

Village of Fleischmanns  
Zoning Board of Appeals Meeting Minutes  
February 15, 2018

In Attendance: Chairman Bill Birns, Board Member Miguel Martinez-Riddle, Board Member Yvonne Reuter

Also in Attendance: Village Clerk Todd Pascarella, Village Attorney Carey Wagner, Village Code Enforcement Officer Christopher Plante, Property Owners Paul and Bette Kranz, Property Owner Wigdor Mendlovic with his attorney Benjamin Gailey, Applicant Victoria Quesada, and Attorney Kenneth Ayers

Meeting opened at 5:30 pm

Minutes from the January 18, 2018 ZBA meeting were read aloud.

Motion made by Miguel Martinez-Riddle to accept the January 18, 2018 minutes as written, Seconded by Yvonne Reuter, all Aye, Motion Carried.

Chairman Bill Birns explained the history of the previous application by the Kranz's for a variance which was overturned due to electronic voting by one member of the ZBA.

CEO Christopher Plante presented an application to the Board (VFD-10-A) for a Variance submitted by Mr. & Mrs. Kranz to build a 6 foot high fence where only a 3 foot high fence is allowed under the current Zoning Law. Mr. Plante explained that the application was in order and the fence requested is similar to one which was there before the flood in 2011, and that the applicant had properly notified adjoining property owners of the public hearing regarding the application for a variance.

The Applicants Mr. & Mrs. Kranz stated their reasons for requesting the variance.

Members of the public were given an opportunity to comment on the application.

3 Letters were read by Chairman Bill Birns into the record.

Public hearing closed.

ZBA members discussed the application and the justification for a variance.

Vote was taken to grant the applicants Mr. & Mrs. Kranz a variance to build a 6 foot high fence. Miguel Martinez-Riddle Aye, Yvonne Reuter Aye, Bill Birns Aye, motion carried, variance granted.

Chairman Bill Birns explained the applications and questions before the ZBA regarding the Flood Plain Development Permit issued for 1112 Main Street as well as the Rule of Order for the Hearing about to commence. The Hearing was then opened.

Code Enforcement Officer Christopher Plante presented his reasons and justifications for issuing a Flood Plain Development Permit for 1112 Main Street based on the Flood Law and FEMA regulations.

The Request Maker (Applicant) Victoria Quesada presented the case for withdrawal of the Flood Plain Development Permit for 1112 Main Street on behalf of Co-Applicant Igal Gofman and herself.

Request Maker (Applicant) Representative John Granito spoke on behalf of Applicant Roxanne Lowit.

Attorney Kenneth Ayers presented arguments in support of the Applicants on behalf of the "Fleischmanns Association for Lawful Building Code and Floodplain Enforcement."

Representative for the Building Permit holder Benjamin Gailey presented the case for continuation of the permit.

Chairman Bill Birns set the deadline for rebuttal by Mr. Gailey to new submissions made by Mr. Ayers as February 23, 2018.

Members of the Public were given an opportunity to make comments to the ZBA pertaining to the questions regarding the Flood Plain Development Permit for 1112 Main Street.

Letters from experts and the public were read aloud by Chairman Bill Birns.

ZBA members shared some mostly general thoughts on the matter at hand.

Chairman Bill Birns concluded by explaining that the goal is that a decision on the matters of the Building and the Flood Plain Development Permits for 1112 Main Street will be reached at the next regular meeting of the ZBA.

Meeting adjourned.