

**UNION VALE ZONING BOARD OF APPEALS
Minutes of the Regular Meeting**

September 7, 2016

Members Present: Chairperson Jane Smith, James D. Layton, Ilana Nilsen, Daniel Tuohy and Alternate member, John Hughes

Member Absent: Jeffrey Wimmer

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 reviewed and stated that the Agenda will stand as published.

REVIEW / APPROVAL OF MINUTES

Chairperson Jane Smith asked for a motion to approve the August 3, 2016 meeting minutes, with corrections as noted by Chairperson Jane Smith and additional information from Board member Ilana Nilsen and submitted by the clerk; a motion was made by Chairperson Jane Smith, seconded by Board member Ilana Nilsen, and unanimously approved.

CORRESPONDENCE

None.

PUBLIC HEARING(S)/ DECISION ON PUBLIC HEARING(S)

None.

REGULAR SESSION/ NEW BUSINESS

CLOVE VALLEY STOCK FARM, 528 South Road, Millbrook, NY 12545.

Address for site is 2268 Clove Road, Lagrangeville, NY 12540. Applicant requesting a 55' side yard area variance (75' required setback) and an 80' rear yard area variance (100' required setback) in the RD10 district.

Mr. Kenneth Andrews was present and represented the owner of the property. Mr. Andrews explained that the property was originally occupied by his father, then in the late 1970's early 80's the property became a rental property. During that time two small additions were built onto the existing house, for which permits were not issued. At the

current time, Mr. Andrews explained that he is working with the Town of Union Vale Building Inspector, George Kolb on obtaining a certificate of occupancy for the residence, in order to proceed with the selling the house. According to Mr. Kolb, because there was no record of building permits for the additions, two variances were needed in order to comply with current zoning within RD10 district.

Chairperson Jane Smith asked Mr. Andrews if he could clearly define the dates that the additions were constructed. Mr. Andrews stated he had some old files from his father, but there is no conclusive material stating the exact dates the additions were built, he does know that the additions were constructed by the tenants that resided there during the late 1970's early 80's.

Chairperson Jane Smith pointed to Union Vale Code section 210-69(A), which, if applicable, might serve to "grandfather" the noncomplying additions and make variances unnecessary. Chairperson Jane Smith suggested that the Town's legal counsel be consulted.

Chairperson Jane Smith stated that, in the meantime, the Board will proceed as if the variances were needed, and with no further questions or comments from the applicant and Board members:

Chairperson Jane Smith offered the below resolution:

"The Town of Union Vale Zoning Board of Appeals hereby acts as follows on the Application of Clove Valley Stock Farm, 528 South Road, Millbrook, NY 12545:

- 1. Accepts/Denies the Application for a 55' foot side yard and an 80' foot rear yard variance.*
- 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, October 5, 2016 at 7:35 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.*

Motion by Board member Dan Tuohy, seconded by Board member James D. Layton to accept the above stated resolution; approved by unanimous vote of the board members present.

THOMAS PLASS, 12 North Smith Road, Lagrangeville, NY 12540.

Applicant is requesting a 23' side yard area variance (25' is the setback) to place a 14' x 24' pre-fabricated shed to store lawn equipment in the RA3 District.

Mr. Plass was present and was welcomed by the Board. Mr. Plass stated he owns a small lot, .66 acres, a non-conforming in the RA3 district. He purchased the property in 1992, with an existing garage on it, which is very close to the side property line, and a with a small dilapidated cottage/house on it as well; he demolished the cottage and replaced it with a modular house in 1994. He is before the Zoning Board of Appeals tonight for a variance to construct a 14' x 24' shed that sits within the side yard setback, which is 25' feet, and the shed would sit approximately 2 feet from the property line, therefore he is asking for a 23' foot side yard area variance.

Board member Ilana Nilsen asked when the existing garage was built; Mr. Plass stated he did not know, but it was in existence when he purchased the property in 1992. In response to a question from Alternate Board member John Hughes regarding the size of the existing garage, Mr. Plass replied 12' x 20'; Mr. Plass explained the shed is going behind the garage and is approximately the same size at 14' x 24'. Chairperson Jane Smith asked how close are the neighbors to the side of your property that the proposed shed is going to be built/placed. Mr. Plass stated that there is a cemetery there, and that the proposed shed will be next to the Oswego Meeting House.

