

- §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, 58 feet is available, and a 2 foot variance 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. Moore explained that the applicant is proposing construction of a 7' x 13' entry/mudroom (facing the road) located at the front of the existing residence and low height deck at the right side of the existing residence. The entire residence is located within the 100 foot watercourse buffer.

Mr. Harnes Esq. asked if the deck will be constructed over the previously installed concrete slab.

Mr. Moore responded, yes, the landowners will utilize the existing concrete slab.

Chairwoman Miller opened the meeting to the Public.

There were no comments from the Public.

Chairwoman Miller closed the Public Hearing.

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.

Chairwoman Miller 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?

Chairwoman Miller said no undesirable change would occur to the character of this neighborhood.

The members of the Board concurred.

Chairwoman Miller 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 the granting of an area variance?

Chairwoman Miller said there is no other feasible method other than the granting of an area variance.

The Board members concurred.

Chairwoman Miller read the third factor, is the variance substantial?

Mrs. Grosso said the variance is not substantial. Comparatively the proposed residence is in keeping with the neighborhood.

The members of the Board concurred

Chairwoman Miller read the fourth factor, will there be an adverse effect or impact on physical or environmental conditions in the neighborhood or district?

Mrs. Grosso said there would be is no change or adverse impact to the neighborhood.

The members of the Board concurred.

Chairwoman Miller 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?

Mrs. Knox said technically the alleged difficulty was self-created, but does not preclude granting of the area variance. This proposed addition and deck will not create a detriment to the neighborhood.

Motion by Mrs. Knox to grant an area variance to Elizabeth O'Raffity and Robert Natal located at 3 Dutchess Drive in an R-2 Zoning District.

§215-16 Bulk Regulation in an R-2 Zoning District for a front yard and rear yard setback where 60 feet is required in the front and rear yard setbacks.

- For the front yard setback, (front of house) where 60 feet is required, 30 feet is available, a variance of 30 feet was granted.
- For the rear yard where 60 feet is required, 58 feet is available, a variance of 42 feet 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, 58 feet is available, and a 2 foot variance 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.
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Second by Mr. Harnes Chairwoman Miller asked for discussion.

All were in favor and the Motion carried.

BLAKE & SALLY MCGRATH

Area Variance

ZBA 2024-006

54-56 Quaker Hill Road

Pawling, NY 1256

Grid Number: 134089-7056-01-401708

Mr. Jeff Moore from the firm of JPL Group and Mr. Blake McGrath landowner were present.

Chairwoman Miller said the property is located at 54-56 Quaker Hill Road in an R-1 Zoning district. 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 November 16, 2024 with Chairwoman Miller, Helen Grosso, Allison Knox and John Harnes Esq.

Chairwoman Miller said during the site inspection, questions were raised about the second structure located on the parcel. In her opinion this did not impact the area variances before the Board. Nonetheless, since it has become apparent there is discrepancies in the tax assessment records The Code Enforcement Officer and Tax Assessor would like to meet to update Town records.

Ms. Grosso said she does not completely agree with Board review of these area variances. She has some points to make in reference to the assessment on this property. She felt the best manner to bring these questions up, would be after Mr. Moore's presentation.

Chairman Miller said the applicant is seeking the following area variances:

- §215-16 Bulk Regulation in a R-1 Zoning District for a side yard setback, where 20 feet on one side and 50 feet on the other side is required.
- For the deck, 20 feet is required, 8 feet is available, and a variance of 12 feet is requested.
- For the proposed addition, where 20 feet is required, 15.8 feet is available, a variance of 4.2 feet is requested.
- For street frontage, 200 feet is required, 126 feet is available, and a variance of 74 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.
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Mr. Moore said the applicants are seeking to construct a family room addition and deck, as well as adding dormers and bathroom on to the second floor. The outside stairs will be relocated.

Chairwoman Miller said after review of the application, the deck and addition are requested in the area variance. She asked exactly what are the applicants requesting for area variances?

