



TOWN OF POESTENKILL

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Zoning Board of Appeals

ZONING BOARD OF APPEALS

August 15, 2017 Minutes

(Distributed before Approval)

Attendees:

Paul Jamison, Chair
Terry Lantry
Kevin McGrath
Tim Hoffay

Absent:

Cheryl Sargeant

Chairman Jamison opened the meeting at 7:30 pm with the Pledge of Allegiance.

Diane Wagner

125.-1-2.11

Interpretation

12 Grandview Drive

Chairman Jamison opens with a correction that the Public Hearing in this matter was actually closed at the last meeting and briefly addresses Mrs. Wagner's conversation with Town Assessor, Brian Jackson, as to whether the Town owns the property where the fence is placed. The Town does not own the property, it belongs to the Shuharts. Member McGrath shares with the Members sketches of the mentioned property, where he has plotted out the land ownership from the recorded deed as further proof. Chairman Jamison then asks the Members if there are questions, discussions or motions to be put forth at this time. Having none, Chairman Jamison makes a motion "To reaffirm the Code Enforcement Officer's right to issue the fence permit to John and Sandra Shuhart and to not require any changes to said fence." Motion seconded by Member Lantry, approved by three (3) ayes, zero (0) nays and one (1) abstention by Member McGrath. Members completed their Decision forms.

Mrs. Wagner states she feels this process has been a waste of many months, that she tried several times to work with Mr. Barringer but he would never make a decision. Chairman Jamison noted that current CEO Paul Barringer could not retract the building permit issued by previous CEO but that this Board could and that Mrs. Wagner had every right to appeal to the Board for relief. Mrs. Wagner further questions what is to be done regarding the height, placement and condition of the fence, as it is still unacceptable. Chairman Jamison said this Board does not address these issues, that Mrs. Wagner has the right to appeal this decision and that only upon unanimous consensus of the Board Members, could the decision be reviewed once again by the ZBA. He can see no benefit to moving the fence from where it is but that it was her right to file a complaint.

Resolution: To reaffirm the Code Enforcement Officer's right to issue the fence permit to John and Sandra Shuhart and to not require any changes to said fence.

Minutes

The minutes of the Board meeting on July 11, 2017 were reviewed. Correction noted that the Wagner Public Hearing was actually closed at the July 11, 2017 meeting. A motion to accept the minutes with this correction was made by Chairman Jamison, seconded by Member Lantry, approved by a vote of four (4) ayes, zero (0) nays, and zero (0) abstentions.

Organizational Items:

Chairman Jamison advises that the Town Board has not on appointments to this Board as they are waiting for Member Sargeant to tender resignation to Town Clerk.

There being no further business, a motion to adjourn was made by Chairman Jamison, seconded by Member Lantry and approved by four (4) ayes, zero (0) nays and zero (0) abstentions. The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Lynn E. Kane
Clerk to ZBA