

UNION VALE ZONING BOARD OF APPEALS
Minutes of the Regular Meeting

January 6, 2016

Members Present: Jane Smith, Alain Natchev, and Dan Tuohy

Members Absent: Board member Jeff Wimmer

CALL TO ORDER / DETERMINATION OF QUORUM

In the absence of a Board member being appointed as Chairperson for the year 2016 until the Town Board meeting on January 7, 2016, Board member Alain Natchev made the motion to have Board member Jane Smith to act as Chairperson for this meeting, seconded by Dan Tuohy, and, with a quorum present, passed unanimously.

Acting Chairperson Jane Smith called the meeting to order at 7:32 p.m.

CONFIRMATION OF THE AGENDA

Acting Chairperson Jane Smith confirmed the Agenda would stand as published, with an addition of the designation of the ZBA secretary for the year of 2016.

REVIEW / APPROVAL OF MINUTES

Acting Chairperson Jane Smith made a motion to accept December 2, 2015 meeting minutes submitted by the Clerk with one correction, spelling of the applicant's representative's name changed from "Coonan" to "Noonan" in one paragraph as noted by Board member Alain Natchev; the motion was seconded by Board Member Dan Tuohy and accepted by unanimous vote of the Board members present.

OTHER BUSINESS

Acting Chairperson Jane Smith reminded the Board members present of the New York State requirement of four hours training, per year for Zoning Board of Appeals members.

REGULAR SESSION / PUBLIC HEARING(S)

STRANGE, RAVEN, 448 Camby Road, Verbank, NY 12585. Requesting a 724 square foot area variance (maximum square footage allowed 600) for the new construction of a Guest Cottage in the RD-10 District and being an unlisted action under SEQRA.

Acting Chairperson Jane Smith opened the public hearing and the clerk read the notice into the record. Present at the meeting were representatives of the applicant, Elizabeth Noonan (the mother of the applicant) and Robert Nilsen from Serge Young, Architect.

Mr. Nilsen presented a revised plan for the Guest Cottage that eliminated the kitchen, since a kitchen is specifically not allowed in a Guest Cottage under Town Code section 210-86(A). A copy was submitted to the clerk for the file. The new plan displays a large living room. Mrs. Noonan explained that her husband passed away last year and she assigned the property to her daughter, who is currently pregnant and residing in the principal dwelling. Mrs. Noonan explained that she plans to reside in the Guest Cottage and that all the cooking will be done at the principal dwelling. Mrs. Noonan explained that she plans to use the large living room area as a studio for her art.

Board member Alain Natchev questioned when the property transfer took place because, according to the GIS mapping, the property is still in Elizabeth Noonan's name, and not her daughter's name Raven Strange. Board member Alain Natchev stated that the ownership of the property and applicant need to be the same. Mrs. Noonan stated the change in ownership took place in July, 2015. Board member Alain Natchev asked that the secretary check with Dutchess County regarding the ownership of the property, and verify that the property is in the Raven Strange name.

Acting Chairperson Jane Smith asked if any trees would be cut down. Mr. Nilsen stated that there were quite a few "not so healthy" trees that would be cut, specifically cherry. Acting Chairperson Jane Smith asked what number of trees were going to be cut, Mr. Nilsen responded 4 to 5 hardwood trees would be cut; the applicant does not want any of the evergreens to be cut.

Acting Chairperson Jane Smith asked did the applicant consider downsizing the footprint of the Guest cottage. Mrs. Noonan stated that the determination was made to use the space for a future art studio. Board member Alain Natchev noted that the den shown on the plans could easily be transitioned into a bedroom in the future; Mr. Nilsen stated that there is no closet in the den and applicant has no intentions of converting any rooms and the Guest cottage proposed is one bedroom.

With no further comments, questions or concerns from the public or Board members present, Acting Chairperson Jane Smith closed the public hearing.

REGULAR SESSION/DECISION ON PUBLIC HEARING:

STRANGE, RAVEN, 448 Camby Road, Verbank, NY 12585. Requesting a 724 square foot area variance (maximum square footage allowed 600) for the new

construction of a Guest Cottage in the RD-10 District and being an unlisted action under SEQRA.

Acting Chairperson Jane Smith read and the Board considered the following standards for determining the application:

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?***

Acting Chairperson Jane Smith stated “No” especially since the property is heavily wooded and the proposed construction would not be visible from the road. Alain Natchev agreed. The clerk confirmed that there was no feedback from adjacent landowners.

- 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?***

Acting Chairperson Jane Smith stated if the size of the structure were smaller, no variance would be needed but the benefit the applicant wanted to achieve – a unit designed to contain an artist’s studio – required a variance; Board member Alain Natchev agreed.

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

Acting Chairperson Jane Smith stated “yes” it is more than twice the size of the 600 sq. ft. allowable by the code. Board member Alain Natchev agreed, numerically it is substantial; Board member Dan Tuohy agreed.

- 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?***

Alain Natchev noted that it will still need Planning Board Review. Acting Chairperson Jane Smith stated “no” it will not have a substantial adverse effect or impact on the environment considering the size of the property; it is well screened; Board members Alain Natchev and Dan Tuohy agreed.

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?*

Acting Chairperson Jane Smith stated the hardship is not due to the land; but the hardship is due to the applicant's request for the additional square footage; Board members Alain Natchev and Dan Tuohy agreed.

A Motion was made by Board member Alain Natchev and seconded by Board member Dan Tuohy to adopt the following resolution:

The Town of Union Vale Zoning Board of Appeals GRANTS the 724 square foot area variance for STRANGE, RAVEN, 448 Camby Road, Verbank, NY 12585.

Conditions: Guest cottage not to be rented to any third parties and any Occupant of Guest cottage must be related to Principal dwelling owner.

3 Board members voted to adopt. Motion passed; variance granted.

REGULAR SESSION/NEW BUSINESS:

None.

OTHER BUSINESS

Upon the unanimous approval of the Board Members present, Joan Miller was appointed Secretary of the Zoning Board of Appeals for 2016.

NEXT MEETING

The next regular meeting of the Zoning Board of Appeals is scheduled for **WEDNESDAY, February 3, 2016 at 7:30 p.m.**

The agenda will close on **January 20, 2016 at 12: 00 NOON.** Items for consideration at the **February meeting** must be received by that date.

ADJOURNMENT

As there was no further business to come before the Board, a motion was made by Board member Alain Natchev, seconded by Board Member Dan Tuohy and unanimously accepted by the Board Members present to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Joan E. Miller
ZONING BOARD OF APPEALS CLERK

Annexed documents: Poughkeepsie Journal, public hearing notice "Strange" application