

**Town Of Berne
Zoning Board of Appeals Minutes
June 21, 2023**

**Public Hearing: Variance Application- Barry and Karen Zwack 32 Glenwood Drive
SBL#: 92.4-1-46.200**

- Pledge of Allegiance
- Roll Call
- Quorum established.
- ZBA Members Present- Chairman Spargo, Board Member Kisselback, Board Member Ryan, Board Member Godin. Board Member Bauer was absent.

Chairman Spargo opened the Public Hearing at 6:40 PM

- The applicants, Barry and Karen Zwack , are the owners of 32 Glenwood Drive, they stated that they are seeking Two Variances
 1. Variance for the height of the fence
 2. Variance for setback of deck/sunroom
- Barry and Karen Zwack stated that the fence shouldn't be an issue because it is on the side of the house. The fence is 6 ft from inside the yard but only 4 ft shows above the road. The sunroom doesn't meet the Zoning requirements for RAF which are 100 ft from the rear of the property 75 ft from one side and 100 ft from the other side. They lack the setback requirement needed for the 75 ft. offset from the side.
- Victor Procopio, who lives next door, said that his issue with the fence is that it wasn't there when the house was purchased, it was a seasonal cottage. He stated that the sunroom/deck was built without a permit, therefore no inspections were carried out; that everyone should be held to the same standards; it isn't a deck but an addition and doesn't meet setbacks.
- Krina Danekert – Third generation, oldest family on Helderberg Lake since 1937. Their property is a seasonal camp, and they have nothing but good things to say about the Zwack's and think that all the improvements they have made to the property are wonderful and do nothing but improve the appeal of the Lake community.
- Peggy McQuade spoke of the fence and that it is on the side of the house and is not obtrusive or doesn't block any view.
- Karl Danekert – Third generation of oldest family on the Lake, inquired if there was ever a permit issued for the fence and the sunroom/ deck. Wanted to comprehend what issues there were if it was an actual Zoning problem or if it was a personal issue. He stated that the fence and the sunroom/ deck is not unappealing at all.
- Tom McQuade gave some background on the Zwack property, and that the addition of the sunroom / deck didn't affect the septic system

- **Chairman Spargo made a Motion to adjourn the final decision until the next meeting of the ZBA on July 19, 2023, and keep the Public Hearing open. Board member Kisselback seconded the motion. Motion carried with Board members Spargo, Godin, Ryan, and Kisselback all voting AYE.**
- **Planning Board member, Mr. Vincent, performed a Site Visit at the property.**
- **Chairman Spargo read into the record two letters; one from Mr. and Mrs. Bloom and one from Lorraine Emmerick; all are in favor of the variances being approved.**
- **Chairman Spargo stated that he will contact the Town Attorney as to what constitutes the front of the house.**
- **Board Member Godin made the motion, seconded by Board member Kisselback to adjourn the meeting. Motion carried with all Board Members voting AYE.**
- **Meeting Adjourned at 7:55 PM**

Respectfully Submitted

**Peggy Sue Deitz
Administrative Assistant**