

UNION VALE ZONING BOARD OF APPEALS

Minutes of the Regular Meeting

7:30 pm

January 3rd 2023

Members Present: Chairperson Jane Smith and Board members Dennis Dunning, Michael McPartland

Member Absent: John Hughes

CALL TO ORDER / DETERMINATION OF QUORUM

Chairperson Jane Smith determined that there was a quorum for the Zoning Board of Appeals (“the Board”) to conduct business and called the meeting to order.

CORRESPONDENCE

None

BUSINESS SESSION

Reviewed the agenda & unanimously approved December 6th meeting minutes.

PUBLIC HEARING

PROJECT NAME

Applicant: Erik Wilson
Owner: Joseph & Jacqueline Kile
Address: 19 Patrick Dr, Lagrangeville NY 12540
Parcel #: 6761-00-027072
Meeting # 3

PROJECT DETAILS

Application for three area variances for the construction of an accessory dwelling attached to existing garage within the RA-3 Zone.

- **Kile Area Variance 1-** § 210-20; § 210-56B.(1)(a)[3]
- **Kile Area Variance 2-** § 210-56B.(1)(a) [4]
- **Kile Area Variance 3-** § 210-56B.(1)(a)[6]
- Lot size area variance of .68 acres
- Extended foundation footprint 810 sqft
- Door placement in front elevation

Chairperson Smith opened the public hearing. Mr. Wilson gave a brief overview of the project design. There was a discussion about the layout and placement of the addition, wherein Mr. Wilson explained that the accessory structure has its own entrance, as well as a connection to the existing home via the renovated space in the former garage. It will be set to the rear part of the existing structure with the door facing the street as opposed to the neighboring property to better insure privacy of the neighbor. There will be minimal disturbance to the land in building the foundation, and the existing driveway allows for easy delivery of the actual structure. The project was wholeheartedly supported by a neighbor on Patrick Dr. There was no opposition voiced.

With no more questions or comments, Chairperson Smith closed the public hearing. She then read and the Board considered, the following standards for accepting/denying this area variance application, and the Board made the following findings:

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?***

Facts and Findings: There is no undesirable change, as the accessory structure will comport with the design of the existing home, and, given its placement, will neither modify the appearance of the structure as single-family dwelling nor intrude on the required side-yard setback.

- 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?***

Facts and Finding: There is no other feasible alternative as this addition will provide a space for a senior with disability and must remain one level and easy access to the unit.

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

Facts and Finding: While the 810 square foot extension to the foundation footprint is substantial, the size of the accessory structure is actually smaller than that allowed by the code for an attached accessory structure constructed at the time of construction of the principal structure. Moreover, since the placement of the accessory structure fits within the setback requirements, the .68 acre variance to the lot size is not deemed substantial. Nor is the door placement deemed a substantial variance since the design is attractive from the street and protective of the privacy interests of the neighboring property owners.

- 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?***

Facts and Finding: There are no perceived adverse effects or impacts of the structure on the environment or on neighboring properties; there is significant driveway space and side setback from the neighboring property, and little or no anticipated alteration of the terrain.

- 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?***

Facts and Findings: Yes, it is self-created, but ultimately the structure essentially conforms to the standards established for the size and placement of accessory structures concerning the construction of accessory structures under Code section 210-56B(1).

After considering the five factors and weighing the benefit to the Applicant as against the detriment to the health, safety and welfare of the neighborhood or community, Chairperson Smith offered the following motion to grant the proposed area variance with conditions. The motion was seconded by Member Dunning and passed unanimously by The Board:

To the above Applicant in the RA3 district which seeks the following three area variances in order to construct an attached accessory dwelling for the purpose of housing an immediate family member:

The Town of Union Vale Zoning Board of Appeals GRANTS

Kile Area Variance 1- Lot size area variance of .68 acres.

[Code §210—20; § 210-56 B.(1)(a)[3] Minimum lot area, lot width and frontage exceptions and modifications for residential lots; minimum lot area of three acres.

The Town of Union Vale Zoning Board of Appeals GRANTS

Kile Area Variance 2 - Extended foundation footprint of 810 square feet.

[Code § 210-56 B. (1) (a) [4] No exterior changes are made which will either alter or extend the foundation area of the dwelling by more than 150 square feet or substantially modify the appearance of the structure as a single-family dwelling.

The Town of Union Vale Zoning Board of Appeals GRANTS

Kile Area Variance 3- Door placement in front elevation

[Code § 210-56 B. (1)(a)[6] Any additional exterior entrances created shall be located at the side or rear of the dwelling.

Conditions: Yes/No YES

Condition 1: The space created by addition of an accessory structure to an existing single-family dwelling must be occupied by a relative of the inhabitants of the principal dwelling.

Roll Call Vote:

	<i>Aye</i>	<i>Nay</i>
<i>Jane Smith, Chairperson</i>	<u>✓</u>	<u> </u>
<i>Dennis Dunning</i>	<u>✓</u>	<u> </u>
<i>John Hughes</i>	<u>Absent</u>	<u> </u>
<i>Michael McPartland</i>	<u>✓</u>	<u> </u>

Signed,

Jane Smith, Chairperson
Zoning Board of Appeals

cc: Applicant, Town Clerk, Planning Board Chair & Clerk
Building Department & File

REGULAR SESSION / NEW BUSINESS

None

OTHER BUSINESS

None

ADJOURNMENT

As there was no further business, a motion was made by the Chairperson Smith, seconded by Dennis Dunning and unanimously accepted by the Board, to adjourn the meeting at 8:40 PM.

The next regular/public meeting of the Zoning Board of Appeals is scheduled for **Tuesday February 7th 2023, at 7:30 PM.** The agenda will close on **January 24th 2023 at 12:00 Noon.** Items for consideration at the **February** meeting must be received by that date.