

**UNION VALE ZONING BOARD OF APPEALS**

**Minutes of the Regular Meeting**

**7:30 pm**

**September 13<sup>th</sup> 2022**

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

**CALL TO ORDER / DETERMINATION OF QUORUM**

Chairperson Jane Smith determined that there was a quorum for the Zoning Board of Appeals (“the Board”) to conduct business and called the meeting to order.

**CORRESPONDENCE**

None

**BUSINESS SESSION**

Board unanimously approved minutes from August 2<sup>nd</sup> meeting.

**PUBLIC HEARING**

**PROJECT NAME**

**Patane Area Variance**

Applicant: Brandon & Heather Patane

Address: 115 Cooper Drive, Verbank

Parcel #: 6662-01-198606

Meeting #   2  

**PROJECT DETAILS**

Application for an area variance for 900 sqft for a proposed 2,400 sqft accessory structure in the R1.5 Zoning District.

Chairperson Smith opened the Public Hearing. Brandon Patane, owner of the property, explained that he would like to build a 2,400 sqft accessory structure to house his recreational vehicles, lawn equipment & vehicles to keep them out of the elements. Mr. Prisco, a neighbor at 119 Cooper Drive, stated that he had no issue with the proposed structure being built; in response to questions Board members about drainage, Mr. Prisco and Mr. Patane explained that there is adequate drainage between their two properties which runs off into a storm water drain near the road. A neighbor at 142 Cooper Drive, Mrs. Luchnick, also stated that she did not have any objections on the application.

With no more questions or comments, Chairperson Smith closed the public hearing. She then read and the Board considered, the following standards for accepting/denying this area variance application, and the Board made the following findings:

*In making its determination, the ZBA shall take into consideration the benefit to the applicant if the Area Variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider:*

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to the nearby properties will be created by the granting of the Area Variance. Comments?*

Facts and Findings: No, as it cannot be seen from neighboring properties or the street, it has no impact of the nearby properties.

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance. Comments?*

Facts and Finding: Alternate locations would create more of an eyesore than installing the structure that is proposed which would improve the property by removing existing vehicles from view.

- 3. Whether the requested variance is substantial. Comments?*

Facts and Finding: Yes, the variance is substantial, however both the property acreage and the primary structure are also substantially larger than the minimum bulk requirements.

- 4. Whether the proposed Area Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Comments?*

Facts and Finding: No, it is unlikely to affect neighboring properties, with the condition that proper gutters, and water runoff is controlled.

- 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance. Comments?*

Facts and Findings: Yes, it is self-created, but does not preclude the granting of the variance.

After considering the five factors and weighing the benefit to the Applicant as against the detriment to the health, safety and welfare of the neighborhood or community, Chairperson Smith offered the following motion to grant the proposed area variance with conditions. The motion was seconded by Member McPartland, and passed unanimously by The Board:

**Re: Area Variance**  
*[Code §210—17 A(5) Accessory Structures]*

To the above Applicant in the R1.5 district which seeks a 900sqft area variance under *§210—17 A(5)* (which states: Except in the RD10 and RA5 Districts, all roofed permanent accessory structures, exclusive of agricultural buildings, shall in the aggregate comprise not more floor area than either the principal building on the lot or 1,500 square feet, whichever is the more restrictive), **the Town of Union Vale Zoning Board of Appeals GRANTS** the following:

*Patane area variance 900 sqft for a 2,400 sqft detached garage.*

Conditions: Yes/No YES

Condition 1:           The applicant will mitigate erosion by installing gutters on the garage to divert water appropriately.

Condition 2:           The structure must remain an accessory structure with no ability to be converted to a residence.

**Roll Call Vote:**

	<i>Aye</i>	<i>Nay</i>
<i>Jane Smith, Chairperson</i>	✓ _____	_____
<i>Dennis Dunning</i>	✓ _____	_____
<i>John Hughes</i>	✓ _____	_____
<i>Michael McPartland</i>	✓ _____	_____
<i>Ilana Nilsen</i>	✓ _____	_____

**REGULAR SESSION / NEW BUSINESS**

None

**OTHER BUSINESS**

None

**ADJOURNMENT**

As there was no further business, a motion was made by the Chairperson Smith and unanimously accepted by the Board, to adjourn the meeting at 8:28 PM.

The next regular/public meeting of the Zoning Board of Appeals is scheduled for **Tuesday October 4<sup>th</sup> 2022 at 7:30 PM.**

The agenda will close on **September 20<sup>th</sup> at 12:00 Noon.** Items for consideration at the **October** meeting must be received by that date.