

Regular Meeting of the Great Valley Planning Board
Zoning Board of Appeals
June 13, 2018
(no May meeting)

Present: Chris Shena (chairperson)
Amy DeTine
Al Puszcz
Jeff Ramsten
Don Roll
Steve Ward

Others: Dan Brown
Rich Rinko
Aaron Tiller
Lorrie Finch
Becky Kruszynski
David & Lisa James
David Wolf

The Public Hearing was opened by Chris at 7:00 PM with the Pledge of Allegiance. David and Lisa James were in attendance for a variance request on their property at 4025 Highland Ave – tax map no 73.004-1-3. Dan did a drive by of the property and stated that there would be no liability issue with the proposed location and setback but if it was to be moved closer to the road there would be a liability. Rich stated there was no issue with fire separation. A motion to close the Public Hearing was made by Chris with a 2nd by Don. All in favor.

The Zoning Board of Appeals meeting was opened by Chris at 7:04 PM. The setback is 20' and the James' were granted a 15' setback in December but they are seeking a 12.5' setback. Chris stated that the next step of the appeal should be the State Supreme Court but the James' chose to come back to the town Zoning Board of Appeals. Chris stated that there had to be a unanimous vote by the board to open and hear the appeal again and the board would have to unanimously agree on the out come to which the James' agreed. Chris made a motion to open the appeal with a 2nd from Don. All in favor. Chris, Don, and Amy all drove out to the property. Steve asked if anybody had heard anything from the neighbor and was told no. Amy said in December she had done a drive by and she went back a did a walk of the property. She said there are no windows on that side of the neighbor's house but if the building was moved closer to the road it would impact the neighbors. Steve asked about the distance of the neighbors house to the property line and David James said 15'. The board had been concerned about setting a precedence. Chris told the board that he attended the Houghton training and learned that a precedence should not be the only reason to hold back. A motion to allow a 12.5' setback was made by Chris with a 2nd by Don. All in favor. Chris will do a revised Notice of Decision.

Don moved to close the Zoning Board of Appeals meeting at 7:10 PM with a 2nd by Steve. All in favor.

Chris opened the Planning Board meeting.

A motion to accept the minutes of the April 11, 2018 meeting as submitted was made by Steve with a 2nd by Amy. All in favor.

Chris said he presented the fees that had been discussed at a prior Planning Board meeting to the Town Board and Dan said the Town Board had approved them. The town attorney is researching telecommunication fees for when anything new is added to the cell tower. Don asked about fees for temporary signs.

Steve asked if anything had been decided on the cell tower setbacks that had been presented to the Town Board. Jeff asked how far a tower would have to be from an owner's dwelling and was told the tower must be able to fall on the property.

Dan said there is no light on the cell tower when the power is out. Rich said there is no gate at the end of the road for the cell tower and the damaged culvert has not been fixed – there is only a piece of steel over it. The berm is in and trees have been planted. Rich said there is no Certificate of Completion (CC) and doesn't know why it is operational without the CC. Chris said all outstanding issues should have been taken care of by now. Rich asked if there could be a fine for not having a CC. Rich also said he has not been able to talk to Horvath directly about outstanding issues – they continue to call the town hall when he has asked them to call his cell phone. Steve said if Horvath and Rich don't communicate it is time to move the issues to the town attorney.

Chris stated there are windmill projects going on in other towns but commercial windmills are not allowed in Great Valley. Wind mills for on site consumption are allowed. Steve asked about setbacks and was told 1.5 times the total height.

David Wolf attended the meeting to inquire about putting a double wide on his property on Ellicott St. He had been denied permission but stated that he watched a double wide put in across the street on the Vaughn property. He has 2 parcels and wants to put a double wide on a monolithic slab on the upper parcel where it wouldn't be seen from the road. There is water on this location. There was an old trailer on his lower parcel which was removed. He had wanted to put another trailer on the lower parcel until he could put a double wide on the upper parcel. He wasn't able to get a permit for the double wide because of zoning and now that the original trailer has been gone for more than one year he can't put another trailer on the property. He states the he can't get a loan for a stick built home but he can get a loan for a double wide. He said he has been working with Owl Homes and they told him if he can't get permission they would come to a meeting to try and help him get some kind of a variance. Rich stated that David is right – the Vaughn's were given permission for their double wide and the old house was to be taken down but that hasn't happened yet. Dan asked if he could ask for a variance. Rich wants the double wide/trailer issue addressed. Chris said the town attorney should be contacted to see if a variance could be allowed. David will send his plans for the slab and double wide to Chris for next month's meeting.

Amy stated that it was suggested at the Houghton training that there should be a time frame for the board to view a property that is seeking a variance. All can't look at the same time as it would be seen as an illegal meeting.

Don moved to adjourn at 7:55 PM with a 2nd by Steve. All in favor.

The next scheduled meeting is July 11, 2018.