

Town Of Austerlitz
Zoning Board of Appeals Meeting
July 9th, 2015

Present: Chairman, Karl Gabosh Deputy Chair, Mike Fabiano, Nancy Kern, Penny Rubin, William Simons.

David Savage. President of Austerlitz Fire Company , Attorney, Cheryl Roberts, Jay Engel,
Chairman of Austerlitz Fire District

Karl Gabosh announced the cancellation of the scheduled Public Hearing. The Public Hearing on the area variance boundary line adjustment will be held on August 13th, 2015.

Meeting called to order : 7:00 p.m.

Chairman Gabosh invited Fire Co. President David Savage and Attorney Cheryl Roberts to outline the parameters of the Area variance request and the circumstances which lead to its submission to the Zoning Board of Appeals.

Using a newly designed map outlining two parcels of land, one belonging to the Austerlitz Fire District and one adjoining it belonging to the Austerlitz Fire Co., Cheryl Roberts spoke to a need for a required 15 ft. setback for the new firehouse being constructed on land owned by the Fire Company. Purchase of the needed footage from abutting land owned by the District Fire Co. would satisfy this requirement.

The request for area variance is required to address the variances granted in the Site Plan Approval for new firehouse construction granted by the Austerlitz Planning Board in 2013. Cited in that approval is the purchase of the entire District property, including the former Austerlitz Firehouse building. Both David Savage and Cheryl Roberts stated that the intent to do so still exists but not at this present time.

Funds to do so at this time are needed for the completion of the new firehouse under construction.

In addition, the former firehouse is found to have asbestos which needs removal before its demolition takes place. This has increased the amount of money needed for the purchase as outlined by approved site plan. To purchase the small area needed is financially possible.

Cheryl Roberts alluded to the fact that area variances, versus use variances, are generally less difficult to address. In materials prepared for the members of the Zoning Board of Appeals , are listed five factors for their consideration which address health, safety and welfare of the neighborhood.

Chairman Gabosh stated that all, except .No. 5 were not problematic. In his opinion, as No 5 states ,consideration of “whether the difficulty was self-created” still needs to be discussed. A discussion followed with members asking questions on the status of agreement between the two parties, the Fire Co. and Fire District.

The completion of the new firehouse is essential to the housing of a new truck being purchased by the district. The purchase of entire property is in the interest of both Fire District and Fire Co.

Chairman Jay Engel spoke to bids on asbestos removal. Early ones were \$60 thousand. Newest one is \$15.000.

Questions posed as to who is expected to pay for this removal. Austerlitz Fire Co. does not consider it their obligation to do so. Chairman Engel did say the District has funds that could do so. Noted was the fact that the district funds come from Austerlitz taxpayers.

Questions as to the differing responsibilities of Fire Companies and Districts were explained. The Fire Co. builds the firehouse and rents it to the district. The district buys equipment and safety gear.

Discussion also involved thoughts on differing solutions to area variance. Land swap by each party for example might be a plausible solution. Because the Fire District parcel fits into a non-conforming area in the Zoning law , changing it in any way is prohibited thereby eliminating swapping land as a solution.

Chairman Gabosh spoke to the need to be clear and certain that a variance area approval, meets all the criteria. Attorney Roberts recommended that a SEQRA review, though not essential, be used in this appeals consideration. In addition Attorney Roberts will bring to the next meeting materials from briefs as samples of decisions on similar to requests.

Attorney Roberts noted that the County has received all of the same documents submitted to this Zoning Board of Appeals and in general this decision would not for them be a matter of deep concern.

Board members discussed briefly , before adjournment, the welfare and safety issue related to the timely completion of fire house construction. Noted also to be a positive aspect for this review would be signed agreements on terms of the property purchase outlined in the site plan review.

Meeting adjourned at 7:48 p.m.

Respectfully submitted,
Constance Mondel