Board member James D. Layton asked what is the shed going to be used for, Mr. Plass stated he has a canoe and some kayaks which he would like to store in an enclosed building, as well as some lawn tools. Board member Ilana Nilsen asked is there a second floor, Mr. Plass stated no, it is a one story structure.

With no further questions or comments Chairperson Jane Smith offered the below resolution:

“The Town of Union Vale Zoning Board of Appeals hereby acts as follows on the Application of **Thomas Plass, 12 North Smith Road, Lagrangeville, NY 12540:**

- 1. Accepts/Denies the Application for a **23' foot side yard** area variance.*
- 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, October 5, 2016 at 7:40 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.*

Motion by Board member Dan Tuohy to accept the above stated resolution, seconded by Board member James D. Layton; unanimously approved.

CROSSROADS CHURCH, 1807 Clove Road, Lagrangeville, NY 12540.

Applicant is requesting four area variances for proposed new signage. 1) area height variance of 2'9" for proposed 8'9" height sign (6' height is code), 2) area square footage variance of 8 square feet on proposed 20 square foot sign (12 square feet is code), 3) 2' front yard area variance, sign is 18' from property (20' is setback from fronting street) and 4) variance for internally illuminated signage (no illuminated signs are permitted) as per Section 210-26 Sign Standards of the Union Vale Town code) in the RD10 district.

Mr. Kerry Mitras was present representing the Crossroads Church. Mr. Mitras stated that he would like to enlarge the sign that currently exist due to it rotting and is poorly visible. The new signage he is proposing is larger than the existing sign and will be lighted. Mr. Mitras feels that the new signage will encourage potential new members to stop in and join the congregation.

Board member James D. Layton asked will the sign be closer to the road or further off the road, Mr. Mitras stated the sign will be slightly further back from the road, and moved slightly North of the current location, to make it more visible for people that are approaching the Church from the traffic circle that is located just South of the Church. Chairperson Jane Smith asked what material the current sign is composed of, Mr. Mitras stated it is wood, but over the years, the wood has deteriorated and current light fixtures that illuminate the sign get rusty at the adjustments, then are useless or have to be replaced continually. Mr. Mitras stated that is why he is proposing an internal illuminated sign, with interchangeable letter board, that will hold up better under the inclement conditions. Chairperson Jane Smith pointed to Code section 210-26 B. (2), which requires that any sign "shall to the extent practicable be wood in material, and, where freestanding, enhanced through incorporation of stone and plantings in the design and setting of the sign," and advised applicant that a variance from this requirement would also be needed in order to construct the proposed sign. The applicant agreed to amend the application.

With no further questions or comments Chairperson Jane Smith offered the below resolution:

"The Town of Union Vale Zoning Board of Appeals hereby acts as follows on the Application of Cross Roads Church, 1807 Clove Road, Lagrangeville, NY 12540:

- 1. Accepts/Denies the Application for 5 Area Variances: 1) area height variance of 2'9" for proposed 8'9" height sign (6' height is code), 2) area square footage variance of 8 square feet on proposed 20 square foot sign (12 square feet is code), 3) 2' front yard area variance, sign is 18' from property (20' is setback from fronting street)***

and 4) variance for internally illuminated signage 5) area variance to construct the sign using a material other than wood.

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, October 5, 2016 at 7:45 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.*

Motion by Board member Ilana Nilsen to accept the above stated resolution, seconded by Board member James D. Layton, and approved by unanimous vote of the board members present.

OTHER BUSINESS

None.

NEXT MEETING

The next regular meeting of the Zoning Board of Appeals is scheduled for **WEDNESDAY, October 5, 2016 at 7:30 p.m.**

The agenda will close on **September 21, 2016 at 12:00 NOON**. Items for consideration at the **October meeting** must be received by that date.

ADJOURNMENT

As there was no further business, a motion was made by Board Member Ilana Nilsen seconded by Board Member James D. Layton, and unanimously accepted by the Board, to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Joan E. Miller

ZONING BOARD OF APPEALS CLERK