Mr. Moore said the area variances are for first floor addition where the current deck exists.

Mrs. Grosso asked for clarification if the proposed renovations would be constructed closer to the property line or be set further back.

Mr. Moore said they are removing one door and pulling the deck back from the property. The applicants are not proposing any new bedrooms.

Chairwoman Miller opened the meeting to the public.

Chairwoman Miller read Robert and Josephine Smith dated November 19th, 2024 into the records.

Mr. Robert Smith, 60 Quaker Hill Road neighbor spoke.

Mr. Smith said this parcel of land consists of one acre. What will happen to the overall impact of the property, if the sanitary sewer disposal system (SSDS) fails? The landowner continues to build leaving no reservation areas for future expansion fields. He has grave concerns as to what will happen to the neighborhood? When I constructed my home, I set the house back to provide privacy for my neighbor and myself. It is common sense that when you keep building on a lot, you have to consider the character of the neighborhood and any future detriment that might be caused by no expansion of a sanitary sewer disposal system (SSDS). These landowners have two dwellings located on the property. The previous addition constructed did not receive an area variance. He does not understand how that addition was ever constructed, it is seven feet off the property line. He asked the Board how this occurred?

Mrs. Grosso asked if the addition was constructed before Mr. Smith built his residence.

Mr. Smith said Mr. McGrath deck was constructed before he built his home. Nonetheless, at that time how did a previous building inspector not know a variance was needed for side yard setbacks?

Mr. Harnes Esq asked Mr. Smith, if he is objecting to all future construction on Mr. McGrath parcel or the area variances additions presented this evening?

Mr. Smith responded as long as Mr. McGrath illustrates proper sanitary sewer disposal system (SSDS) expansion and the water runoff from the current and proposed addition are addressed then his questions will be answered. He asked the Board where exactly is Mr. McGrath SSDS located. When he built his home, he had to build 100 feet from the well and pond located behind his home.

Mrs. Grosso asked where is the sanitary sewer disposal system located on the property?

Mr. McGrath said the sanitary sewer disposal system would not be impacted by the proposed renovations. They are not adding a bedroom. Their proposal is to

construct a family sun room with an outside deck for more privacy. The current deck is an open area. When his family comes over they all enjoy sitting outside on the deck. His grandfather built this house in the 1930s. He wanted the Board to understand that the deck Mr. Smith is discussing this evening, did receive appropriate building permits. He constructed the deck at that time according to the building inspector's guidance/approvals. He does not know why the building inspector at that time did not require an area variance.

Mrs. Grosso asked where the sanitary sewer disposal system (SSDS) is located for the second house on the property.

Mr. McGrath said the sanitary sewer disposal system (SSDS) for the second house is located behind the second house. He does not know when the second house was built. His grandfather put an apartment above the garage. There is a letter from the tax assessor's office stating the apartment can be rented. He was surprised that the apartment has not been included in the tax assessor's assessment records.

Mrs. Grosso said the letter from the building inspector is confusing. The letter calls both buildings houses. There is no clear answer to this question. She is asking these questions to resolve the matter. She asked Mr. McGrath if two homes are located on one parcel or one home with an accessory apartment? It would help this Board greatly if he could clarify this information with the tax assessor's office. Is there a second house on the property or a pre-existing non-conforming accessory apartment. It is important to ensure this property is being taxed appropriately.

Chairwoman Miller said the tax assessment is not pertinent to the Board review of the area variances.

Mrs. Grosso said she respectfully disagrees. She is unsure if the Town attorney understands the total impact to this parcel in relationship to verifying all the buildings exist in the tax assessor's records per NYS Law. The information the Board received, is confusing.

Mr. Harnes Esq. asked several questions, if the deck will be replaced by a sunroom and would it be moved closer to the side yard setback?

Mr. McGrath said the deck will not be moved closer to the side yard setback. The outside door will be relocated to enter the residence through the side yard setback.

