

# Town of Brant Zoning Board of Appeals

## MINUTES

### PUBLIC HEARING / MEETING

July 10, 2017

#### I. CALL TO ORDER

Chairman Broughton called the meeting to order at 7:02 PM having confirmed a quorum present.

	Frank Broughton	Kathy Vespa	Joe Gardyjan	Carrie Andolina	Paul Cesana	Jason Peters
Term Ends:	12/31/21	12/31/20	12/31/19	12/31/18	12/31/17	Alternate
July 10, 2017:	Present	Present	Present	Present	Present	Present
Training Hours:	12.5	-	2	-	-	-

Also Present: Timothy Marien - Resident, Planning Board Chairman Joe Ostrowski, Planning Board Member Janice Ross, Planning Board Alternate Member Ryan Bushnell

#### II. APPROVAL OF MINUTES

Approve Minutes of Zoning Board of Appeals Meeting held June 6, 2016

A motion to approve the minutes as presented was made by Joe Gardyjan and seconded by the Chairman. All Approved. Motion Carried.

#### III. HEARINGS ON APPEAL – (1)

Chairman Broughton read the Legal Notice for the Open Hearing for case 2017-01.

A motion was made by Chairman Broughton and seconded by Joe Gardyjan to open the public hearing regarding Case No. 2017-01 for the Variance for Timothy J. Marien. Roll Call Vote, Frank Broughton – Aye; Joe Gardyjan – Aye; Paul Cesana – Aye; Carrie Andolina – Aye; Kathy Vespa – Aye; 5-0 Approved. Motion Carried, Open Hearing was opened.

Chairman Broughton presented material from the case, an area variance to reduce the required side setback from 50 feet to 26 feet for an addition to an existing garage and an area variance to reduce the required side setback from 50 feet to 44 feet for an existing barn that was found to be lacking proper distance after a recent survey, to the Board, going page by page through the information, including the opinion letter from the Planning Board and letters from the Town Code Enforcement Officer.

Chairman Broughton made a statement that this variance was exempt from SEQR based on information received from the Planning Board opinion letter and from the Town Attorney.

After presenting the material the Chairman asked if anyone had any questions.

Paul Cesana spoke concerning not receiving the material ahead of time to review. He wanted the Chairman to know that he needs time to review material ahead of time and that to make a decision now he feels is not appropriate. Material should be given to the entire board as it is received.

Carrie Andolina spoke and said she totally agreed with Mr. Cesana's remarks. She also remarked she needs time to properly evaluate the case.

Joe Ostrowski asked why the entire board was not given the material the same time that the planning board was given the material. He mentioned it was a gross error to not send the material. And that to dump the paper work on the board at this time was unacceptable procedure.

Jason Peters also expressed the same thoughts. Mentioned this was a great packet of information but in the future make sure the entire board is given the material as soon as it created.

Chairman Broughton agreed with all, and mentioned going forward that the entire board will receive information as soon as it is available.

Paul Cesana made a point that the entire board needs to be involved with the entire process, not just the chairman.

The chairman asked if the board was ready to move forward and deliberate the case.

Paul Cesana mentioned that he was not ready and suggested if there was no more questions he was ready to move to close the Public Hearing.

The chairman asked if anyone had any more questions. There were none.

Paul Cesana made a motion to close the Public Hearing and a second was made by Carrie Andolina. Roll Call Vote, Paul Cesana – Aye; Carrie Andolina – Aye; Joe Gardyjan – Aye; Kathy Vespa – Aye; Frank Broughton – Aye; 5-0 Approved. Open Hearing was closed at approximately 7:34 PM

#### **IV. DELIBERATION & DECISION**

Paul Cesana made a motion to adjourn the deliberation and decision for Case 2017-01 to an acceptable time so that the board would have acceptable time to process all the information and make an adequate decision. Motion seconded by Joe Gardyjan. Roll Call Vote, Paul Cesana – Aye; Joe Gardyjan – Aye; Frank Broughton – Nay; Carrie Andolina – Aye; Kathy Vespa – Aye; 4-1 Approved. Motion carried to table the deliberation and decision for Case 2017-01 to a future date and time.

## **V. NEW BUSINESS**

### **A. NEW APPLICATION AND INITIAL PACKAGE INFORMATION GIVEN TO APPLICANTS.**

Chairman Broughton mentioned that he would like the board to consider updating the variance application paperwork. He passed out the current Application and asked the board to look it over to see what suggestions they may have for updating the forms.

Janet Ross (Planning Board member) asked if it was the Zoning Board's Duty to update the Application.

Chairman Broughton said yes and read from the Town of Brant Code Section § 161-60. Procedure. [Amended 9-16-1992 by L.L. No. 2-1992] A. The Board of Appeals shall act in strict accordance with the procedure specified by law and by this chapter. All appeals and applications made to the Board shall be in writing, **on forms prescribed by the Board, and available from the Code Enforcement Officer.**

Paul Cesana suggested we create a procedure paper for the Board to follow for future cases.

### **B. ZBA MEMBER TRAINING**

Chairman Broughton reminded everyone of the 4 hours of required training for each member. He wanted the board to know of the various materials available for training.

## **VI. MOTION TO CLOSE THE MEETING**

Tim Marien expressed his disappointment in this case not being settled in this meeting.

After some discussion Chairman Broughton made a motion to close the open meeting, Joe Gardyjan seconded the motion, Verbal - all were in favor, none opposed, motion carried. Chairman Broughton closed the open meeting at approximately 7:50 PM.

Respectfully Submitted,  
Zoning Board Clerk