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

**June 4, 2019
7:30 pm**

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

Member Absent: Board member Jeffrey Wimmer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairperson Jane Smith determined that there was a quorum to conduct business and called the meeting to order.

BUSINESS SESSION

- Review the Agenda
- Minutes

Board member Dennis Dunning made the motion to accept the minutes of May 7, 2019, seconded by Board member Ilana Nilsen, approved unanimously by Board members present.

CORRESPONDENCE

Chairperson Jane Smith stated that multiple pictures were received by the clerk from Mary Lent showing the entrance and parking for the proposed accessory apartment.

PUBLIC HEARING:

Lent, Mary 71 Eddy Road, Verbank, NY 12585, requesting a 0.4 acre area variance to meet the minimum lot requirement for an accessory apartment in the R1.5 Zoning District. (minimum required: 1.5 acres, owners parcel consists of 1.1 acres)

Chairperson Jane Smith made the motion to open the public hearing, seconded by Board member Ilana Nilsen. The clerk read the notice into the record.

Chairperson Jane Smith welcomed Ms. Lent to approach the Board and briefly explain her project to the Board and the public.

Ms. Lent explained that the accessory apartment has one bedroom and is looking to rent it to a single person, with one car. Ms. Lent explained that the entrance to the apartment is behind the house on the lower level and is out of site from the road. In the pictures Ms. Lent pointed to where the entrance was and the backyard is surrounded by trees and vegetation.

Board member Ilana Nilsen asked if there is any other egress out of the apartment/basement. Ms. Lent stated "yes" there is another way out on the other side of

the basement, through a door that accesses the boiler and then there is another door to the outside at ground level. Ms. Lent explained that George Kolb, Building Inspector for the Town of Union Vale, has visited the site and explained that another door will need to be installed between the apartment and boiler that meets fire requirements.

Chairperson Jane Smith and Board member Ilana Nilsen visited the site on June 3, 2019 and expressed the property is meticulously maintained and found no issues or concerns with the property and building.

With no further questions or concerns from the Board or Public, Chairperson Jane Smith asked for a motion to close the public hearing, seconded by Board member Dennis Dunning.

REGULAR SESSION / OLD BUSINESS / DECISION ON PUBLIC HEARING:

Lent, Mary 71 Eddy Road, Verbank, NY 12585, requesting a .4 acre area variance to meet the minimum lot requirement for an accessory apartment in the R1.5 Zoning District. (minimum required: 1.5 acres, owners parcel consists of 1.1 acres)

Chairperson Jane Smith read and the Board considered the following standards for interpretation and accepting/denying the area/use variance 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 "no," it is a one bedroom and except for an additional car or two there would be no changes. Board member Ilana Nilsen stated no concern.

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?

Chairperson Jane Smith stated "no", applicant can't change the lot size; Board member Dennis Dunning agreed.

3. Whether the requested variance is substantial. Comments?

Chairperson Jane Smith stated "no", if the property were in the one acre zoning district, it would not require a variance; Board member John Hughes agreed, the code requires a variance due to district zoning R1.5.

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?

Chairperson Jane Smith stated no adverse impacts were identified; Board members John Hughes and Dennis Dunning 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?

Chairperson Jane Smith stated the construction was approved previously through the building department and has no detriment to the health, safety and welfare of the neighborhood; Board member Dennis Dunning agreed.

The Town of Union Vale Zoning Board of Appeals **GRANTS** the .4 lot acre area variance for Mary Lent, 71 Eddy Road, Verbank, NY 12585:

Conditions: None.

*Motion: Chairperson Jane Smith
Second: Board member Ilana Nilsen*

Motion carried unanimously by the Board members present.

REGULAR SESSION / NEW BUSINESS

None.

OTHER BUSINESS

Board member Ilana Nilsen shared information regarding how to protect nature through the SEQRA process, and also shared some information from Hudsonia regarding guidelines for habitat assessment.

After discussion between the Board members present, it was determined that there will not be a quorum for the July 2, 2019 regular scheduled meeting. Therefore Chairperson Jane Smith made a motion to move the meeting to Tuesday, July 9, 2019; motion was seconded by Board member Dennis Dunning, and approved by all present. Clerk advised to notify the Town Clerk and future applicants.

ADJOURNMENT

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

The next regular meeting of the Zoning Board of Appeals is scheduled for **Tuesday, July 9, 2019 at 7:30 PM.**

The agenda will close on **June 25, 2019 at 12:00 Noon**. Items for consideration at the **July** meeting must be received by that date.

Respectfully submitted,

Jean E. Miller

ZONING BOARD OF APPEALS CLERK

Annexed documents: Public hearing notice Poughkeepsie Journal - Lent