

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE  
BOARD OF ZONING APPEALS HELD AT THE AMBERLEY VILLAGE HALL  
MONDAY, MARCH 3, 2008

Chairperson Jon Chaiken called to order a regular meeting of the Amberley Village Board of Zoning Appeals held at the Amberley Village Hall on Monday, March 3, 2008 at 7:00 P.M.  
The Clerk called the roll:

PRESENT:   Jon Chaiken, Chairperson  
              John Muething  
              Susan Rissover

ALSO PRESENT:   Bernard Boraten, Village Manager  
                      Stephen Cohen, Village Solicitor  
                      Nicole Browder, Clerk

ABSENT:    Elinor Ziv

Mr. Chaiken asked if there were any additions or corrections to the minutes of the November 7, 2007 meeting that had been distributed. There being no corrections, Mr. Muething moved to approve the minutes as submitted. Seconded by Mrs. Rissover and the motion carried unanimously.

Board of Zoning Appeals Case No. 1022

Mr. Chaiken announced that the Board would consider the request of Dr. Ron Levin, resident at 3001 Burning Tree Lane, for a variance from the zoning regulation that fences may not be along the sides or front edge of any front yard or in any part of a front yard. Mr. Chaiken invited Dr. Levin to present his case to the Board.

Dr. Levin informed the Board that when he purchased his property in 1979 the home had an existing split-rail fence (photos were shown to the Board). He stated that over the years the fence was repeatedly damaged by auto accidents and he had not replaced the fence since the last incident.

Dr. Levin stated that he would now like to install a new fence as he has experienced a tremendous amount of damage to his garden and property from the overpopulation of deer in the area. He reported that he has spent a few thousand dollars over the last couple of years replacing the damaged plants and trees. He stated that although he is aware that deer have the ability to jump fences, he felt that the fence would serve as a deterrent. He stated that he believed the deer will take the path of least resistance. Dr. Levin then explained to the Board that he felt this split-rail fence is common in his neighborhood and around the Village. He stated that nearly all of his neighbors have a fence.

Mr. Muething agreed, stating that he also drove the Village and observed that a majority of homes had fences, therefore, he supported approval of the fence variance.

Mrs. Rissover commented that the deer would probably jump the fence anyway as her neighbor has a chain link fence that the deer jump. She then stated that she noticed split-rail fencing on Fairhaven with tall fiberglass posts which she felt was not a favorable choice of material. Dr. Levin stated that he would not utilize those kinds of posts.

Mr. Muething moved to approve the fence variance as submitted, subject to expire after one year if not acted upon. Mrs. Rissover seconded the motion and it carried unanimously.

Mr. Chaiken stated that he had an item of old business to discuss. He reported that Kneseth Israel met the Board's January 31, 2008 deadline to apply for a building permit. He stated that the Board will continue to monitor this matter.

There being no other business to discuss, Mr. Muething moved to adjourn. Seconded by Mrs. Rissover and the motion carried unanimously.

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Nicole Browder, Clerk

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Jon Chaiken, Chairperson