

ZONING BOARD OF APPEALS MEETING MINUTES - FINAL
WEDNESDAY, JULY 23, 2014

MEMBERS PRESENT:

Rocco Mancini, Chairman
Stephanie Fitzpatrick
John Schneider
Phillip Zemke

MEMBERS ABSENT:

Martin Otter

ALSO PRESENT:

Chairman Mancini opened the meeting at 7:00 p.m.

Public Hearings:

- 1. Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless –** Chairman Mancini motioned that, as requested by the applicant, the Zoning Board of Appeals adjourn the public hearing for Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless until the August 27th ZBA meeting as per an mail from Scott Olson, Esq., Young/Sommer LLC. Mr. Schneider seconded. All aye. Motion carried 4-0.
- 2. Hunt Area Variance/Special Use Permit –** Chairman Mancini motioned that, as requested by the applicant, the Zoning Board of Appeals adjourn the public hearing for Hunt Area Variance/Special Use Permit until the August 27th ZBA meeting as requested by the applicant. Mr. Zemke seconded. All aye. Motion carried 4-0.
- 3. Throckmorton Area Variance –** Elizabeth Throckmorton appeared regarding her area variance application to reduce the required acreage for a horse to three acres from the required ten acres. The property is located at 522 Fitzsimmons Road, tax grid number 6573-00-163930 in the A3A zoning district. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. When asked about the setback for the fence, Ms. Throckmorton said she has at least 100 feet from the property line to the fence line. She said they will build a compost pile on one part of the property that is well set off from any residences. They have to wait a year before they can use it and then they will give it away for fertilizer. There is no well on this side of the property so they will carry the water for the horses. Ms. Fitzpatrick, who works with horses, said Ms. Throckmorton has been around horses and is going by what the standard is and the regulations to adopt a rescue are very strict. Mr. Zemke said the zoning law requires 10 acres for any horses at all which he thinks is out of date. Mr. Schneider pointed out that the storage of manure shall not be within 200 feet of any residence and Ms. Throckmorton said she meets that requirement easily with where she is planning on putting the compost pile. The board agreed that this variance will be limited to two horses allowed on this property.

Hearing no public comment, Ms. Fitzpatrick motioned to close the public hearing. Mr. Zemke seconded. All aye. Motion carried 4-0.

Chairman Mancini completed the Findings and Decision with the Board which state that an undesirable change will not be produced in the character of the neighborhood, the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance, the requested variance is not substantial, the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood, the alleged difficulty is self-created, and the benefit to the applicant does outweigh the detriment to the neighborhood or community. The board agreed the following condition is to be attached to this variance: This variance is limited to two horses on this property due to the lot size of three acres.

Ms. Fitzpatrick motioned that the Zoning Board of Appeals approve the Findings and Decision for the Throckmorton area variance. Mr. Zemke seconded. All aye. Motion carried 4-0.

4. **Fowler Area Variance** – Charles Shaffer of the Olde Country Craftsman, Inc. appeared as the applicant for an area variance for property owned by Byron and Sharon Fowler on Fowler Lane, tax grid number 6470-00-194898 in the A5A zoning district to construct a pole barn 25 feet from the front property line and 25 feet from the side property line on a vacant parcel. Chairman Mancini read the legal notice that was published in the paper and sent to neighboring landowners and opened the public hearing. Mr. Shaffer said at the last meeting, the board asked to see a little more detail of where the house is and the structure so he submitted several sketches. Mr. Fowler will be using the pole barn to store his John Deere tractor, plow and brush hog. Right now, they are stored outside and he is tired of having to cover them up with a tarp and then having the tarp blow off in the winter. There is no electricity planned for this structure. It is basically an open structure with two gable ends with a post in the center. There are walls on the gable ends only. You can drive right through it. Mr. Fowler shares a driveway with his son and daughter on their adjacent properties which goes to the garage. Mr. Fowler will access the pole barn from his driveway which is all pea gravel right now. Mr. Fowler has no yard and no grass because he got lyme disease a few years ago. Mr. Fowler is 70 years old and does not want to have to go 200 feet to get to his plow. If the pole barn had to be moved, they would have to build a road to get to it. The vacant lot where he is proposing to put the barn is all woods. Mr. Zemke asked why don't you just put the pole barn farther back and avoid a variance? Mr. Shaffer said they would have to hammer rock and take down trees to do that. At some point this fall or early spring, Mr. Fowler is going to do a lot line adjustment and join three or four acres of this vacant lot to his house lot and then divide up the remainder of the property to his son and daughter. However, he wants to get his equipment in the pole barn before winter this year. Mr. Schneider asked how close is the neighboring house and Mr. Shaffer said probably at least 500 yards. There is a ravine that runs alongside the property line. Mr. Darby, a neighbor, owns 40 or 50 acres from here to the power lines. The pole barn is tilted because it's the only way to get it between the two ravines. They want to stay as far away from the property line as they can. The water runs down the property and there is no way to divert the water. If they move the barn more to the center of the property, there will be water running right

