

ZONING BOARD OF APPEALS MEETING MINUTES – FINAL
WEDNESDAY, AUGUST 19, 2020

MEMBERS PRESENT:

MEMBERS ABSENT:

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

ALSO PRESENT:

Debra Blalock, Town Board Liaison

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

Public Hearings:

- 1. D’achille Area Variance** – Dave Stewart from DS Electric was present as the authorized representative for the area variance application from Rae D’achille for a side yard setback variance from the required 35 feet to 20 feet for a generator on property located at 357 North Road, tax grid number 6572-00-781303. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners. Mr. Stewart said this is a side setback reduction for a generator and two 100 gallon propane tanks. The generator is a 16KW Generac, four feet wide, three feet deep, and four feet tall. It has to be 18 inches off the side of the building. We have placed it about 24 inches off the building. The tanks are similarly placed. It is close to the property line but totally hidden. The neighbors can’t build on that side of the property and the nearest residence is about 100 feet away so no one will hear it running. This spot made the most sense because there is already a propane hookup there and the electric meter is there. The meter and panel are on that side of the building. Chairman Mancini visited the site and agreed this is the best spot for the generator.

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

Chairman Mancini	Aye	John Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye		

Motion carried 5-0.

The Board completed the Findings and Decision for the generator which state 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 as the electrical wiring and the propane hook up is right there, the requested variance is not substantial as it is a small generator; 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 accept the Findings and Decision to approve the D’achille area variance. Ms. Kulick seconded.

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

Motion carried 5-0.

- 2. Oliveira Area Variance** – Ricardo Oliveira was present for his area variance application for a side setback variance to construct a detached garage having a side setback of 15 feet where 35 feet are required on property located at 164 Academy Hill Road, tax grid number 6571-00-154792. Chairman Mancini read the legal notice that was posted and sent to neighboring landowners. Mr. Oliveira said he proposing to add an attached garage to the house which will require a side setback. Mr. Zemke looked at the property on google earth and said there is an old garage and shed at the bottom of the driveway. Mr. Oliveira said he will be demolishing that garage once he constructs the garage up by the house. Mr. Zemke said this is a better solution than what’s there now. Mr. Oliveira said the house is small so he is looking for a two car garage with a second floor for storage. Mr. Zemke said he needs to make sure that he does not go over the allowed 10% of coverage. Mr. Schneider said it is logical to come straight up the driveway into the garage. Chairman Mancini visited the site and said this plan make sense.

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

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

Motion carried 5-0.

The Board completed the Findings and Decision for the garage which state that an undesirable change will not be produced in the character of the neighborhood or detriment to nearby properties because the lot is part of a cluster of half acre lots so it is conforming to the neighborhood; the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance as this is the most level spot on the property and is next to the house for convenience; 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 is one condition which is that the existing garage at the front of the property must be removed prior to the issuance of the Certificate of Occupancy for the new garage to prevent the lot coverage from exceeding the allowed 10%.

Mr. Zemke motioned that the Zoning Board of Appeals accept the Findings and Decision to approve the Oliveira area variance request with the stated condition.

Ms. Kulick seconded.

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

Motion carried 5-0.

Applications:

1. **Hoen/Paffendorf Area Variance** – Christie Billeci, Architect, was present as the authorized representative for the homeowners for this area variance application to increase an existing non-conformity at 26 Sawmill Road, tax grid number 6471-00-007902. Ms. Billeci said the existing structure is located on Sawmill Road. We are proposing to put an addition onto the side of it. We do not require a side setback variance because we are in the Hamlet zoning district. However, the property is less than an acre so is pre-existing, non-conforming so that is why we are here. The side setbacks will be 18/10. They are moving the existing shed and adding a deck which is increasing the lot coverage. There is a stone foundation and they are hoping for a basement but it will probably be more of a crawl space. When asked, Ms. Billeci said the board members can visit the property any time. The place is vacant. It is very dilapidated. They are planning on adding new siding. Ms. Billeci said it will look great once it's done.

Mr. Zemke motioned that the board declare this variance to be a Type II action under SEQRA pursuant to 6 NYCRR Section 617.5c(16) requiring no further review. Mr. Schneider seconded.

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

Motion carried 5-0.

Mr. Zemke motioned that the Zoning Board of Appeals set the public hearing to be held at the September 23, 2020 meeting. Ms. Fitzpatrick seconded.

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

Motion carried 5-0.

2. **Sawmill Road Properties Area Variance** – Brian Tsai was present for this area variance application to construct an accessory structure in front of the principal dwelling unit in variance with Section 200-18-A2 on property located at 251 Sawmill Road, tax grid number 6472-00-145496. Mr. Zemke said he went on google earth and it appears that a variance is not required. The front building line of the dwelling is not necessarily what is considered the front of the building. The front building line is the line of the face of the building nearest the street line. Based on this, the structure will not be closer to the street than the front building line of the dwelling. The application fee will be refunded.

Discussion Items/Correspondence: **None**

Administrative Items:

- **Approval of Minutes:** A motion was made by Mr. Schneider and seconded by Mr. Zemke that the Zoning Board of Appeals accepts the minutes of the July 22, 2020 meeting as amended.
Rocco Mancini, Chairman Aye John Schneider Aye
Stephanie Fitzpatrick Aye Phillip Zemke Aye
Ingrid Kulick Aye
Motion carried 5-0.

A motion was made by Ms. Fitzpatrick and seconded by Ms. Kulick to adjourn the meeting at 7:30 p.m.

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

The next regular meeting will be held on Wednesday, September 23, 2020 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
 Town Board