

**TOWN OF PREBLE ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARINGS**

The Town of Preble Zoning Board of Appeals will hold two public hearings at their regular monthly meeting on Thursday, August 4, 2011, at 7:30 PM., at the Preble Town Hall.

The first Public hearing is to review an application for an area variance submitted by Shane Stone, Tax map # 27.10-02-18.000, location 1874 Preble Road, Town of Preble. Section 505 Town of the Preble Zoning Ordinance.

The second public hearing is to review an application for an area variance submitted by James and Donna Doody, Tax map # 17.00-04-12.000, location 7243 Route 11, Town of Preble. Section 505 of the Preble Zoning Ordinance.

All interested parties are invited to attend and will be heard.

Dated: July 18, 2011

Mary Anne McClosky, Secretary
Town of Preble Zoning Board of Appeals

MINUTES OF THE ZONING BOARD – August 4, 2011

The meeting opened at 7:30 P.M. Members present: Daniel O’Shea, Linda Riehlman, Kay Vossler, Amy Bertini, and Robert Lieber. Also present, Town Attorney Katie Sullivan and Town Supervisor James Doring.

PUBLIC HEARING ON APPLICATION OF SHANE STONE: The hearing opened at 7:30 P.M. on the application of Shane Stone to construct an 18 ft. above ground pool at his property at 1874 Preble Road. Mr. Stone was asked to again briefly describe his project. He would like to construct a small 18 ft. diameter above-ground pool and the proposed location does not meet the required side yard set back of 20 feet. For aesthetic and other reasons, he would like to site the pool behind his existing garage and shed. He has spoken to his neighbors and no one has voiced any objection. Per Town Attorney, Katie Sullivan, County Planning has determined the application is technically correct and will have no State or County-wide impact. The Board had no further questions of the applicant and there were no public comments. **Motion** to close the Public Hearing made by Robert Lieber, seconded by Amy Bertini, all in favor the motion carried, and the Stone hearing closed at 7:35 P.M.

PUBLIC HEARING ON APPLICATION OF JAMES AND DONNA DOODY: James Doody was present and again stated the purpose of the variance was for the construction of a 28 x 40 garage on their property at 7243 Route 11. Mr. Doody presented a letter to the Board which was read by Chariman O’Shea signed by Currie Valley Farms, owners of the property next door to the applicant, stating they have no issue with the proposed garage being built within 2 ft. of the property line. Amy Bertini questioned the applicant about any difficulty in maintaining the property next to the garage given its close proximity to the neighboring Currie property. James Doody said he has been maintaining that property for over 20 years. She further questioned why he chose the site he did and he stated the placement of the garage creates an easier access for snow removal and given the size of the proposed garage, it would not fit easily elsewhere. He further stated the garage would be stick built on a concrete slab. Town Attorney, Katie Sullivan stated that County Planning has also signed off on this application. **Motion** to close the public hearing made by Kay Vossler, seconded by Robert Lieber, all in favor the motion carried and the Doody hearing closed at 7:45 P.M.

The Board then made the following findings concerning the Shane Stone application:

Whereas, the use permit is not substantial and will not cause any undesirable change in the character of the neighborhood by the granting of the variance, and Whereas, the benefit sought by the applicant cannot be achieved by some method other than the area variance due to the depth of the lot, and Whereas, the proposed variance will not have an adverse effect or impact on the physical or environment conditions in the neighborhood or district; and Whereas, the difficulty was not self created. The Board completed the Impact Assessment and found no negative or adverse impacts concerning the variance request. Motion made by Amy Bertini seconded by Linda Riehlman, to grant the variance, all in favor, the motion carried and the variance was granted.

The Board then made the following findings concerning the James and Donna Doody application:

Whereas, the use permit is not substantial, and Whereas, no undesirable change will be produced in the character of the neighborhood by the granting of the variance; and Whereas, the benefit sought is best served by the granting of the area variance; and Whereas, the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood, and Whereas, the alleged difficulty was not self-created and the placement of the garage, given its size would not easily be placed elsewhere and other placement could impact their leach fields and cause snow problems. The Board completed the Impact Assessment and found no negative or adverse impacts. Motion made by Amy Bertini, seconded by Robert Lieber, to grant the variance, all in favor, the motion carried and the variance was granted.

Old Business: Approve the minutes of July 7, 2011 as corrected, made by Linda Riehlman, seconded by Amy Bertini, all in favor, the motion carried.

Motion to adjourn made by Robert Lieber, seconded by Kay Vossler, all in favor the motion carried and the meeting adjourned at 8:12 P.M.

Respectfully submitted,

Mary Anne McCloskey, Secretary