

ZONING BOARD OF APPEALS MEETING MINUTES – FINAL
WEDNESDAY, JANUARY 23, 2019

MEMBERS PRESENT:

Rocco Mancini, Chairman
Ingrid Kulick
John Schneider
Phillip Zemke

MEMBERS ABSENT:

Stephanie Fitzpatrick

ALSO PRESENT:

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

Public Hearings:

1. **Longo Area Variance** – Larry Longo appeared to present his variance application to place a barn 35 feet from the front setback line where 85 feet are required. The property is located at 1264 Willowbrook Road, tax grid number 6570-00-669960 in the A5A zoning district consisting of 161 acres. Mr. Longo said he is proposing to replace a barn that was in existence since 1941 and burned down in 1981. He will be using the existing poured concrete foundation which is in good shape. Mr. Longo owns the property on the other side of the road also. Mr. Zemke asked if the setback was measured from the property line which is what is required in the zoning code. Mr. Longo measured 30 feet from the center of the road which is how he arrived at the 35 foot setback. He said only one corner of the barn is close to the line, the other corner meets the 85 foot requirement. Chairman Mancini said he did a site visit and it all looked good to him especially since the barn is going on the existing foundation. Mr. Longo said access will be from his side of the property and nothing will be stored outside the barn. The barn will be used to store hay and machinery, no cows. Everything that is there now will remain, including the fence. A letter was received from Jeremy Lang, an adjacent land owner, dated January 14, 2019, which was read into the record. Mr. Lang states he is in favor of the barn but strongly suggested Mr. Longo avoid an industrial looking metal building and keep it a single story structure. Mr. Longo said he is using wood siding which he will paint gray and a metal roof. It will have a gable roof because there is no upstairs, and there will be no ventilators on the roof. Dutchess County Planning responded to the referral on January 2, 2019 “Matter of Local Concern.”

Ms. Kulick motioned that the Zoning Board of Appeals close the public hearing for the Longo area variance. Mr. Schneider seconded.

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

Motion carried 4-0.

The Board completed the Findings and Decision for the barn which state that an undesirable change will not be produced in the character of the neighborhood or detriment to nearby properties because the foundation is existing; the benefit sought by the applicant can and cannot be achieved by a feasible alternative to the variance because the barn could be located elsewhere on the property but the

property owner is utilizing an existing foundation; the requested variance is not substantial because the barn was there years ago and the foundation is existing and the existing farmhouse and the barn across the street are located even closer to the street; the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood because the barn will be used only for storing hay and machinery; and the alleged difficulty is self-created. There are no conditions to the variance.

Mr. Zemke motioned that the Zoning Board of Appeals accept the Findings and Decision approving the Longo area variance for a barn. Ms. Kulick seconded.

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

Motion carried 4-0.

Applications:

- 1. Vroom Special Use Permit** – John Pelosi appeared as the authorized representative for Christopher Vroom to present Mr. Vroom’s application for a special use permit for an accessory apartment on property located at 740 Milan Hill Road, tax grid number 6573-00-300200 in the A5A zoning district. The structure is in existence; it is an accessory building. He said they will add some walls and a bathroom upstairs. The water will be run from the existing house. Mr. Zemke said the existing well and septic need to be shown on the site plan and while there is a floor plan, there are no dimensions on the plan so the numbers need to be clarified as they are not legible.

Mr. Zemke motioned to declare the Vroom special use permit application for an accessory dwelling unit a Type II action under SEQRA requiring no further action. Ms. Kulick seconded.

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

Motion carried 4-0.

Mr. Zemke motioned that the Zoning Board of Appeals set the date for the public hearing for the Vroom special use permit for the February 27, 2019 meeting pending receipt of the two outstanding items listed above. Mr. Schneider seconded.

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

Motion carried 4-0.

Discussion Items/Correspondence:

- Bailes Area Variance – John Kenny, the new owner of the Bailes parcel 6472-00-261181, came in to discuss a previously issued variance (March 28, 2018) for the property allowing a barn to be located in front of the front building line of the dwelling and 20 feet from the side boundary line where 35 feet are required. Mr. Kenny is considering sliding the barn a bit to bring it closer to the house. He would maintain the 20 foot setback. One of the concerns is that Mr. and Mrs. Berman from 153 Battenfeld Road came to the public hearing for this barn and expressed visual concerns about the placement of the barn and asked the Board to require screening which became a condition of the variance. In sliding the barn down, it would be closer to the Berman property. The Board agreed that Mr. Kenny should come in with a plan showing exactly where he wants to put the barn and the Clerk should call Angela Lore, Attorney for the Board, to find out at if a variance can be amended and at what point would a new application and public hearing be required.

Administrative Items:

- **Approval of Minutes:** A motion was made by Ms. Kulick that the Zoning Board of Appeals accepts the minutes of the December 19, 2018 meeting as presented. Mr. Schneider seconded.

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

 Motion carried 3-0-1.

A motion was made by Mr. Schneider and seconded by Ms. Kulick to adjourn the meeting at 7:35 p.m.

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

Motion carried 4-0.

The next regular meeting will be held on Wednesday, February 27, 2019 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board

