

ZONING BOARD OF APPEALS MEETING

August 20, 2015

6:00PM

The meeting was called to order by Chairman Bill Gabak at 6:00PM. Roll call by Clerk, Cindy Schiminske, found the following Board Members present:

William Gabak, Chairman
Phil DelloStritto
Kathy Taylor
Neal VanLiew
Joe Flaherty

Also in attendance: Kelly Nash
Barbara Stotler

The purpose of this meeting was to hear the following requests:

1. **Kelly Nash**, 2796 Forest Hill Drive, Tax Map #130.05-1-18, is requesting a variance for an 8 ft tall fence, which exceeds the maximum of 6 ft allowed. Ref. Town of Fleming Zoning Code: 7-16 A(3).

Ms. Nash indicated that the grade of her neighbors' yard is higher than hers. Right now she has a split rail fence which is old and dilapidated and she would like to replace it with an 8 ft tall fence for privacy. The fence would be on the west side of her property. It would extend from her carport to the back of her property. On the portion of the fence closest to the road, the fence would be 6' high and then 8' towards the back. The east side would stay the same. The Board was not aware of any opposition from any of the neighbors.

A motion was made by Chairman Gabak to vote on this request and seconded by Kathy Taylor. Roll call vote was taken by the Board.

MOTION APPROVED 5 AYES 0 NAYS

2. **Barbara Stotler**, 2821 Forest Hill Drive, Tax Map #130.06-1-41, is requesting a rear yard variance of 10 ft from the required 25 ft for the construction of a 12' x 16' storage shed and the relocation of the current shed. Ref. Town of Fleming Zoning Code: Bulk and Use Table R-1.

Ms. Stotler indicated that the variance used to be 10' off the back and 10' off the sides. It was changed in 2008 to 25' off the back. Her lot is 125' deep. She would like to move the existing 12' x 8' shed to the west side of the property and put in a 12' x 16' shed on the east side where the 12' x 8' is currently situated. She wanted to keep it at 10' as she doesn't have room in the yard because there's a big mulberry tree there. There are also 23 pine trees across the back of her property, which are her neighbors, which extend into her yard about 15'.

Chairman Gabak read 2 letters from concerned neighbors; one who preferred it not going up (Krista) and one that was totally opposed to it (Bruno Ruscio).

There was also concern on the Town's part about the placement of the shed being on the sewer line, which runs across the back of her property. Chairman Gabak indicated that before the Board could feel comfortable making a decision, they would like to know exactly where the sewer line is located. Chairman Gabak would like to do some research on the sewer line.

Motion made by Chairman Gabak and seconded by Neal VanLiew to postpone the meeting until such time as the questions about the sewer line are answered.

In other business, Chairman Gabak made a motion that if he was unable to attend a meeting that Kathy Taylor would be the acting Chairwoman of the ZBA, seconded by Phil DelloStritto. Roll call vote was taken by the Board.

MOTION APPROVED 5 AYES 0 NAYS

Kathy Taylor made a motion to approve the minutes of June 18, 2015 as presented by ZBA Clerk, Cindy Schiminske, seconded by Neal VanLiew. Approved AYES 5-0.

Motion to adjourn made by Bill Gabak, and seconded by Kathy Taylor. All in favor. Time was 6:40 PM.

Respectfully submitted,

Cindy Schiminske
Clerk, Zoning Board of Appeals