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**UNION VALE ZONING BOARD OF APPEALS
Minutes of the Regular Meeting**

**August 6, 2019
7:30 pm**

Members Present: Chairperson Jane Smith, Board members Dennis Dunning, John Hughes and Ilana Nilsen

Member Absent: Board member Jeffrey Wimmer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairperson Jane Smith determined that there was a quorum to conduct business and called the meeting to order.

BUSINESS SESSION

- Chairperson Jane Smith reviewed the agenda and stated it will stand as published.
- Minutes

Chairperson Jane Smith made the motion to accept the minutes of the June 4, 2019 regular meeting, seconded by Board member Ilana Nilsen, approved unanimously by Board members present.

CORRESPONDENCE

None.

PUBLIC HEARING:

None.

REGULAR SESSION / OLD BUSINESS / DECISION ON PUBLIC HEARING:

None.

REGULAR SESSION / NEW BUSINESS

**CROSS ORCHARDS APARTMENT COMPLEX
Route 55
Lagrangeville, NY 12540**

Meeting 1

Applicant applying for three variances to construct 74 multifamily dwelling units on 25.3 acres in the Town Center zoning district.

Variance # 1: Requesting a 14.279 acre area variance from the 40 acres that is required to the south of NYS Route 55 in the TC zoning district under code section 210-54 E.(1).

Variance # 2: Requesting a variance(s) from the TC district District Schedule of Use Regulations Subsection 210-10 of the Zoning code and subsections a, c, d, e and f of section 210-54 E.(2).

Variance # 3: Requesting a variance from the requirement set forth in 210-54 E.(3) that not less than 30% of the overall land area be developed by nonresidential uses listed in 210-54 E.(2) and/or other nonresidential uses set forth in the District Schedule of Uses for the TC zoning district.

Chairperson Jane Smith welcomed Richard Mackey, part owner of the parcel, and his Engineer Brian Stokosa, P.E., from M.A. Day Engineering.

Chairperson Jane Smith started by summarizing the three variances requested on the application.

Brian Stokosa, P.E. informed the Board that his client, Richard Mackey, from Buck and Testa, has been going through this process for about a year, have concerns about the viability of commercial development on the TC corridor, have been before the Planning Board twice, and have had discussions with the Town Board regarding changing the code. He said that the Planning Board was generally "favorable" towards the plan, but had reservations.

Mr. Stokosa, P.E. stated he was told that the Town had received grant money to help with code amendments in the TC district, but, because the amendment process could take up to 6 months or more to come into effect, his client wanted to take the variance route. Mr. Stokosa also acknowledged that what the applicant was requesting might well require a Use variance.

Chairperson Jane Smith noted that, in effect, what the applicant was asking for was the ability to develop the property only as multifamily dwellings. However, under the existing Town Code sections 210-54 and 210-56, multifamily dwellings were permitted in the TC District only as part of a Planned Mixed-Use Development (PMUD); the applicant was using variances to obtain relief from the required mixed uses. Mr. Stokosa agreed that this is the bottom line. After further discussion about whether the relief requested could be obtained via area variances or, rather, only through a use variance (which would be much more expensive and difficult to obtain), Mr. Stokosa indicated that further consultation with his client would be appropriate before moving forward, and Chairperson Jane Smith indicated that the Board would seek advice of counsel as to whether a use or area variances were needed.

Chairperson Jane Smith made a motion, seconded by Board member Ilana Nilsen, not to accept the application as submitted, and to adjourn further discussion on this proposal until the September 3, 2019 meeting, to allow the ZBA to contact Town counsel and the applicant to confer with his Engineer and Land Attorney; motion passed on unanimous vote of members present.

OTHER BUSINESS

None.

ADJOURNMENT

As there was no further business, a motion was made by Chairperson Jane Smith seconded by Board member Dennis Dunning, and unanimously accepted by the Board, to adjourn the meeting at 8:00 p.m.

The next regular meeting of the Zoning Board of Appeals is scheduled for **Tuesday, September 3, 2019 at 7:30 PM.**

The agenda will close on **August 20, 2019 at 12:00 Noon.** Items for consideration at the **September** meeting must be received by that date.

Respectfully submitted,

Jean E. Miller

ZONING BOARD OF APPEALS CLERK