

**TOWN OF NEVERSINK
ZONING BOARD OF APPEALS
P.O. Box 307 - 273 Main Street
Grahamsville, NY 12740
(845) 985-2262 fax (845) 985-7686**

REGULAR MEETING MINUTES

FEBRUARY 16, 2021

Acting Chairman, Steve Porter called the regularly scheduled meeting of the Town of Neversink Zoning Board of Appeals to order at 7:30 PM with the Pledge of Allegiance.

Board Members Present:

Mike Dean, Chairman	ABSENT
Jim Wells	PRESENT
Ian Constable	PRESENT
Steve Porter	PRESENT
Stephen Poley	PRESENT
Andrew McCabe, Alternate	PRESENT

Other Officials:	Keith Stryker, Code Enforcement Officer	PRESENT
	Ken Klein, Town Attorney	PRESENT
	Keith Zanetti, Town Board Representative	PRESENT

Other Guests Present: Walter Zietschel, Planning Board Member

A motion to **APPROVE** the minutes of the JANUARY 19, 2021 meeting was

Moved by: Zoning Board of Appeals Member, Ian Constable

Seconded by: Zoning Board of Appeals Member, Stephen Poley

Approved by UNANIMOUS vote: AYES 5 NAYS 0 ABSTAIN 0

APPLICATIONS:

30.-1-15.7 - ARDEN DEAN: Area Variance needed for a future subdivision located on Dean's Way in Neversink. This meeting was previously recessed due to questions that the Board wanted to ask Ken Klein who is the Town Attorney before a decision would be made. There were no changes made by the applicant since the previous meeting. James Wells would act as Chairman for this meeting by a request made by Steven Porter and agreed upon by the board members. Jim reminded everyone that the house in question was built in 2008 and zoning was adopted and in place at that time. At that time a second home was allowed on the property but the house would

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have to be able to stand alone if separated which would be a two-acre lot. Arden said he didn't know that when he built it and there were no intentions of separating the parcel into two separate pieces, in the past. Jim Wells then discussed the section of the Zoning Law that lists 5 questions that the Zoning Board must ask themselves before granting a variance. He then Proceeded to ask the board the questions:

- A) Does the Board think that it is an undesirable change that would be produced in the character of the neighborhood or a detriment to near by properties will be created by granting the area variance? **The board said no.**
- B) Does the Board think that the benefit sought by the applicant could be achieved by some method, feasible for the applicant to pursue other than an area variance? **The board said no.**
- C) Does the Board think that the requested area variance is substantial? **The board said yes.**
- D) Does the Board think that the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district? **The board said yes.**
- E) Finally, does the Board think that the difficulty was self-created? (The consideration shall be relevant to the decision but shall not necessarily preclude the granting of the variance.) **The board said yes that they thought it was a self-created issue.**

After Jim asked the questions a motion to deny the application and direct Ken Klein to prepare a resolution stating that the application was rejected was

Moved by: Zoning Board of Appeals Member, Stephen Poley
Seconded by: Zoning Board of Appeals Member, Ian Constable
Approved by UNANIMOUS vote: AYES 5 NAYS 0 ABSTAIN

OTHER:

CORRESPONDENCE: NONE

There being no further business before the Board, a motion to close at 7:45 PM was

Moved by: Zoning Board of Appeals Member, Ian Constable
Seconded by: Zoning Board of Appeals Member, Stephen Poley
Approved by UNANIMOUS vote: AYES 5 NAYS 0 ABSTAIN

Respectfully submitted: Geri Gorton, Clerk

NEXT MEETING: MARCH 16, 2021 at 7:30 PM.