

**DRAFT COPY**

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

**November 2, 2016**

Members Present: Chairperson Jane Smith, Board members Ilana Nilsen, Dan Tuohy and Alternate Board member John Hughes

Member Absent: James Layton and Jeffrey Wimmer

Others: Michael T. Liguori, Town Attorney

**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 accept the September 7, 2016 regular meeting minutes; motion by Chairperson Jane Smith, seconded by Board member Dan Tuohy and passed by unanimous vote of the Board members present.

Chairperson Jane Smith stated that, in absence of quorum of members present at the October 5, 2016 regular meeting, the minutes from that meeting will be reviewed/approved at the December 7, 2016 meeting.

**CORRESPONDENCE**

None.

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

**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.

Chairperson Jane Smith opened the public hearing that was deferred from the October 5<sup>th</sup>, 2016 regular meeting and the clerk read the notice into the record.

Chairperson Jane Smith stated that, at the request of the Board and the Town Attorney, the Zoning Administrator for the Town of Union Vale, George Kolb, reviewed the application and determined that the proposed accessory structure does not exceed the floor area limitations set forth in the code, and, therefore, an additional variance is **not** required.

Mr. Plass was present and briefly described what he was proposing to the Board members present and the public. Mr. Plass stated he is looking for a 23 foot side yard area variance to construct a pre-fabricated 14' x 24' shed to store lawn equipment, trailer and kayaks.

Chairperson Jane Smith reiterated one of the concerns mentioned at the last meeting: the lot is a non-conforming lot, it is a small lot and looking to have two accessory structures on the lot, as opposed to one detached garage. Chairperson Jane Smith asked the applicant to explain why he could not achieve his objective by enlarging the current detached garage.

Board member Ilana Nilsen commented that the proposed building is really beautiful and noted that Mr. Plass's property is well maintained. However, she expressed her concern with the additional building, and asked Mr. Plass if it would it be possible to take down the pre-existing detached garage and put up a larger building to compensate for taking this existing one down. Board member Dan Tuohy objected that there would be an additional financial expense for the demolition and additional cost for a larger garage to the applicant.

Mr. Plass explained that the current detached garage is on a concrete slab; it is a block garage already used for storage and could not be enlarged or replaced with a larger shed to also store other equipment without incurring considerably more expense than the current proposal.

Mr. Plass stated that he selected putting the proposed garage/shed behind the existing garage so that it can be accessed via the driveway; moreover, it is almost the same size as the pre-existing garage, so it would not be so visible. Mr. Plass described the contour of the land; his house sits up on a hill, and it would not be feasible to put the proposed shed behind the house, because the land slopes uphill; since there is only 12 feet behind the house with a retaining wall there, the only feasible place to put the shed without interfering with the well or septic would be behind the pre-existing garage.

Mr. Tim McMorris, spoke on behalf of Mr. Israel, an adjoining property owner. Mr. McMorris is the caretaker of the adjoining property which is in the process of being enlarged to include the neighboring Meeting house property (which was the subject of recent variance application before the Board by the Bulls-Head Oswego Monthly Meeting). Mr. McMorris stated that Mr. Israel supports and has no objection to Mr. Plass's application. Similarly, Mr. Jonathan Boice, representing the Monthly Meeting (property owners of the adjoining cemetery)

stated that they are in the final steps of transferring the Meeting House to Mr. Israel, and also had no opposition to the proposed shed.

Alternate Board member John Hughes asked if the shed is going to be next to the cemetery or the property associated with the Meeting House. Mr. Plass clarified that the shed will be abutting the Meeting House property and that there is a chain link fence on the property line.

Chairperson Jane Smith made a motion to close the public hearing, seconded by Ilana Nilsen, passed by unanimous vote of the board members present.

### **DECISION ON PUBLIC HEARING:**

#### **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.

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?*

Chairperson Jane Smith stated that the land is oddly configured, curving and slopping uphill, and that the placement of the proposed shed behind the existing shed would limit its visibility from the road. Board member Dan Tuohy saw no detriment; Board member Ilana Nilsen agreed that there was a benefit in situating the new shed behind the existing garage, but also deemed there being a detriment in having too many buildings on a small parcel of property.

- 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?*

Alternate Board member John Hughes stated no, Chairperson Jane Smith stated no, the land slopes uphill and the parcel of property is small.

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

Chairperson Jane Smith stated yes, Board member Dan Tuohy agreed. Alternate Board member John Hughes stated numerically it is substantial.

**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?***

Board member Dan Tuohy stated no; all Board members present agreed, no adverse environmental effect or impact would take place.

**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?***

Chairperson Jane Smith yes, it is self-created. Board member Dan Tuohy stated there is an existing shed, but is in poor condition to store equipment in, somewhat agreed it is self-created.

Chairperson Jane Smith offered the following resolution, which was seconded by Alternate Board member John Hughes : **The Town of Union Vale Zoning Board of Appeals GRANTS 23' side yard area variance for Thomas Plass, 12 North Smith Road, Lagrangeville, NY 12540.**

**Conditions: None**

Resolution unanimously approved; variance granted.

**REGULAR SESSION/ NEW BUSINESS**

None.

**OTHER BUSINESS**

None.

**NEXT MEETING**

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

The agenda will close on **November 23, 2016 at 12:00 NOON.** Items for consideration at the **December** meeting must be received by that date.

**ADJOURNMENT**

As there was no further business, a motion was made by Chairperson Jane Smith, seconded by Board Member Dan Tuohy, and unanimously accepted by the Board, to adjourn the meeting at 8:00 p.m.

Respectfully submitted,

*Jean E. Miller*

ZONING BOARD OF APPEALS CLERK