

UNION VALE ZONING BOARD OF APPEALS
Minutes of the Regular Meeting

April 6, 2016

Members Present: Chairperson Jane Smith, James D. Layton, Jeff Wimmer,
Ilana Nilsen, John Hughes

Members Absent: Dan Tuohy

CALL TO ORDER / DETERMINATION OF QUORUM

Chairperson Jane Smith determined that there was a quorum and called the meeting to order at 7:30 p.m.

CONFIRMATION OF THE AGENDA

Chairperson Jane Smith confirmed the Agenda would stand as published.

REVIEW / APPROVAL OF MINUTES

Chairperson Jane Smith moved to defer review of the March 2, 2016 regular meeting minutes until the end of this meeting. The motion was seconded by Board member Jeff Wimmer, and approved by all.

CORRESPONDENCE

None.

PUBLIC HEARING(S)

None.

REGULAR SESSION / NEW BUSINESS

RICHWINE, CHUCK, 22 On-The-Green, Verbank, NY 12585. Requesting a 10-foot side yard area variance to construct a detached garage in the Hamlet District which requires a 15-foot side yard variance.

Mr. Richwine was present and explained, in response to questions by the Board, that he is seeking to place a two-story, two-car garage within the required setback area for several reasons: ease of access from the existing driveway; to insure access to his well (which is located in the rear of his property), and to enjoy open space in the back yard. He affirmed that the garage would have electricity but not water, and a window and door facing his house and open yard, not the adjoining property.

Chairperson Jane Smith offered the following procedural resolution:

*“The Town of Union Vale Zoning Board of Appeals hereby acts as follows on the Application of **RICHWINE, CHUCK, 22 On-The-Green, Verbank, NY 12585:***

- 1. Accepts the Application for a 10-foot side yard area variance to construct a detached garage in the Hamlet District.*
- 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 **Wednesday, May 4 at 7:30 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.*

A Motion made by Board member James D. Layton and seconded by Board member Jeff Wimmer to adopt the above procedural resolution was approved by unanimous vote of the Board.

The applicant’s representatives were instructed to contact Board secretary Joan Miller to arrange for the signs that must be posted on the property.

SPITZMILLER, CHRISTOPHER, 857 N. Clove Road, Millbrook, N.Y. 12545.

Requesting an Interpretation of the term “residential premises” as used in the definition of “Home Occupation” in the Town Code Zoning Law.

Mr. Spitzmiller was present with counsel, Robert Lusardi. Mr. Lusardi presented Mr. Spitzmiller’s interpretation, as set forth in his submission to the Zoning Board received on March 28, 2016. Mr. Lusardi addressed concerns previously expressed by the Board that, in order for a home occupation to occur within an accessory structure, the accessory structure must be situated on the same lot as the residence. He pointed to several provisions of the code, including the definitions in § 210-86 of “Home Occupation”, “Premises”, “Lot” and “Accessory Structure” supporting the interpretation that a home occupation may be conducted on an adjoining property if that property is united to the property where the dwelling is located by common ownership.

Mr. Spitzmiller reaffirmed his commitment to maintaining the rural character of the area, and described the improvements already made to the former Grange Hall with the approval of the building inspector. Further discussion ensued about what Mr. Spitzmiller hopes to achieve by using the former Grange Hall for his pottery business; this includes the creation of local jobs at the same time that the character of the property is preserved and the value of the neighboring residential properties including his own is protected. The Board questioned whether these objectives could be better achieved other than by the vehicle of a special use permit and the corresponding need to obtain variances from the "home occupation" use limitations set forth in § 210-31. Among alternatives discussed was an application for a use variance with limitations. Mr. Spitzmiller and his counsel offered to consider whether to propose such an application.

OTHER BUSINESS

Chairperson Jane Smith made a motion to accept the March 2, 2016 meeting minutes with corrections to indicate that the Strange application was for a Caretaker's Cottage not a Guest Cottage. This motion was seconded by Board member Jeff Wimmer and unanimously accepted by the Board members present.

NEXT MEETING

The next regular meeting of the Zoning Board of Appeals is scheduled for **WEDNESDAY, May 4, 2016 at 7:30 p.m.**

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

ADJOURNMENT

As there was no further business, a motion was made by Board member James Layton, seconded by Board Member Jeff Wimmer and unanimously accepted by the Board to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

Joan E. Miller

ZONING BOARD OF APPEALS CLERK