

“Minutes are not official until approved by their respective board.”

TOWN OF FALLSBURG ZONING BOARD MEETING

May 20th, 2021

Steve Burke, Chairman, Mike Bensimon, Neil Sapolsky, Board Members, Larry Zierler Thomas Little, Alternate Board Member, George Sarvis, Marisol Torrens, Code Enforcement, Paula E Kay, Town Attorney, Jennifer Edwards

- Steve Burke called the meeting to order.
- April minutes approved with revisions

NEW BUSINESS:

1 EINHORN SUB-DIVISION – SBL# 60-1-10.2 Requests a 6 month extension on a previously approved variances for a two lot sub-division.

- Jacob Billig represented.
- Steven Burke: Does anyone have any issues with this? If not we will grant the 6 month extension.
- Paula E Kay: Just for the record I see the applicant’s attorney is here because even for extension the applicant needs to be here but it seems there are not issues.
- Steven Burke: You have your extension granted. Have a great night.

2 BORIS SABOVIC – SBL# 58.A-1-34 – Requests an area variance to allow an accessory structure closer to the road than the primary structure. Zone: PUD. Acres: ½ acre. Location: 75 Aspen Lane, Woodridge .

- Boris Sabovic represented.
- Steven Burke: We were informed we will open the public but we will not vote on this tonight. This applicant has to go back to Code Enforcement.
- Paula E Kay: And apply I believe 2 additional variances and notice the public on those 2 additional variances. Marisol and George can help you with that.
- Boris Sabovic: I am looking to build a garage that is sufficient enough for all my needs. The only space that is feasible is at the spot I placed on the application. It is a hardship for me being that I have no place to store my tools. I do make a living with my woodworking. It is not a full income it is a partial income. It is a business I am starting. I would like to have a garage to conduct my business.

- Steven Burke: Do you need it that size?
- Boris Sabovic: That would be ideal yes. I have a lot of tools.
- Steven Burke: What is it exactly you want to store in there besides tools?
- Boris Sabovic: I have machinery for woodworking. Some of the machines are 3 feet by 3 feet. The others are 20 feet by 2 feet. I'd like to store that and the tractor.
- Steven Burke: You want a workshop just not a garage?
- Boris Sabovic: It is like a workshop yes.
- Steven Burke: Will you be working in this workshop everyday?
- Boris Sabovic: Not everyday but it is a hobby I make income out of. I don't know how to explain it any further.
- Steven Burke: I ask because I am sure your neighbors want to know is it business you want to operate out of there or a garage?
- Boris Sabovic: It is a garage.
- Steven Burke: That is not how you explained it.
- Boris Sabovic: Does anybody have any questions?
- Steven Burke: Mailings on this?
- George Sarvis: Good.
- Steven Burke: Before we open it to the public would you like George or Marisol to explain what he has to do?
- Marisol Torrens: Basically you need to come back to the office and fill out another application for a variance for the container for the temporary placement and to build the garage. You are also going to need a side yard variance for the 30 feet. That way you can come back next month and you ask for all 3 variances at once.
- Boris Sabovic: Understood.
- Steven Burke: Anybody on the Board have any questions? Anybody on the Board have any questions? Np? Okay. We will open it to the public.
- Jerry Williams: It is right out my front door so I have a problem with it. I have a problem with the storage container. I own 65 Aspen which is right next door. That storage unit he has there now is right in my front door's view. It is bad enough all the trees were taken down. That used to give us privacy.
- Steven Burke: Anything else?
- Jerry Williams: I don't want it.
- Cynthia Williams: The garage can built up toward his house. It has to be off our property line and within the reasonable variances that he needs. We are going to be remodeling the house and we are not interesting in looking at shipping containers or large garages.
- Steven Burke: I believe the shipping container is only temporary.
- Jerry Williams: It looks permanent with the gravel base.
- Boris Sabovic: It is temporary until I can build garage so I can store everything.
- Jerry Williams: I don't want the garage at my front door.
- Paula E Kay: No back and forth please.
- Steven Burke: One of the variances Mr. Sabovic has to come in for is to get a

temporary permission to keep that there. If he doesn't get his variance he will have to move that anyway.

