

ZONING BOARD OF APPEALS MEETING MINUTES - FINAL
WEDNESDAY, JUNE 27, 2018

MEMBERS PRESENT:

Rocco Mancini, Chairman
Stephanie Fitzpatrick
John Schneider
Phillip Zemke

MEMBERS ABSENT:

Ingrid Kulick

ALSO PRESENT:

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

Public Hearings:

- 1. Taconic Retreat Center Area Variances** - Paul Bowen, Executive Director, appeared for the public hearing for his area variance application for the Taconic Retreat Center for variances for building height and lot coverage on property located at 64 White Drive, tax grid number 6571-00-584466 in the A5A zoning district as well as the public/semipublic land overlay district. Chairman Mancini read the legal notice that was posted in the paper and sent to surrounding landowners. Mr. Bowen said in reply to the questions asked by the Board at the last meeting, his architects submitted a document detailing how the height measurements were calculated for the three buildings which are White Hall, the Worship Center, and the Bunkhouse. They are all around 40 feet but we asked for 45 for a bit of room. There will be nothing else on the roof to increase the height such as antennas. Mr. Bowen did not know if there will be a flue coming out of the building but Mr. Zemke said that would be allowable. There are no flagpoles. Larry Brody from the Milan Fire Department was present representing the Chief to clarify that the Fire Department can protect the structures that extend beyond 35 feet in height. They would place a ladder truck from Red Hook or Rhinebeck on first alarm for those buildings. Also, Mr. Brody said the new buildings will be sprinkled. Mr. Brody told Mr. Bowen that ideally, a dry hydrant would be on the Fire Department's wish list and they were hoping it was part of the master plan. Mr. Bowen said he is ready to work with the Fire Department on that.

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

Rocco Mancini, Chairman	Aye	John Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent		

Motion carried 4-0.

The Board completed the Findings for the height variance as follows: an undesirable change will not be produced in the character of the neighborhood; the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance as this is a design decision and the buildings are in character with the camp; the requested variance is not substantial; the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood; and the alleged difficulty is self-created. The benefit to the applicant does

outweigh the detriment to the neighborhood or community. There were no conditions.

Mr. Zemke motioned that the Zoning Board of Appeals approve the Findings and Decision for the Taconic Retreat Center for the increase in building height for three buildings. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	John Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent		

Motion carried 4-0.

The Board completed the Findings for the increase in lot coverage as follows: an undesirable change will not be produced in the character of the neighborhood; the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance; the requested variance is not substantial as this is a 212 acre lot; the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood; and the alleged difficulty is self-created. The benefit to the applicant does outweigh the detriment to the neighborhood or community. There were no conditions.

Mr. Schneider motioned that the Zoning Board of Appeals approve the Findings and Decision for the Taconic Retreat Center for the increase in lot coverage. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	John Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent		

Motion carried 4-0.

- 2. Kanter Area Variance** – Morgon Kanter appeared for the public hearing for his area variance application to place a 24' x 16' shed in front of the front building line of the dwelling on property located at 257 Milan Hill Road, tax grid number 6472-00-663321 in the A3A zoning district. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners. Mr. Kanter said they would like to build a workshop. The front of the house is the only flat piece of land on the property. The house is set about 400 feet back from the road and has complete tree cover in leaf on conditions. The shed will not be visible from the road. Behind the house is a slope with no flat area. Chairman Mancini said he visited the site and agrees this is the best spot to put the workshop. The shop will have a poured concrete floor. Kort Contracting is building it. There was no public comment.

Mr. Zemke motioned to close the public hearing. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	John Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent		

Motion carried 4-0.

The Board completed the Findings for the shed to be placed in front of the front building line of the dwelling as follows: an undesirable change will not be produced in the character of the neighborhood; the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance; the requested variance is not substantial as this is a small shed on a large lot; the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood; and the alleged difficulty is self-created. The benefit to the applicant does outweigh the detriment to the neighborhood or community. There were no conditions.

Ms. Fitzpatrick motioned that the Zoning Board of Appeals approve the Findings and Decision for the shed to be placed in front of the front building line of the dwelling. Mr. Schneider seconded.

Rocco Mancini, Chairman	Aye	John Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent		

Motion carried 4-0.

Applications:

1. **Satta Special Use Permit/Area Variance** – Jeffrey Satta appeared for his application for a special use permit for an accessory dwelling unit and an area variance to increase the allowed square footage for the dwelling unit from the allowed 75% (1,606 SF) to 94.6% (2,025 SF). Mr. Satta said he wants to build an accessory modular building in the field for his sister in law. He is requesting a variance because the structure is bigger than the allowable square footage which, for a detached accessory structure, is 2,000 square feet or 75% of the dwelling, whichever is less. Mr. Satta has had his engineer and Health Department to the site to test for well and septic and there were no issues. The proposed dwelling is set about 250 to 300 feet back from Boice Road. Mr. Satta's lot is 82.5 acres with a portion of it in a forestry exemption. Mr. Satta said the original house is small and was built in 1985. Mr. Zemke said he concern is the zoning ordinance states there is only one primary use allowed on each lot and this proposal looks like two separate single family dwelling of the same size. The accessory dwelling is defined in the zoning ordinance as being less than the primary dwelling in size and appearance. Based on that, this Board would have to consider a variance for two primary uses which would be changing parts of the zoning ordinance which this Board does not have the authority to do. Which building would be considered the principal dwelling and which would be considered the accessory dwelling? Also, for this Board to vary the allowable square footage, the decision would have to be based on a hardship so we would have to know what is keeping you from meeting the square footage requirement. We would require a full site plan to include septic, well, dwelling, driveway and parking. Mr. Satta said it is set back from the road and is in the middle of a four acre field. Mr. Zemke said we would require a site plan to see how the accessory dwelling relates to the primary dwelling. After some additional discussion, the Board agreed to send a letter to the Board attorney asking if an area variance can be used by the ZBA to

increase the dimensional limits specified elsewhere in the zoning ordinance other than the area table, can the ZBA change Section 200-17E to allow a larger apartment, and can the ZBA change the definition of an accessory apartment and an accessory structure to suit the applicant's request for an area variance to increase the size and appearance of the accessory structure to be equal to or greater than the primary structure. Mr. Satta will drop off a check in the amount of \$500 to establish an escrow account to cover the attorney fees.

Ms. Fitzpatrick motioned to set the date for the public hearing for the July 25, 2018 meeting pending receipt of the opinion of the Board attorney.

Rocco Mancini, Chairman	Aye	John Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent		

Motion carried 4-0.

Discussion Items/Correspondence:

- The Board briefly discussed the Durst presentation held at the Town Hall earlier in June.

Administrative Items:

- **Approval of Minutes:** Mr. Zemke motioned that the Zoning Board of Appeals accept the minutes of the July 25, 2018 meeting as written. Mr. Schneider seconded.

Rocco Mancini, Chairman	Aye	John Schneider	Aye
Stephanie Fitzpatrick	Abstain	Phillip Zemke	Aye
Ingrid Kulick	Absent		

Motion carried 3-0-1.

Mr. Zemke motioned to adjourn the meeting at 8:25 p.m. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	John Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent		

Motion carried 4-0.

The next regular meeting will be held on Wednesday, July 25, 2018 at 7:00 p.m. at the Town Hall.

Respectfully submitted,



Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board