

June Town of Austerlitz
Zoning Board of Appeals Meeting
June 8th, 2017

Present: Chairman, Karl Gabosh, Michael Fabiano, Nancy Kerns, William Simmons.
Abs. Penny Rubin
Minute Taker: Constance Mondel
Public attendance: Leslie Gabosh

New Business: Variance request for a Six Bedroom Bed and Breakfast on Rte. 203

Meeting of the ZBA to consider a variance application was called to order at 7:00 PM

Owner of Joe Beats LLC and Andy Didio of Taconic Engineering were invited to the table to present the pertinent material on the proposed six bedroom Bed and Breakfast, which would require a variance from the existing zoning law which only allows 5 bedrooms in a residential B&B citing in the application that financial hardship was the reason for applying for the variance.

Cited from the outset were assurances that all necessary permits were obtained and submitted to the Planning Board.

Plans outlining the location of the present building (to be replaced) and the proposed building, showing the septic area, location of the well, parking space, proposed landscaping, were viewed by the board members and their questions were addressed.

Major concerns expressed concerned the septic system which previously emptied into a small lake owned by a neighbor. The new surface system was described and noted was a six month oversight period that would be conducted by the SPDES personnel.

Steve Bakunas was asked if in his research on B and B's, had he considered having some units more spacious than others, at a higher price, which is quite common in the Bed and Breakfast business ventures. Steve's consideration leaned toward having the same desirable set-up open for all the guests.

Steve Bakunas provided the background information concerning the purchase and plan for the B&B. The absence of such a service in this town was obvious, as was the need to replace an unsightly building and to provide something of value to a town which Steve and his wife have grown to appreciate.

Andy Dido provided a form prepared by Steve which listed figures from the purchase price to possible building cost, furnishings, equipment, monthly cost for fuel, electricity, having caretakers, care of the grounds, etc., in an effort to validating the request for a variance asking for six bedroom rather than five bedroom B and B permitted in the Austerlitz Zoning laws.

The possible use of the six rooms, was calculated by the applicant for four days, and for five days to indicate how that sum could represent a ten percent return on the investment, which he felt was necessary to cover the cost of investment.

Another point in favor of the 6 room plan was made by Andy Didio. He added the beams from the original rectangular barn will be used where possible in the new building.

Chairman Gabosh open the discussion at this point, noting that his position as chairman did not give him any advantage over the other members, and was only his personal opinion. He noted that three other members were free to express their own opinion. Karl cited the importance of the zoning laws and in this case, considers the financial hardship a reason for a variance, since the owner can alleviate this hardship with a different plan since he is not using the previous building but starting from scratch with a new structure. He suggested five bedrooms with one or two of the five being a larger unit than the others, perhaps with more benefits, from which a larger revenue stream could be achieved with a higher income prospect as one possible solution to the financial hardship.

Nancy Kern agreed that the zoning laws need to be observed and in this case, there were other possible solutions available to the owner, while still adhering to the zoning law and still make the business financially viable.

No further opinions were expressed by Appeals Board members

Chairman Gabosh advised Mr. Bakunas that he had two options at this point. First he could continue to schedule the public hearing on this variance request, and that he should be prepared to answer all questions at that time. He was advised to bring whatever information he deemed necessary to state his case in regards to the plan as discussed in the meeting. Second, knowing that at least two members of the ZBA were not inclined to grant this request he could withdraw the present proposal made to the Planning Board to save time and further expense in pursuing this request. He also said they could take any time needed to make that decision if they were not sure how to proceed at this time. A new decision that did not involve a variance would entail returning to the Planning Board.

If the applicant decided to go ahead with the appeals process and Public Hearing, they were advised by Chairman Gabosh to see Clerk Mary Davis who would help with arranging the details.

All members expressed their hope that this plan could move forward, as it was agreed to be a good use of the location and the Board expressed appreciation for the effort and scope of materials presented.

With no other business or public comment the meeting was adjourned at 8 PM.
Respectfully submitted,
Constance Mondel