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

**September 3, 2019
7:30 pm**

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

Member Absent: Board members Ilana Nilsen and 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 with a change of order, Warren interpretation will be heard first, then RRC Holdings.
- Minutes: Chairperson Jane Smith asked for a motion to accept the minutes of the August 6, 2019 regular meeting, motion by Board member Dennis Dunning, seconded by Board member John Hughes, approved unanimously by Board members present.

CORRESPONDENCE

None.

PUBLIC HEARING:

None.

REGULAR SESSION / OLD BUSINESS / DECISION ON PUBLIC HEARING:

None.

REGULAR SESSION / NEW BUSINESS

Interpretation

Kevin and Cynthia Warren
36 Turkey Run
Hopewell Jct., NY 12533
Site: 58 Pleasant Ridge Road Extn
Poughquag, NY 12570
TMP # 6859-00-903925

Meeting – 1
Interpretation
setback

Applicant applying for an interpretation of Town code section 210-17 (Accessory Structures) and setbacks within the RA5 District.

Chairperson Jane Smith welcomed Mr. Curtis Warren, son of the owner of the property, and his Engineer Peter Sanders, Renna Engineering.

Mr. Sanders explained that he submitted an application for Subdivision to the Planning Board on June 6, 2019, which was heard at the July 11, 2019 meeting. The Owners of the property purchased a 144+/- acre parcel and are proposing to subdivide a 5+/- acre parcel from that to construct a single family home in the RA5 acre zoning for their son.

Mr. Sanders explained that, at the July 11, 2019 Planning Board meeting, the Planning Board agreed that the application was complete and set it up for public hearing. At the public hearing on August 9, 2019, the Town Attorney brought up a determination letter from the Zoning Administrator, dated June 17, 2019, that a possible variance would be required for a front yard setback on the lot that has a pre-existing accessory structure on it. After discussion from the Board members and counsel, the public hearing was continued until the September 12, 2019 Planning Board meeting, and the applicant was referred to the Town Zoning administrator to pursue a variance. Mr. Sanders stated he was not aware there was a concern from the Planning Board regarding the proposed subdivision until the August public hearing, when Town Counsel brought up the Zoning Administrator's determination letter.

Mr. Sanders explained that after reviewing the Town Code, he and his client decided to challenge the Zoning Administrator's determination, and, therefore, applied for an "interpretation" from the Zoning Board of Appeals as to whether the lot line between the proposed 5-acre lot (lot 2) and the remaining lot (lot 1) is, as far as lot 1 is concerned, a "front" line or a "side" line. Mr. Sanders explained that, in the applicant's view, the line is a side line, the required setback for an accessory building in a side yard in the RD5 District is 35', and the setback depicted is 36', therefore no variance is required. In the event that this interpretation was not accepted by the ZBA, the applicant was requesting a variance.

Board member Dennis Dunning asked Mr. Sanders if there are any other means that this could be achieved, without obtaining an interpretation/variance.

Mr. Sanders stated if the proposed 5-acre lot is reconfigured or is moved to a different location, then yes, conceivably, an interpretation/variance would not be needed. Mr. Sanders explained, however, that the owners of the property would like to build a primary dwelling on the larger lot, closer to the backside of the existing barn and this fronting lot would be for their son; they plan on keeping the houses close to each other, to keep more open green space.

Mr. Sanders understood that he had received the "ok" from the Planning Board at the July meeting, and explained that, therefore, his client started the SDS design, had perk tests done for the proposed 5-acre location, and had expended money to do so. Reconfiguring the lot at this point, he explained, would be costly for his client who would have to incur further expenses.

Chairperson Jane Smith pointed to code section 210-17 (A)4, which provides that no accessory structure "shall project closer to the fronting street than the principal building

on the lot or the required front yard setback for the zoning district, whichever shall be less restrictive”, and noted that this was a separate condition under code section (A) than that set forth in subsection A.2. The “proposed” principal building did not appear on the map provided with the application.

Board member Dennis Dunning read the Zoning Administrator’s letter from June 17, 2019, in which it was stated: (1) the “barn is located as depicted in the plan with a setback from the proposed rear property line of 36 feet”, and also (2) “due to the irregular shape of the lot this should be reviewed by the Town Attorney and to see if this structure will require any type of area variance for the required 100-foot setback from the front property line”. Accordingly, Mr. Dunning urged Chairperson Jane Smith to discuss this with the Town Attorney and Zoning Administrator.

After further discussion between the applicant’s engineer and the Board members present, including discussion about efforts by the applicant to include the property in an Agricultural District, Chairperson Jane Smith advised that the Board would not make an interpretation before conducting a public hearing.

Chairperson Jane Smith noted that she will be contacting Town Counsel, and offered the following resolution:

The Town of Union Vale Zoning Board of Appeals hereby acts as follows on the Application of Kevin and Cynthia Warren, 58 Pleasant Ridge Road Extn., Poughquag, NY 12570:

1. ***Accepts*** the Application for an interpretation as to whether -- in connection with a proposed subdivision of a 144 +/- acre parcel in the RA5 District into two lots -- the rear lot line of proposed Lot 2 is a front or side lot line as to proposed Lot 1,

and, if needed,

an area variance for an existing barn depicted on Lot 1. The proposed subdivision will create a 5 +/- acre lot (wholly in the Town of Union Vale) and reduce the existing lot (of which 116.5 +/- acres are within the Town of Union Vale and 27.5 +/- acres within Town of Beekman) to 136 +/- acres.

2. *Classifies the application as “Type II Action” under NYCRR Part 617.5 and as such, is precluded from environmental review under SEQRA.*
3. *Schedules a Public Hearing on the Application for **Tuesday, October 1, 2019 at 7:35 pm** and directs the secretary to provide timely notice thereof.*

4. *Advises the Applicant that all costs involved in notifying the Public shall be reimbursed to the Town of Union Vale.*
5. *Advises the Applicant that a visit to the premises may -or- may not be scheduled.*

Board Member John Hughes moved to accept the resolution, seconded by Board Member Dennis Dunning, unanimously accepted by the Board.

Variances

**RRC Holdings, LLC
11 Potter Lane
Lagrangeville, NY 12540
Site: Liberty Way
Lagrangeville, NY 12540
TMP # 6660-00-720421**

**Meeting – 1
Two road frontage
area variances**

Applicant applying for two (100 feet each) road frontage area variances, one lot being subdivided into two lots off a cul de sac, in the RA3 District.

Jane Smith made the motion to defer this application to the October 1, 2019 meeting as per the applicant's Engineer's request, seconded by Board member Dennis Dunning; motion approved unanimously.

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 9:15 p.m.

The next regular meeting of the Zoning Board of Appeals is scheduled for **Tuesday, October 1, 2019 at 7:30 PM.**

The agenda will close on **September 17, 2019 at 12:00 Noon.** Items for consideration at the **October** meeting must be received by that date.

Respectfully submitted,

Jean E. Miller

ZONING BOARD OF APPEALS CLERK