through it. It is a natural swale and they don't want to disturb that. The equipment stored will be farm type residential equipment including a sander, plow, backhoe to be used just for his property; the equipment is not used commercially. When asked, Mr. Shaffer said the building will be 25 feet high from the ground to the peak of the roof and is 24 x 50 square feet. From the slab to the underside of the truss is 12 feet. He is doing a monolithic pour around the outside which is a concrete slab 18 inches wide and 18 inches deep all around the outside perimeter for anchor bolts and the trusses have hurricane clips. Mr. Zemke said the wind can come in and get under the roof. Mr. Shaffer said it has been designed for that, hence, the hurricane clips. It will be pinned to the rock when they go to that perimeter. Mr. Zemke said so you are relying on the weight of the building and slab to hold it down. Mr. Shaffer said there is a 2 foot wall in the middle which will be anchor bolted in the slab. June Gosnell was present representing her brother, Thomas Darby, who submitted a letter via email dated July 22, 2014 stating he is opposed to this variance and requested some additional information. Mr. Darby could not be here today. Ms. Gosnell said this pole barn will be close to Mr. Darby's property line. She said Mr. Darby, whose property is adjacent to the Fowler property, is concerned about the pole barn becoming bigger over the years or potentially becoming a barn to house livestock. Mr. Shaffer suggested Ms. Gosnell have her brother call him and he will go over the whole plan with him. Mr. Shaffer said there is no livestock, no horses planned for this barn. The barn is only about 75 feet from Mr. Fowler's house. This barn is only to protect his equipment which is expensive. Chairman Mancini said if they want to expand the building, they would have to get a building permit anyway. When asked, Mr. Shaffer said they want to start construction right away.

Hearing no additional public comment, Ms. Fitzpatrick motioned to close the public hearing. Mr. Zemke seconded. All aye. Motion carried 4-0. The board had no additional comments.

Chairman Mancini completed the Findings and Decision with the Board which state that an undesirable change will not be produced in the character of the neighborhood, the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance due to the topography of the property, the requested variance is not substantial, the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood, the alleged difficulty is self-created, and the benefit to the applicant does outweigh the detriment to the neighborhood or community. The board agreed the following condition is to be attached to this variance: The pole barn can only be used to store yard maintenance equipment, will not have electricity, and will never be used to house livestock.

Ms. Fitzpatrick motioned that the Zoning Board of Appeals approve the Findings and Decision for the Fowler area variance. Mr. Schneider seconded. All aye. Motion carried 4-0.

Applications:

1. **Lang Area Variance** – Jeremy Lang was present regarding his area variance application to re-locate his stand-by generator to approximately 20 feet from the road and in front of the dwelling on property located at 1110 Willow Brook Road, tax grid number 6570-00-548706. Mr. Lang said he owns property on both sides of the road with the house on the north side and the garage on the south side. He has had a generator for the last 45 years and the wiring under the road has failed. He was told by the generator company that the distance from the current generator to the house is prohibitive for modern day generator equipment and they suggested he move the generator. There is no access on the house side of road. They can't put it behind house as it would be too far for Freedom Propane to refill. As such, he is requesting a front yard setback to install the pad and generator. He has chosen this location as it is near the utility pole and no neighbors can see it. There is underground wiring in that location which he would tap into. The propane tank is about 100 gallons which would be located 10 feet away from the generator. Mr. Zemke said we need the dimensions from the property line. The road has created two separate lots. Mr. Lang said he would dimension to the pad and propane tank and will provide the dimensions of the generator and tank. Mr. Zemke said they are considered accessory structures and are located in the front yard so we need the dimensions to the property line and the dimensions of each structure. Mr. Lang said they won't be seen from anyone's house. Mr. Zemke said passersby will see them. Mr. Schneider said there is also a white fence here. Chairman Mancini asked if it would be possible to put the generator behind the pole. Mr. Lang thought that was a good idea and said he will try to do that. There is some ledge there so he can probably maneuver it in as it does not matter what the orientation is. Mr. Lang said before the next meeting, he will re-measure and provide a site plan with dimensions to the property line and the dimensions of the generator, pad and tank. The board agreed they have everything they need to schedule the public hearing pending receipt of the new site plan.

Mr. Schneider motioned that the ZBA schedule the public hearing for the Lang area variance application to be held at the August 27, 2014 meeting pending receipt of the update site plan showing the dimensions to the property line and the dimensions of the generator, pad and tank. Ms. Fitzpatrick seconded. All aye. Motion carried 4-0.

Discussion Items: None

Administrative Items:

- **Approval of Minutes:** Ms. Fitzpatrick motioned to approve the minutes of the June 25, 2014 meeting as presented. Mr. Zemke seconded. All aye. Motion carried 4-0.

Mr. Schneider motioned to adjourn the meeting at 7:45 p.m., Ms. Fitzpatrick seconded. All aye. Motion carried 4-0.

The next meeting will be held on Wednesday, August 27, 2014 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board