- Chairwoman Ramos made the motion to close the public hearing, seconded by Kerry Ann Dougherty. 3 Ayes
- Motion to enter into executive session to discuss legal matters with the Village attorney made by Sonia Ayala, seconded by Kerry Ann Dougherty at 7:37 pm. 3 Ayes
- Motion to come out of executive session made by Sonia Ayala, seconded by Kerry Ann Dougherty at 7:50 pm. 3 Ayes
- There was a discussion regarding the application question of whether or not the proposed lots would be in keeping with the character of the neighborhood. Chairwoman Ramos stated that the Board agrees that in granting this variance, the proposed lots would be in keeping with the character of the neighborhood.
- There was a discussion regarding the application question asking if there was some other method, feasible for the applicant to pursue, other than a bulk variance, in which the applicants would be able achieve their goal. Chairwoman Ramos stated that the Board agrees that there is no alternative but to subdivide if the applicants are to achieve their goal.
- There was a discussion regarding the application question asking to explain why granting of the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Chairwoman Ramos stated that the Board agrees that it is a substantial change, but it is in keeping with the neighborhood. The Board also agreed that the project would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.
- There was a discussion regarding the application question asking how the difficulty imposed upon the applicant by the zoning regulations arose,

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specifically stating whether or not the situation was self created. Chairwoman Ramos stated that the Board agrees that the applicants created this situation.

- The Board agreed to further review this application and vote on their decision at the next ZBA meeting in July. Mr. McKay suggested that they could tentatively approve this variance with the condition that the plans meet with the approval of the planning board.
- Chairwoman Ramos gave an overview of a letter from the Town of Blooming Grove regarding a renewal of the zoning permit for Gerry Ann's Tavern. It was determined that it is not an issue for the ZBA and it will be referred to the Village Board for appropriate action.

➤ **Adjournment**

- Motion to close meeting by Kerry Ann Dougherty, seconded by Sonia Ayala at 8:55pm. 3 Ayes
 - Minutes Respectfully submitted by: Susan DeMaio – Assistant Clerk