

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

PUBLIC HEARING MINUTES

**January 17, 2023
STEPHANIE PENNINO
AREA VARIANCE
36.-1-3.4**

The Public Hearing was called to order at 7:35 PM by Chairman Michael Dean.

A motion to **APPROVE** the minutes of the November 15, 2022 meeting was

Moved by: Zoning Board Member,

Seconded by: Zoning Board Member,

Approved by: **UNANIMOUS** vote: **AYES:** 5 **NAYS:** 0 **Recusal:** 1

Steve Porter recused himself for the Public Hearing. Michael Dean began describing Stephanie Pennino's Area Variances. The first being a set-back reduction, and the other being a lot size area requirement shortage. Michael Dean asked the public if they had any questions or comments. Gary Keller who owns two neighboring houses to the property, asked what the setback is going from-to. The map was referenced, and it was determined that the setback of the structure is 55.5 feet. The variance is for 44.5 feet. The setback requirements are 100 feet in each direction, with a 5 acre minimum. Mr. Keller also asked what the maximum number of dogs would be, and where the privacy fence is situated. Stephanie Pennino confirmed that there would be no more than 10 dogs at any time on the property. Stephanie referenced the map to show that the privacy fence will be situated along the tree line, which will help diffuse any noise. If the Zoning Board grants the two variances, Ken Klein suggested that they refer this project to the Planning Board to complete the SEQR and take Lead Agency status. Since this Special Use requires Planning Board Approval, the Zoning Board can reconvene before the Planning Board gives final approval.

A motion for the Zoning Board of Appeals to table any further action pending the Planning Board completing SEQR Review was

Moved by: Zoning Board of Appeals Member, Ian constable

Seconded by: Zoning Board of Appeals Alternate Member, Andrew McCabe

Approved by **UNANIMOUS** vote: **AYES 4 NAYS 0 RECUSAL 1**

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Ken Klein noted that as soon as the Planning board makes a Negative Declaration, the project will then come back before the Zoning Board. Ken Klein will draft a resolution and have it ready for the next Zoning Board meeting.

Since there were no further questions from any members of the public, the Public Hearing was declared closed at 8:07 PM on a motion

Moved by: Zoning Board of Appeals Member, Ian Constable
Seconded by: Zoning Board of Appeals Member, Andrew McCabe
Approved by UNANIMOUS vote: AYES 4 NAYS 0 RECUSAL 1

| | | |
|------------------------|------------------------|---------|
| Board Members Present: | Michael Dean, Chairman | PRESENT |
| | Jim Wells | ABSENT |
| | Ian Constable | PRESENT |
| | Steve Porter | RECUSED |
| | Stephen Poley | PRESENT |
| | Andrew McCabe | PRESENT |

Other Officials Present: Ken Klein, Esq., Town Attorney
Keith Stryker, Code Enforcement Officer

Other Guests Present: Stephanie Pennino
Gary Keller

Respectfully submitted: Michelle Goodman, Clerk
(ZBA011723)