Mr. Moore said a portion of the deck will be removed and replaced with a door. There is a slight encroachment.

Mrs. Knox asked if the applicant could consider constructing these renovations towards the interior of the lot.

Mr. McGrath said the interior area of the residence consists of their kitchen, which is not an economically feasible renovation. The enclosed sunroom will create less visibility, and more privacy for the neighbors.

Mr. Smith said the address is 54-56. This clearly illustrates two houses on one parcel. Once the deck comes off the residence it cannot be rebuilt.

There were no further comments from the audience.

Chairwoman Miller closed the public hearing.

Mr. Harnes Esq said one consideration was to construct the family sunroom and deck in the opposite interior side yard. Nonetheless, Mr. McGrath has explained to the Board that the kitchen is located in this area, and that consideration is not feasible.

Mrs. Grosso said she cannot vote on this application as presented tonight. The family sunroom/deck, dormer and additional bathroom construction is very straight forward. Nevertheless, keeping in mind there are too many questions, which have not been answered. The Board went to the site, and saw a structure that was not described in the drawings. Apparently, the structure was built too early and did not require variances. The Board tries to get all there questions, answered before making informed decisions. She reached out to building department and has not been provided answers. The Board has 1992 tax assessor records/documents that do not match what is onsite today. The current building inspector said there is one parcel and the accessory apartment needs to be legalized. Again if someone make the effort to address these problems it would help the Board to make informed decisions. It's simply an informational issue. She finds this a modest proposal, but a site inspection was held that brought forth additional questions and did not answer questions raised by the Board. The Board doesn't know or understand if the sanitary sewer disposal system are adequate for both homes. The Board simply needs answers. No information was submitted on defining the total buildings square footage. Does the landowner have to apply for an accessory apartment even though it was built in 1930s? If a violation exists, the Board has to consider the Code of the Town of Pawling Chapter 67. At this point it is important the Board gets answers to these unanswered questions to make informed decisions on the area variances.

Chairwoman Miller said the Board can grant an adjournment until the January 27, 2025 Zoning Board of Appeals meeting.

Mr. Harnes Esq. agrees with Mrs. Grosso. It is not a reflection on the area variance proposed by the applicant. It is a matter to acquire all answers relating to the technical and statutory items on stormwater runoff, and adequacies of the sanitary sewer disposal system.

Mr. Moore formally asked to adjourn Blake and Sally McGrath area variances until January 27, 2025 ZBA meeting.

Motion by Mrs. Knox to grant an adjournment to Blake and Sally McGrath area valance until the January 27, 2025 ZBA meeting.

Second by Mr. Harnes Esq. Chairman Miller asked for discussion.

All were in favor and the Motion carried.

Mrs. Grosso said any potential violation impacts could affect the Board granting of area variances. She felt there are simple answers that need to be obtained in order to move this application forward.

Motion by Chairwoman Miller to closed the Verbal portion of the Public Hearing and leave the written portion opened until January 27, 2025.

Second by Mr. Harnes Esq. Chairwoman asked for discussion

All were in favor and the Motion carried.

Mr. Harnes Esq. said he like to step back from closing the verbal portion of the Public Hearing this evening. He felt that if the Board closes the verbal portion of the Public Hearing that would not allow Mr. Smith to make any further comments to the Board.

Motion by Mr. Harnes Esq to withdraw the Motion to close the verbal portion of the Public Hearing. The Board shall keep the verbal portion of the public hearing opened.

Second by Mrs. Knox. Chairwoman asked for discussion
All were in favor and the Motion carried.

MINUTES:

Motion by Mrs. Grosso to approve the Minutes of August 26, 2024 as read.
Second by Mr. Harnes Esq. Chairman 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. Harnes Esq., to adjourn the meeting at 8:30 p.m. All were in favor and the Motion carried.

Respectfully submitted,



Recording secretary

non-approved minutes