

**UNION VALE ZONING BOARD OF APPEALS**  
**Minutes of the Regular Meeting**  
**7:30 pm**

**August 3, 2021**

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

**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.

**BUSINESS SESSION**

Agenda reviewed for August 3, 2021 meeting.

Board unanimously approved minutes from June 1, 2021 meeting.

**CORROSPONDENCE**

Email from Michael Gillespie & associates dated August 3, 2021 relating to Liberty Way is attached.

**PUBLIC HEARING**

None

**REGULAR SESSION/NEW BUSINESS**

**Clove Valley Baker Property**  
**2130 Clove Road**  
**Lagrangeville NY 12540**  
**Applicant- Henry Welch.**

**Meeting - 1**

**Variance - 1**

**Height- Area variance**

Applicant proposing a caretaker cottage to the height of 26’ 3”, to fit the character of the environment that it will be located in. Maximum height code for accessory structures states no such structure shall exceed 20’ in height. Applicant requests a height variance of 6’ 3”. Located in a RD-10 Zone.

Chairperson Jane Smith welcomed applicant Henry Welch to explain the proposed project. Mr. Welch began by explaining the construction details of the proposed caretaker’s cottage. The design of the building will require truss construction due to the width of the building which is proposed to be 35’ with 10’ ceiling height creating the pitch of the roof to keep the same look as the other buildings. He continued to describe the geography of the property which has a substantial amount of land, and will be located a far distance from the road. The property has an existing dwelling, garage & pool house. Applicant stated he also has an application before the Planning Board for an accessory apartment for the proposed structure.

Chairperson Jane Smith asked the Board for questions & comments.

Board Member Ilana Nilsen had questions regarding the location of the existing dwelling & the distance the cottage will be from the property line. There was a discussion about the slope and location of proposed cottage which Mr. Welch indicated backs up to a large mountain. He also provided the board with a copy of the existing driveway easement dated November 2016, which was established during the original subdivision.

With no other questions or comments, Chairperson Jane Smith offered the below resolution which was passed unanimously by the board:

***“The Town of Union Vale Zoning Board of Appeals hereby acts as follows on the Application of **Henry Welch, Clove Valley Baker Property, 2130 Clove Rd, Lagrangeville NY 12540*****

*Accepts the Application for a **6’3’ Height variance to construct a caretaker’s cottage;***

- 1. Classifies the application as “Type II Action” under NYCRR Part 617.5 and as such, is precluded from environmental review under SEQRA.*
- 2. Schedules a Public Hearing on the Application for **Tuesday, September 14, 2021 at 7:35 pm** and directs the secretary to provide timely notice thereof.*
- 3. Advises the Applicant that all costs involved in notifying the Public shall be reimbursed to the Town of Union Vale.*
- 4. Advises the Applicant that a visit to the premises may -or- may not be scheduled.*

**Liberty Way subdivision  
Bruzugul Road & Liberty Way  
Lagrangeville NY 12540  
Applicant- Michael Gillespie- Engineer**

**Meeting - 1  
Variance - 1  
Area Variance**

Applicant is requesting an area variance in the RA-3 Zone of .67 acres on a proposed two lot subdivision for lot two to be 2.3 acres in the required 3 acres zone.

Chairperson Smith began by reading the email from Michael Gillespie & Associates addressed to neighboring property manager Mr. Wohlfart of Trade Farms dated 8/3/21 in regards to a discussion over the possibility of owner selling a portion of property to the applicant in order to meet zoning requirements.

Chairperson Smith asked the applicant to explain the proposed project.

Mr. Gillespie of Gillespie & Associates began by explaining the location of the parcel. He stated that there was a previous subdivision of Liberty Way created a few years ago which focused on the left side of the street. Mr. Gillespie mentioned they went before the Planning Board in July; that board referred the applicant to submit an application to the Zoning Board to request an area variance. He continued that the proposed subdivision of the 5.33 acre lot could create two options. First to split the property

evenly, which would then require a variance for each lot, or create the first lot to meet 3-acre zoning, and request an area variance for only one lot, which is the option they were proposing.

Mr. Gillespie stated the justification for the request was unique because of the existing drainage easement that is in place. The subdivision of the proposed lot would create another parcel to offset the costs of the easement with neighboring properties. Other considerations that were made was the possibility of purchasing a portion of neighboring properties to create a parcel that meets the 3-acre zone. He referenced the email correspondence from the adjoining parcel located on Bruzgul Road Trade Farms, in which he stated the owner was not interested in selling any portion of their property. He commented that they sent certified letters to both the neighbors but they have not received a response from the other adjoining property owner Zimmerli at this time.

Board member Dennis Dunning asked Mr. Gillespie when this property was originally purchased by his clients. Mr. Gillespie stated that the client is currently in contract on the property contingent on the approval from the town to subdivide the parcel. There was a discussion about the size of the neighboring parcels along the road which are each around 4-5 acres.

Chairperson Smith suggested the applicant continue to reach out to the Zimmerli property for a response to the certified letter sent. She also suggested they reach out to the other neighbors to get their thoughts on the proposed subdivision and have that information for the public hearing.

With no other questions or comments, Chairperson Jane Smith offered the below resolution which was passed unanimously by the board:

***“The Town of Union Vale Zoning Board of Appeals hereby acts as follows on the Application of **Martin/Comatos, Liberty Way & Bruzugul Rd, Lagrangeville NY 12540*****

*Accepts the Application for an area variance in the RA-3 Zone of .67 acres on a proposed two lot subdivision to allow for lot two to be 2.3 acres in the required 3 acre zone.*

- 1. Classifies the application as “Type II Action” under NYCRR Part 617.5 and as such, is precluded from environmental review under SEQRA.*
- 2. Schedules a Public Hearing on the Application for **Tuesday, September 14, 2021 at 7:45 pm** and directs the secretary to provide timely notice thereof.*
- 3. Advises the Applicant that all costs involved in notifying the Public shall be reimbursed to the Town of Union Vale.*
- 4. Advises the Applicant that a visit to the premises may -or- may not be scheduled.*

**OTHER BUSINESS**

Chairperson Smith wanted to review the zoning application, procedures and materials. There was a discussion among the board regarding some of the language on the forms and new ways to implement a more thorough application package. Any new changes will be held over to evaluate further.

## **ADJOURNMENT**

As there was no further business, a motion was made by the Chairperson Smith, seconded by Board member John Hughes, and unanimously accepted by the Board, to adjourn the meeting at 8:45 p.m.

The next regular/public meeting of the Zoning Board of Appeals is scheduled for **Tuesday, September 14 2021, at 7:30 PM.**

The agenda will close on **August 31, 2021, at 12:00 Noon.** Items for consideration at the **September** meeting must be received by that date.

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**Subject:** Comatos - Trade Farms  
**Date:** Tuesday, August 03, 2021 9:43:13 AM

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Good Morning Mr. Wohlfart – To confirm our discussion this morning (as your capacity as property manager for Trade Farms), the Owner has no interest in providing additional property to allow my client (Comatos / Martin) to subdivide his parcel in order to meet the R3A requirements specific to area. If you could provide a formal reply stating the same that would be appreciated. Thank you.

**Michael E. Gillespie, P.E.**  
**Professional Engineer**



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