

**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

JULY 21, 2020

Chairman Mike Dean 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	PRESENT
	Jim Wells	PRESENT
	James Garigliano	PRESENT
	Steve Porter	PRESENT
	Stephen Poley	PRESENT
	Ian Constable, Alternate	ABSENT

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

Other Guests Present: James McCarthy, Lori Mickelson, Tom Bracken, Eileen Maloney, Dot Muthig,

A motion to **APPROVE** the minutes of the June 16, 2020 meeting was

Moved by: Zoning Board of Appeals Member, James Wells

Seconded by: Zoning Board of Appeals Member, James Garigliano

Approved by UNANIMOUS vote: AYES 5 NAYS 0 ABSTAIN 0

APPLICATIONS:

25.-1-19 JAMES AND PATRICIA MERCADO: Area Variance for a farm operation located at 8103 State Rte. 55, Grahamsville NY Troy Johnstone, Attorney for the Mercados was present as well as the Mercados to represent the application. The property has been used a farm operation for 100 years. It is located in the County's AG Zone 4. They have farmed the property themselves for at least 15yrs. They have goats for dairy products, lambs, chickens and rabbits as well. The farm is a pre-existing non-conforming use.

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They are looking for side yard set backs for the barn and chicken coop as they need 100 feet so they are asking for it to be 15ft on the side adjacent to 25.-1-8.1 & 2 and 2ft on the side adjacent to 25.-1-20. Ken Klein said it may be helpful for the board members to visit the farm to see the actual situation on their own time.

Jim Wells asked if the board is only here to address the area variance not the condition of the animals? Ken said that it does affect the variance because we would be giving relief to the applicant as well as the adjoining property owner. There were questions regarding possible to set conditions to limit the number of animals and the placement of the manure and possibly having the manure removed monthly, complying with W.A.P. containment regulations and using the barn. It was also discussed that the board could make a condition that they come back every year to review the application It was decided that this application would be revisited at the August meeting after giving time for the Board Members to visit the farm.

34.-1-4.1 SEAN BOYES: Area Variance to correct set back from a prior granted Area Variance located on Aden Rd. in Parksville NY Troy Johnstone was present as well as Sean Boyes to represent the application. Mike Dean recued himself from voting due to his connection to the property and previous application in question. Sean is asking for a correction of a previous area variance the was granted for 25 feet and should have been 18. After some discussion the board agreed that they would grant the variance adjustment given that there would be no more expansion/ additions to the building on that side. It was also agreed that the set-back in the rear of the property that was given on the last variance should be removed since it was not originally requested and shouldn't be there. A motion to have Ken to write up a resolution granting the set-back adjustment and reducing it to 18 feet and removing the previous rear set-back was

Moved by: Zoning Board of Appeals Member, James Wells

Seconded by: Zoning Board of Appeals Member, James Garigliano

Approved by UNANIMOUS vote: AYES 4 NAYS 0 ABSTAIN 1

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31.-1-6.1 BERNIE LANGE: Area Variance for a pool located at 63 Wagners Rd. Neversink NY Racheal Lange was present to represent the application. The home owners would like to have an above ground pool in the rear of their property. This location makes the most sense for aesthetics and flow of the landscape. They are asking for a 17ft variance due to the pool's location from the Dubois' adjoining lot. A Pool should be 25ft but they need it reduced by 8ft so the actual variance request is for 17ft. After some discussion it was discovered that since it is an above ground pool it has support legs and the measurements should be calculated from the end of the support legs... The board suggested that Racheal have Bernie calculate a distance working off of 58.5 ft which includes the deck and the pool and the support legs.

A motion to schedule a public hearing for August 18, 2020 at 7:30pm was

Moved by: Zoning Board of Appeals Member, Steve Porter

Seconded by: Zoning Board of Appeals Member, James Garigliano

Approved by UNANIMOUS vote: AYES 5 NAYS 0 ABSTAIN 0

OTHER

CORRESPONDENCE: NONE

There being no further business before the Board, a motion to close at 9:32 PM was

Moved by: Zoning Board of Appeals Member, James Garigliano

Seconded by: Zoning Board of Appeals Member, Jim Wells

Approved by UNANIMOUS vote: AYES 5 NAYS 0 ABSTAIN

Respectfully submitted: Geri Gorton, Clerk
(B230)

NEXT MEETING: AUGUST 18, 2020 at 7:30 PM.