

**UNION VALE ZONING BOARD OF APPEALS**

**Minutes of the Regular Meeting**

**7:30 pm**

**May 7<sup>th</sup> 2024**

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

Held over meeting mins from April

**PUBLIC HEARING**

**PROJECT**

**Harris Area Variance**

Applicant/Owner: Thomas & Jennifer Harris  
Address: 80 Highview Road Dover Plains NY 12522  
Parcel #: 6862-00-988601  
Meeting # 2

**PROJECT DETAILS**

Application for 1,780 sqft area variance for proposed 3,280 sqft barn/garage in accessory to principle dwelling located in the RA3 Zone.

Chairperson Smith opened the public hearing and welcomed the owner Mr. Harris to give detail on the application. Mr. Harris stated that he intends to install this size of a garage which is 40 x 60 due to the many vehicles & equipment he owns to protect them from the elements, which will also include an overhang for their camper. He also has a hobby of fixing vehicles and intends on installing a car lift along with a tractor & UTV, therefore a smaller garage was not achievable based on their needs.

The board had a discussion regarding the view from the road and neighboring properties, it was determined that due to the contour of the land the garage would not be visible from the road. Mr. Harris also stated that there are several other neighboring properties that have large barns and garages.

There was a discussion regarding the potential water run off & stormwater which the applicant stated would be managed adequately.

The board discussed the factors they must consider when reviewing an application and the conditions that would be imposed should the variances be granted. The Board then unanimously voted as follows:

The Town of Union Vale Zoning Board of Appeals **GRANTS** the Harris area variance.

The Board’s findings with respect to each variance and the conditions imposed are set forth in attachments titled:

**Zoning Board of Appeals approval on the application of Thomas & Jennifer Harris for 1,780 sqft area variance for a proposed 3,280 sqft garage accessory to property located at 80 Highview Road, Dover Plains, NY 12522**

**REGULAR SESSION / NEW BUSINESS**

None

**OTHER BUSINESS**

None

**ADJOURNMENT**

As there was no further business, a motion was made by the Chairperson Smith, seconded by Member Dunning and unanimously accepted by the Board, to adjourn the meeting at 8:55 PM.

The next regular/public meeting of the Zoning Board of Appeals is scheduled for **Tuesday June 4<sup>th</sup> 2024, at 7:30 PM.** The agenda will close on **May 14<sup>th</sup> 2024 at 12:00 Noon.** Items for consideration at the **June** meeting must be received by that date.



**Zoning Board of Appeals approval on the application of Thomas & Jennifer Harris for 1,780 sqft area variance for a proposed 3,280 sqft garage accessory located at 80 Highview Road, Dover Plains, NY 12522**

**Parcel # 6862-00-988601**

**Date: 5/7/2024**

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, other neighboring properties have similar structures, and the contour of the land slope will help mitigate the view from the road.

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.

Facts and Finding: Yes, multiple smaller structures could be installed but the overall result would be scattered buildings, less harmonious with the property and neighborhood.

3. Whether the requested variance is substantial.

Facts and Finding: Yes, however the Harris property is more than 25% larger for the RA3 zoning district.

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

Facts and Finding: No, owners will not be disturbing large areas, land is mostly clear and only intention is to remove dead trees.

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.

Facts and Findings: Yes, it is self-created but does not preclude from granting 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 a motion, seconded by member Dunning to ***grant the application of Thomas & Jennifer Harris for a 1,780 sqft area variance for a proposed 3,280 sqft garage accessory located at 80 Highview Road, Dover Plains, NY***

The Town of Union Zoning Board of Appeals unanimously approved the motion and granted the Harris area variance with two conditions noted below.

Conditions: **Yes**

1. The structure shall not be used for any commercial purposes.
2. Structure shall adhere to the dark sky compliant lighting regulations.

**Roll Call Vote:**

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

Signed,



5/7/2024

DATE

Emily Cole, Secretary

Zoning Board of Appeals

cc: Applicant, Town Clerk, Planning Board Chair & Clerk  
Building Department & File