

PRESENT: Margaux Miller, Chairperson, Helen Grosso, Allison G.S. Knox and John F. Harnes.

EXCUSED: Fredrik Palm,

ALSO PRESENT: Michael Liquori Esq. from Hogan, Rossi and Liquori Law Firm.

CONTENT: Vivette and Claudia Porges, (Area Variance) Active Dogs LLC.
(Interpretation) and Minutes.

Chairwoman Miller opened the meeting at 7:00 p.m. and then led the salute to the flag.

VIVETTE AND CLAUDIA PORGES Area Variance ZBA 223-002
1700 Route 292
Holmes, NY 12531
Grid Number: 134089-6857-00-382089

Mr. and Mrs. Vivette Porges landowners and Ms. Amie Rennolds Architect were present.

Chairwoman Miller said the property is located at 1700 NYS Route 292 in a Residential -1 Zoning district, consisting of 0.272 acres. Chairwoman Miller read the Dutchess County Planning 239 GML response, which indicated this application is exempt from review. This application is a Type II action, according to SEQRA; therefore, no action is necessary by the Board. A site inspection was held on June 17, 2023, with Chairwoman Miller, Allison Knox, John Harnes Esq., Fredrik Palm and Helen Grosso in attendance.

Ms. Rennolds presented the plan set to the Board. The applicant plans are to demolish the existing house structure #1 in its entirety, and then rebuild a one and half story house on the same footprint/square footage. The existing house on the site does not meet Code of the Town of Pawling for lot coverage, setbacks and road frontage. The site is 0.272 acres and topographic configuration is steep. They have been able to reduce the noncompliance setback, by lowering the proposed structure into grade, thereby reducing the visual impact to the neighbors. Ms. Rennolds reviewed the plan set:

- Cover sheet Zoning Information, Sketch
- Existing plan, proposed plans
- Exterior elevations
- Design process
- Mock up photo

Mrs. Grosso asked Ms. Rennolds to explain the reasoning as to why proposed new dwelling fits on the lot?

Ms. Rennolds said they are lowering the ground floor 30", and then proposing to construct 8 foot ceilings, to work with minimum dimensions.

Chairwoman Miller opened the meeting to the Public.
There were no comments from the audience.
Chairwoman Miller closed the meeting to the Public.

Chairwoman Miller said the Zoning Board of Appeals, in making its determination, shall take into consideration the five factors the Board must weigh against the detriment to the health, safety, and welfare of the neighborhood or community.

Mr. Harnes Esq. read the first factor, whether an undesirable change will be produced to the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?

Mr. Harnes Esq. said the proposed residence architectural design blends in with the neighborhood, thereby, not creating a detriment to the neighborhood,

Ms. Knox the new dwelling enhances the character of the neighborhood.

The Board members concurred.

Mr. Harnes Esq. read the second factor, whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?

Mr. Harnes Esq. there is no other feasible methods, the improvements proposed are to be constructed within the existing footprint and the ground floor is to be constructed into grade 30”.

The Board members concurred.

Mr. Harnes Esq. read the third factor, is the variance substantial?

Mr. Harnes Esq. said the variance is not substantial as the dwelling is being constructed on the existing footprint.

The Board members concurred

Mr. Harnes Esq. read the fourth factor, will there be an adverse effect or impact on physical or environmental conditions in the neighborhood or district?

Mr. Harnes Esq said the newly constructed residence would be a positive impact to the neighborhood.

Ms. Knox said the proposed new constructed dwelling is an improvement to the character of the neighborhood.

Mr. Harnes Esq read the fifth factor, 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?

Mr. Harnes Esq said the difficulty wasn't self-created.

Motion by Mrs. Grosso to grant an area variance to Vivette and Claudia Porges, in a Residential-1 Zoning district, located at 1700 Route 292, Grid number 1134089-6857-00-382089 for:

§215-16 Bulk Regulation:

- For a front yard setback, where 50 feet is required, 17 feet is available, a variance of 33 feet was granted.
- For a rear yard setback (to the edge of the water), 50 feet is required, 17 feet is available, and a variance of 33 feet was granted
- The maximum allowable building coverage is 10%, the lot coverage is 2,496 square feet or 21%, a variance of 11% was granted.
- For street frontage, 125 feet is required, 21.14 feet is available, and a variance 103.86 feet was granted.

§215-33 E Whaley Lake Dam District- where a minimum side yard setback of no less than 8 feet and a total of both side yards is no less than 20 feet.

- The west side yard setback for the house is 8 feet, and a variance of 7 feet was granted.
- The west side yard setback for the deck is 8 feet, and a variance of 7'6" was granted.

§215-24 F.3. No construction shall be permitted within 100 feet of the edge of a watercourse in a flood prone area.

- The distance to the waterbody is 100 feet, 17 feet is available, and an 83 feet variance was granted.

