

**Zoning Board of Appeals
Town of Berne
Berne, NY 12023**

Date: September 20, 2017

Present: Ronald Jordan (Chair), George Christian, Rick Otto, Samuel Clayton, Denise Manning, Donald Bauer (ZBA alternate), Dawn Jordan (Town Board Liaison), Kathy Brown (Secretary), and other interested citizens.

Regular Meeting: Mr. Jordan called the meeting to order at 7:00 p.m.

Review of Minutes: The Board reviewed the minutes from the May 17, 2016 ZBA meeting. Mr. Otto moved to approve the minutes. Mr. Christian seconded and the motion passed, 5-0.

Public Hearing:

Mr. Otto moved to open the public hearing. Ms. Manning seconded and the motion passed, 5-0.

Puzulis/Area Variance – 1707 Thacher Park Rd.: The applicant, Michael Puzulis, is seeking an 8' variance from a 10' required side-yard setback. Mr. Puzulis addressed the Board and stated that he had a contractor construct a "lean-to" type structure attached to his garage which is two feet from the property line. He said that he needed the shed in which to be able to store his landscaping equipment. Michael Vincent, a member of the Planning Board, discussed a site review of the Puzulis property. The shed measures 15'8" by 38'. The accessory building is 2' from the property line and 20' 6" from the closest neighbor's building. He stated the property is well maintained. The driveway leading to the shed is blacktopped. Mr. Puzulis said that two buildings in the back of his property will be removed. Mr. Vincent mentioned a previous application for an area variance for a pool and the shared driveway issue. Mr. Otto asked Mr. Vincent about the application process. Mr. Vincent stated that the Code Enforcement Officer had denied a building permit for the shed, even though it had already been constructed. Mr. Christian said he'd listened to the most recent Planning Board minutes in which Mr. Lippert stated he hadn't yet inspected the building but that the fees had been paid and the permit had been denied.

Lewis Buckman, a neighbor across the road, said he was concerned about the amount of apparent development on the property, noting accessory buildings and a swimming pool. He said that in 2011 he surveyed the property for an area variance for a pool which did not meet the setback requirements. The pool has since been built. He said he is concerned that there is a lack of enforcement. Mr. Puzulis said that the pool is in the back of the house and is outside of the required setback.

Lisa Cavanaugh, an adjoining land owner, said she wants to be sure she will have no issue when

she decides to fix her garage, but that she has no problem with the shed as is and that Mr. Puzulis is a wonderful neighbor.

Mr. Jordan said that there would be no decision on the application because the Albany County Planning Board had not made a determination on the variance application. The ZBA will meet on November 15th. Mr. Christian moved to close the public hearing. Mr. Otto seconded and the motion passed, 5-0.

Other Business: none

Respectfully submitted,

Kathy Brown