

PRESENT: Allison G.S. Knox Vice Chairwoman, Helen Grosso, and John F. Harnes Esq.

EXCUSED: Margaux Miller Chairwoman and Fredrik Palm

CONTENT: Keith Stone (Area Variance) and Minutes

Vice Chairwoman Knox ran the meeting in the absence of Chairwoman Miller. Vice Chairwoman Knox opened the meeting at 7:03 p.m. and then led the salute to the flag.

KEITH STONE

Area Variance

ZBA 2024-002

363 Holmes Road

Holmes, NY 12531

Grid Number: 134089-6855-00-008424

Mr. Keith Stone, landowner was present.

Vice Chairwoman Knox said the property is located at 363 Holmes Road, in a Residential -2 Zoning district. Vice Chairwoman Knox 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 March 23, 2024 with Chairwoman Miller, Allison Knox and Helen Grosso. John Harnes Esq. and Mr. Palm performed a site inspection on February 17, 2024. Vice Chairwoman Knox read the area variances requested:

- §215-16 Bulk Regulation in a R-2 Zoning District for a front yard setback, (front of house) where 60 feet is required, 51.1 feet is available, a variance of 8.9 feet is requested.
- For the front yard setback, (front garage) where 60 feet is required, 45.9 feet is available, a variance of 14.1 feet is requested
- For the front yard setback (front deck), where 60 feet is required, 43.7 feet is available, a variance of 16.3 feet is requested.
- For the front yard setback (front stairs) where 60 feet is required, 40.2 feet is available, a variance of 19.8 feet is requested.
- §215-33 D Conforming uses with dimensionally nonconforming buildings. A nonconforming building with a conforming use shall not be enlarged, reconstructed or structurally altered or moved, unless such structure alterations cause the building to become conforming.
- §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.

Mr. Stone said their renovation projects is to expand a 2 bedroom dwelling to a three bedrooms, A portion of the house will be demolished and then remodeled to expand the footprint. In addition to a proposed newly constructed garage. Approvals were received by the Dutchess County Board of Health and New York City Department of Environmental Protection for the Sanitary Sewer Disposal System (SSDS).

Mrs. Grosso said in essence the area variance proposed are for pre-existing setback. She asked if the granting of the area variances merely confirms these pre-existing setback for the structures.

Mr. Harnes Esq. said if an existing structure is in violation of the Code of the Town Of Pawling, and then a landowner proposes alternation, the landowner must seek area variances for those pre-existing violation. The new structures must conform to current Bulk Regulations pursuant to the Coe of the Town of Pawling.

Mrs. Grosso discussed the approval process from the New York City Department of Environmental Protection and Dutchess County Board of Health for the Sanitary Sewer Disposal System. She asked if stormwater runoff is addressed during the review and approvals granted by these agencies.

Mr. Stone said both New York City Department of Environmental Protection and Dutchess County Board of Health outside agency approvals were granted for the Sanitary Sewer Disposal System (SSDS) new tank and fields. Ken Clair, Code Enforcement Officer performed a site inspection to ensure no stormwater runoff would occur during site work excavation. All erosion control measure have been installed. The stream that was viewed during the site inspection is not is not located on his property.

Vice Chairwoman Knox opened the meeting to the Public.

There were no comments from the Public.

Vice Chairwoman Knox closed the Public Hearing.

Vice Chairwoman Knox 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 there would be no undesirable change to the neighborhood.

The members of the Zoning Board of Appeals 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. said theoretically it could be achieve, nonetheless the building would look awkward. As a practical matter, he did not feel there is any other feasible method other than the granting of an area variance.

The members of the Zoning Board of Appeals concurred

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

Mr. Harnes Esq. responded that the variance is not substantially.

Mrs. Grosso concurred with Mr. Harnes Esq. The landowner plans are to renovate a pre-existing structure. It appears driveway (hard surface) will be extended, and as a result this was reviewed by the Code Enforcement Office/applicants Engineer.

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 said no adverse effect or impact would occur by the granting of this area variance

The members of the Zoning Board of Appeals concurred.

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 there is an element of self-creation, nonetheless, it does not preclude the granting of the area variance.

The members of the Zoning Board of Appeals concurred

Motion by Mrs. Grosso to grant an area variances to Keith Stone located at 363 Holmes Road in a Residential - 2 zoning district for:

- §215-16 Bulk Regulations in a R-2 Zoning District for a front yard setback, (front of house) where 60 feet is required, 51.1 feet is available, a variance of 8.9 feet was granted.
- For a front yard setback, (front garage) where 60 feet is required, 45.9 feet is available, a variance of 14.1 feet was granted.
- For a front yard setback (front deck), where 60 feet is required, 43.7 feet is available, a variance of 16.3 feet was granted.
- For a front yard setback (front stairs) where 60 feet is required, 40.2 feet is available, a variance of 19.8 feet was granted.
  
- §215-33 D Conforming uses with dimensionally nonconforming buildings. A nonconforming building with a conforming use shall not be enlarged, reconstructed or structurally altered or moved, unless such structure alterations cause the building to become conforming.
  
- §215-52. E, 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 Mr. Harnes Esq. Vice Chairwoman Know asked for discussion.  
All were in favor and the Motion carried.

MINUTES

Motion by Mrs. Grosso to table the approval of minutes until the April Zoning Board of Appeals meeting.

Second by Mr. Harnes Esq. Vice Chairwoman Knox asked for discussion.

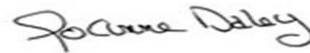
All were in favor and the Motion carried.

NEW BUSINESS

No new business was discussion this evening.

ADJOURNMENT

On a Motion by Mrs. Grosso and seconded by Mr. Harnes Esq., to adjourn the meeting at 7:30 p.m. All were in favor and the Motion carried.



Respectfully submitted,

JoAnne Daley  
Recording Secretary

Non-approved minutes