

MINUTES OF PUBLIC HEARING
ZBA/TOWN OF GALLATIN
September 18, 2012

PRESENT: Fred Simoncini—Chairman Richard Humphries- V.Chairman
Steve Sorman-Member Davis Simmons-Member
Betty Harte-secretary

Applicant/ Mr. & Mrs. Douglas Passeri
Mr. Warren Replansky/Town of Gallatin Attorney
Public (per attached)

CALL TO ORDER: Chairman Simoncini called the meeting to order at 7:00 PM.

MINUTES: Chairman Simoncini made a motion to accept the minutes from the July 24, 2012 meeting, second by Rich Humphries. All in favor, motion carried.

Chairman Simoncini made a motion open the Public Hearing, second by Steve Sorman, roll call vote. All in favor motion carried. The applicant is seeking relief from NYS Town Law Article 16 Sect. 280A-3.

Chairman Simoncini asked the applicant if he had the documents that had been requested at the previous meeting. The escrow account was established. There is a deed. No survey was presented. He had no house plans (Mr. Passeri stated he didn't need plans since the house is going to be less than 1500 sq. ft.). He had no deeded easement, but stated there is a right of way. He did present a letter from the Milan Fire Dept. stating that fire vehicles could access the site but there still remained issues.

Chairman Simoncini read a letter from the Planning Board. They stated that they have not received enough information to give an opinion or recommendation. They too would like to see the survey showing boundaries with adjoining landowners, the deeded right of way, building plans and building permit application.

Chairman Simoncini then read a letter from Mr. Whitbeck (Mr. Brody's attorney- adjoining property owner). It stated that there were two causes of action by Mr. Passeri against Mr. Brody regarding his access to the property on Church Road. A decision was rendered dismissing both causes of action dated June 21, 2010.

Mr. Replansky stated that Mr. Passeri does not have an easement or right of way to the property. He then read a recent decision stating that the ZBA has no jurisdiction to grant a variance regarding 280A-3. Mr. Passeri will have to make a formal application to the Town Board of Gallatin for an open are development approval.

Mr. Replansky advises that the ZBA should deny the application and uphold the building inspector's decision. He will draft a resolution and call an addition meeting so that the ZBA can determine their decision.

ADJOURNMENT: With no further business, Chairman Simoncini made a motion to close the meeting at 7:30 PM.

Respectfully submitted,

Betty Harte/Secretary
Town of Gallatin/ZBA