

ZONING BOARD OF APPEALS MEETING MINUTES - FINAL  
WEDNESDAY, MAY 25, 2016

MEMBERS PRESENT:

Rocco Mancini, Chairman  
Stephanie Fitzpatrick  
Ingrid Kulick  
Martin Otter  
Phillip Zemke

MEMBERS ABSENT:

None

ALSO PRESENT:

Chairman Mancini opened the meeting at 7:00 p.m.

**Public Hearings:**

1. **Jason Lawson Contractor for Turkey Hill Partners** – Jason Lawson appeared as the authorized representative for Turkey Hill Partners for the public hearing for their area variance application to place a generator approximately 15 feet from the front property line where 85 feet are required and their special use permit application for an accessory dwelling unit on property located at 1135 Turkey Hill Road, tax grid number 6573-00-381510 in the A3A zoning district. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing.

Mr. Lawson said the property owners are proposing to construct a two car garage with a work shop and a 1, 260 square foot apartment on the second floor. The final configuration of the building may be altered slightly but will not impinge on any setbacks. They do plan to keep the existing 2,538 square foot farmhouse. The area variance is for a stand by generator, cement slab and underground propane tank. They are proposing to place the generator and underground propane tank within the front setback area to keep it away from the residential area. They will screen it with foliage. While much of the property is open space now, the property owners have a long term plan for the property. They are considering an in ground pool and then a lot line adjustment with the contiguous property they own to build another residence. Mr. Zemke said the generator will be very close to the road and the area is open so there is very little screening. This will be a large box right in the middle of the curb. Mr. Lawson said we are proposing to place it far enough back so it won't block sight distance. The generator will be green or tan. The property owners have a landscape architect they are working with so she will landscape around the generator/slab with whatever is necessary to conceal it. There is some existing scrub brush along the road mixed with some taller trees now. Chairman Mancini and Mr. Zemke both drove by the property and said it is a beautiful piece of property and is very well kept. Mr. Lawson said the large shed will be taken down soon. This building with the apartment is the starting point as the owners will stay in the apartment while the rest of the work continues. All in all, it is proposed to be a two year ongoing project. Mr. Zemke said the Board received the letter dated April 11, 2016 from Taconic Engineering stating the septic system will be designed in accordance with appendix 75-A, Wastewater Treatment Standards and the completed design will be submitted to the Dutchess County Health Department

for review and approval for conformance to the above standards. The Health Department’s approval letter will be sent to the Building Department. Mr. Zemke asked about the well. Mr. Lawson said there is a well for the house but the apartment will have a separate well. They will need all of the Board of Health approvals before applying for a building permit.

Hearing no public comment, Ms. Fitzpatrick motioned to close the public hearing. Mr. Otter seconded.

Rocco Mancini, Chairman	Aye	Martin Otter	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 5-0	

The Board completed the Findings and Decision which stated that an undesirable change will not be produced in the character of the neighborhood or detriment to nearby properties, the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance, the requested variance is substantial in that the applicant is requesting a setback reduction from 85 feet to 15 feet but it is not substantial in terms of impact, the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood as a condition to this variance will be screening for the generator, the alleged difficulty is self-created because the generator could be placed elsewhere on the property. This is the preferred location to lessen noise and visual impacts. The benefit to the applicant does outweigh the detriment to the neighborhood or community. This variance has one condition: Landscaping around the generator is required for screening purposes to mitigate any visual impacts.

Mr. Zemke motioned that the Zoning Board of Appeals approve the Findings and Decision for the area variance. Ms. Kulick seconded.

Rocco Mancini, Chairman	Aye	Martin Otter	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 5-0	

The Board completed the Findings for the Special Use Permit for the Accessory Apartment. Items B through L state the requirements for a special use permit for an accessory apartment and state the facts derived from the application. The application and these Findings are available to the public. Considerations in granting a special use permit: This use is in harmony with the purposes of this provision, there will not be a detrimental effect on the surrounding neighborhood and property values, the use will foster the most appropriate use of the land, the lot area is adequate, and the application is consistent with the town Master Plan which encourages affordable and alternative housing.

