Zoning Board of Appeals Meeting

Thursday, October 15, 2015

Zoning Board Members present: Chairman Steve Savoris, Chuck Abraham, Joe Guida, Teresa Repko and Attorney Ambrosio.

17 people in audience

Meeting is opened by Chairman Savoris at 7:00 p.m. On a motion by Teresa and seconded by Joe, with all in favor and none opposed, Public Hearing from July 16, 2015 is closed. Chairman Savoris stated that Mr. Pierce has withdrawn his application for an Area Variance. On a motion by Joe and seconded by Chuck, with all in favor and none opposed, minutes are approved.

**Appeal by Mr. Arthur Cady, Mr. Robert Bangiola and Ms. Gladys Thomas**

This is an informational meeting for an Appeal to the Zoning Board of Appeals from the decision of John Fieser, Building Inspector/Code Enforcement Officer. Chairman Steve Savoris stated that this session is for gathering of information and not a public hearing.

Applicants are asking for an interpretation of the Zoning Local Law or Zoning Map, including decision of the Building Inspector/CEO.

Mr. Arthur Cady is the first to address the Board and stated that there are 3 violations, which he can provide references for and that the Board should be aware of. Board is presented with several photos and an outline. Mr. Cady also submitted a 3 page narrative listing three violations and three remedies, which he read from ( word for word) that are attached for the record with additional comments added as follows:

Under 3 VIOLATIONS:

 \*Page 2, section 1 part B- referring to numbers 1, 2 and 3: Mr. Cady has DEC reports that he will get copy of and give to Board for review.

 \*Page 2,section 1 part C- referring to numbers 1-4: Mr. Cady has reports to offer for proof.

 \*Page 2, section2 part A-Mr. Cady stated Metal building is not in code. Stated that Primax lists structure as 37x37 which exceeds Zoning Law of 30x30.

 \*Page 3, section3 part G-Mr. Cady added to his zoning violation , “not by water protection.”

 \*Page 3, section3 part L- that the fence in on Sunoco gas station.

Under 3 REMEDIES:

 \*Page 3, section 1 part B-Mr. Cady added that there be well separations for Peacock cage.

 \*Page 3, section2 part B- Mr. Cady added that it should have had a site plan review and parking lot 10 for its size.

 \*Page 3, section3 part C- Mr. Cady will provide letter with citations attached.

Mr. Robert Bangiola thanked the Board for their time and explained to the Board that he also feels the D’Souza’s are in violation. Mr. Bangiola read from a prepared letter which is attached for the record and added that he made 3 calls to John Fieser with no answer so he called the County who referred him to the DEC. Mr. Bangiola also stated that when he visited John he came on to strong and that’s making him the victim. Mr. Bangiola stated he has received no aide of local authorities and feels that Paul and Henrietta D’Souza are missing his intent, and wants to work with them, not against. He is asking that the Code Enforcement Officer, watch and enforce what is going on.

Ms. Gladys Thomas addressed the Board and explained that she is worried about the disorderly way of the Quality Center owned/operated by the D’Souza’s. Her complaint to the Board listed the fence, which she has never measured but is too tall and is in the stream. The shed, or large metal building with a glowing roof and not compatible with picture submitted for approval. Ms. Thomas stated she sent a complaint to the Code Enforcement Officer, this was returned to her attached to a letter with no heading, date and not in reference to her or her complaint, as feels that it was a mistake on officers’ part. She said in closing that this is all confusing and misleading and that she is not clear what goes on at the center called Quality Center.

 Mr. Cady asked to approach the board to show an aerial photo and survey of the D’Souza file dated 2012 and 1963.

Attorney Cohen representing the D’Souza’s and the D’Souza’s approached to view the submitted photos and surveys from Mr. Cady, who stated that the stream is going into pond.

Chairman Savoris asked audience if there were any comments Mr. Steve Reynolds asked if the stream is consistent, and Mr. Kimmel stated that if the Building Inspector/CEO did what he is supposed to we wouldn’t be here “ with this situation going on between these people”, and also commented that the CEO has allowed his rights to be violated, which Attorney Cohen in turn interrupted and commented that he believed this to be an informational meeting where there should be no public comment or rebuttal and he would like a chance to comment. Attorney Cohen stated that he was not aware of the detail of this meeting, and that “things are flying all over the place”. He was informed from his clients that this would be about metal structure. Attorney Cohen also stated that the time to challenge this permit has passed, that Law 267- states you have 60 days from the Building inspectors ruling. He also stated that he feels this is a vendetta against the D’Souza’s as the applicants complain about each thing they do. He also asked to be notified of all future hearings and is requested a copy of each item submitted.

Attorney Ambrosio addressed the Board and urged them to set a time in length or by date for all requested copies to be submitted by applicants of appeal and set length of review of all materials by Board and Attorney and when a future meeting should be held.

Board member Joe Guida asked applicants if the DEC is pursuing this, Mr. Cady stated yes, but that he didn’t know to what capacity. Mr. Cady stated he was told by DEC that the town Zoning is none of their concern and that is why he has brought these complaints to the town seeking remedies and rulings.

Chairman Savoris stated to Board members, that they will meet in November to approve minutes to be submitted with all information to Attorney Cohen. It is also stated that this Appeal will be placed on December 2015 meeting as a Second Informational Meeting. Board will inquire with Attorney, schedule a visit with entire board/secretary. The site visit will be for gathering information only.

On a motion by Teresa seconded by Steve this meeting is closed.

Jami L. DelPozzo

Secretary Planning and Zoning.