§215-52. F., The required Code of the Town of Pawling Expiration of an Appeal, unless otherwise specified by the Zoning Board of Appeals, a decision on any appeal shall expire if the applicant fails to commence and substantially complete work related to the decisions within two (2) year of the date of such decision.

- An as built is required to be submitted to the building department prior to receipt of the Certificate of Occupancy.

Second by Mrs. Knox. Chairwoman Miller asked for discussion.

All were in favor and the Motion carried.

ACTIVE DOGS LLC.

Interpretation

ZBA 2023-001

South White Rock Road

Holmes, NY 12531

Grid Number: 134089-6856-00-424122

Mr. Paul Quartararo Esq. was present, representing his client.

Chairwoman Miller said the application before the Board this evening is for an Interpretation. The property is located at South White Rock Road, Holmes, NY in an R-3 Zoning district. Chairwoman Miller began by saying following in-depth consideration on the former Building Inspectors Carl Ellis letter of the Active Dogs LLC. site, the Board had made the determination to uphold Mr. Ellis's determination with the following conditions.

1. *The hours of operation are 9:00a.m. to 4p.m.*
2. *No more than sixty (60) dogs are allowed on the property at any given time.*
3. *Maximum of 10 vans daily and the groups of walking dogs are to be staggered at 15 minutes intervals.*
4. *The walking trails from the neighbor's westerly property line, must be setback 100 feet.*
5. *The Town of Pawling is a Municipal Separate Storm Water Sewer MS4 community. The subject parcel is located in the East of Hudson New York City Watershed. As a result the landowner must develop and implement a pet waste management program for collection and proper disposal of pet waste.*

Mr. Quartararo Esq. said he thought Mr. Bleile sought to have a 120 dogs per day. He then referenced his notes to ensure the Board and his clients are in agreement.

Mrs. Grosso said based on the Board's meeting minutes and her notes, it is 120 dogs, no more than 60 dog's onsite at a given time. She further stated Mr. Bleile was in agreement to stagger the walking dogs groups every fifteen minutes, to avoid having all the dogs on the property at any given time.

Mr. Ronald Freidman Esq. asked the Board if he could speak on behalf of his client (Pendley Farms LLC.),

Chairwoman Miller stated to Mr. Freidman Esq. that the Public hearing has been closed, at the previous meeting held on May 22, 2023 and that no further comments are accepted by the Board. She then asked Mr. Quartararo Esq. if his client was agreeable to allow the dogs to walk at a setback of 100 feet from the westerly neighbor's property line.

Mr. Quartararo Esq. asked if he could speak with his client and get back to the Zoning Board of Appeals.

Chairwoman Miller said pursuant to New York State Law, Zoning Board of Appeals, Section 267-a, the Board is required to make a determination this evening.

Following discussion, between the Board and Mr. Quartararo Esq. Mr. Quartararo Esq. responded that his client is in agreement with the westerly property line 100 foot setback.

Chairwoman Miller read into the records Resolution #1 of 2023 to include the following five points.

Mrs. Knox motioned to grant Resolution #1 of 2023 to Active Dogs LLC. Interpretation determination, the site is located at South White Rock Road in an R-3 Zoning district (copy in file). Tax map # 134089-6856-00-424122.

1. *The hours of operation are 9:00a.m. to 4p.m.*
2. *No more than sixty (60) dogs are allowed on the property at any given time.*
3. *Maximum of 10 vans daily and the groups of walking dogs are to be staggered at 15 minutes intervals.*
4. *The walking trails from the neighbor's westerly property line, must be setback 100 feet.*
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Second by Mr. John F. Harnes Esq. Chairwoman Miller asked for discussion.

The vote on the forgoing resolution was as follows:

Margaux Miller, Charwoman, voting	<u>Aye</u>
Allison Knox, voting	<u>Aye</u>
Fredrik Palm, voting	<u>Excused</u>
John F. Harnes Esq. voting	<u>Aye</u>
Helen Grosso, voting	<u>Aye</u>

Following the approval of the Resolution #1 of 2023, Mr. Freidman Esq. stated for the record he plans on suing the Boards known as Town, Planning and the Zoning Board of Appeals.

MINUTES

Motion by Mrs. Grosso to approve the Minutes of May 22, 2023 as read.

Second by Mrs. Knox. Chairwoman Miller asked for discussion.

All were in favor and the Motion carried.

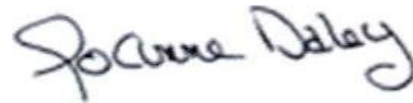
NEW BUSINESS

No new business was discussed this evening.

ADJOURNMENT

On a Motion by Mrs. Knox and seconded by Mr. John F. Harnes Esq. to adjourn the meeting at 8:00p.m. All were in favor, and the meeting was adjourned.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Joanne Delaney".

Recording secretary

non-approved minutes