Mr. Otter motioned to approve the Findings for the Special Use Permit for an accessory apartment. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Martin Otter	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 5-0	

**Applications:**

- 1. Siderias Area Variance** – Dan Scharff appeared representing property owner John Siderias who was also present regarding Mr. Siderias’ area variance application to construct a two car detached garage on a 1.1 acre property located at 1160 Cold Spring Road, tax grid number 6570-00-554447 in the A5A zoning district. Mr. Scharff said there is an existing one story house with a screened porch and a one car garage on the side with an existing driveway and turn around which he displayed on a map. This is a pre-existing, non-conforming lot size of 1.1 acres in a 5 acre zone and is a corner lot with two 85 foot required front yard setbacks. If you overlay the required setbacks, the existing house and garage are pre-existing, non-conforming. Anything that is done on this lot would require a variance which is a significant hardship. We are seeking a 10 foot variance where 85 feet are required but can’t figure out another location for the garage taking into consideration the well and septic placement. They have not decided on the final design of the garage. Mr. Zemke said they will have to bring the final design to the public hearing. Mr. Zemke said he feels this application meets the requirements and is ready for a public hearing and the Board members agreed.

Mr. Zemke motioned that the Zoning Board of Appeals set the date for the public hearing for the Siderias area variance application for the Wednesday, June 22<sup>nd</sup> ZBA meeting. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Martin Otter	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 5-0.	

- 2. Adams Area Variance** – Michelle Platt appeared as the authorized representative for the Adams area variance to construct a 288 square foot wood shed 25 feet from the front boundary line where 85 feet are required and in front of the front building line of the dwelling. The property is 26.58 acres located at 353 Shookville Road, tax grid number 6473-00-290198. Ms. Platt said the most level area to put the wood shed is between the house and the road. At the back of the house, the property just drops off. There are no flat areas until you get to the front of the property. Mr. Zemke said he thought this application was straight forward and is ready for a public hearing and the Board members agreed.

Mr. Otter motioned that the Zoning Board of Appeals set the date for the public hearing for the Adams area variance application for the Wednesday, June 22<sup>nd</sup> ZBA meeting. Mr. Zemke seconded.

Rocco Mancini, Chairman	Aye	Martin Otter	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 5-0.	

**Discussion Items:**

- Chairman Mancini said he would like the Board to consider Section 200-18 A.(2) which states that no accessory structure or building shall be located closer to the street than the front yard setback required for a principal building in the district in

which such accessory structure or building may be located or in front of the front building line, whichever is the greater setback, unless the accessory structure is to be located in a residential district and is granted an area variance by the Zoning Board of Appeals after considering the impact of such accessory structure using the criteria established in Section 200-60F(S). Chairman Mancini suggested that for a generator, tool shed, etc, other towns do not require a variance if the structure is in front of the house if it is far enough back from the road. For instance, if the house is “x” number of feet from the road, a building permit would be required but not a variance. Mr. Zemke said that does leave the issue as to what do we want to see in the front yard of houses. Most houses are built with a design that presents itself to the street. He said he is not sure if removing the variance approval would be a good change. Chairman Mancini said an example would be the applicant who wanted to put her garage in front of the house but was still over 1,200 feet from the road – why should a variance be required for that situation? Mr. Zemke said while he agrees that it would be appropriate in some situations, how would you set the standards? Ms. Kulick asked what other towns do in that situation? Chairman Mancini said there are several towns that don’t require a variance in a situation such as that as long as the structure is in keeping with the rural character. The Board agreed to consider and re-visit this.

**Administrative Items:**

- **Approval of Minutes:** Mr. Otter motioned that the Zoning Board of Appeals accept the minutes of the April 27, 2016 meeting as presented. Mr. Zemke seconded.

Rocco Mancini, Chairman	Aye	Martin Otter	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 5-0.	

Ms. Kulick motioned to adjourn the meeting at 7:35 p.m. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Martin Otter	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 5-0.	

The next regular meeting will be held on Wednesday, June 22, 2016 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk  
Planning and Zoning

cc: Catherine Gill, Town Clerk  
Town Board