- Paula E Kay: Technically it should not be there now, right Marisol?
- Marisol Torrens: Technically he should have gone and refreshed the permit then got denial. From my understanding he purchased the house two years ago and he was in and out. Now he will basically live there. I am not sure that is what my secretary told me earlier. When I told him about it he said he knew about it. He was more than helpful and willing to do what he needs to do. He said it was temporary for his tools. When I saw the container what I could see was work tools.
- Steven Burke: So either way if he gets the variance it will be removed and if he doesn't get the variance it will get removed. Does that answer your question?
- Jerry Williams: Yes.
- Steven Burke: Okay. Anybody else like to speak on this matter? Okay we are going to leave the public open on this. I can't give him 30 days he has to submit a whole new application. You are going to come back and be heard again next month hopefully. Does anybody from the Board have any issues with the way this is being placed on the property now? That way the applicant can correct something or get an idea how we feel about this? Speak now please. Anybody? Okay.
- Paula E Kay: One thing I think would make this a lot easier when you revise the application put all 3 requested variances on one application so it is clear what you are asking for.
- Boris Sabovic: You want me to put the part where it is setback from the front, setback in front of the house, and setback from the side?
- Paula E Kay: And the storage container. All on one application. Marisol can help you with the details.
- Marisol Torrens: Call my office tomorrow I will help you.
- Steven Burke: We will see you hopefully next month

3 STUART WIZWER – SBL# 33-2-5 – Requests an area variance for a reduction in the side yard set back from the required 30 feet to 10 feet for the placement of a garage. A variance was approved on 8/6/18 and has since expired. Zone: R. Acres: + ½ acre. Location: 324 Main St., Hurleyville. Cross Roads: Brophy Rd.

- Stuart Wizwer represented.
- Stuart Wizwer: I want a variance so we can build a garage. This was applied for in the past. We started clearing the land to get it rid and then Covid happened and a lot stopped. We want to be able to build within 10 feet of the property line of our neighbor. We will build it further out than 25 feet from their building to abide by certain restrictions on the fire safety code. The reason we are making the request is so that we have enough clearance between the house and the garage to make it accessible to the town sewer department to get to the pump in the back. An easement in the middle of the property would not be conducive to getting

equipment down there.

- Steven Burke: There is a huge drop off behind there. Anything else?
- Stuart Wizwer: We cleared the land so we are in a much better position to start working on it.
- Steven Burke: Okay. Proof of mailings?
- George Sarvis: Mailings are good.
- Steven Burke: Any Board members have any questions?
- Mike Bensimon: I did visit this property when it was on our agenda. The grinder in the back is not easy to get to. You can only get to it from the driveway. I spoke to the neighbor a couple of times and the neighbor was more than fine with the project. Just like before I'd approve this application.
- Steven Burke: Any other questions?
- Neil Sapolsky: What is the second floor for? I know it is a 2 story.
- Stuart Wizwer: Storage and possibly a family room.
- Steven Burke: Anybody else? We will open it to the public.
- Jules: I am for it. There is no problem for it. I am the neighbor.
- Steven Burke: Okay. Anybody else? We will close the public portion. Any violations?
- George Sarvis: No.
- Steven Burke: So let's do the rundown. Whether the benefit can be achieved by other means feasible to the applicant?
- All members vote no.
- Steven Burke: Undesirable change in neighborhood character or nearby properties?
- All members vote no.
- Steven Burke: Whether the request is substantial?
- All members vote yes.
- Steven Burke: Whether the request will have adverse physical or environmental effects?
- All members vote no.
- Steven Burke: Was the alleged difficult self-created?
- All members vote yes.
- Steven Burke: Any comments before we vote? No? Okay lead agency?
- Paula E Kay: You don't need to.
 - MOTION:
 - Mike Bensimon motions to approve. Neil Sapolsky seconds. All in favor.
- Steven Burke: You have your variance.

Thomas Little motions to close. Mike Bensimon seconds. All in favor.