

Minutes
Zoning Board of Appeals
July 13, 2017

Board Members Present: Theresa Coughlin, Alan Hall, Sr., Mark Morey, William Oehler

Board Member Absent: Harold Moffitt

Others Present: Patti Corlew, Zoning Administrator

Meeting Commenced at 7:00 p.m.

Mr. Morey – This is July 13, 2017 meeting of the Town of Warrensburg Zoning board of Appeals. Let the record reflect the members present, Mr. Oehler, Mr. Hall, Ms. Coughlin and myself. First order of business is approval of the minutes of the previous meeting, May 11th. Does anyone have any corrections?

Mr. Hall – I do not.

Mr. Oehler – No, I'm good.

Mr. Morey – I don't have any corrections, but I'm going to remind the Board and the applicants and anyone who wants to speak that there were a lot of instances in here where several people were talking at the same time and that makes it impossible for her to determine who, and it may become important, ya know, if we have a challenge or something. What was inaudible may be the tipping point for somebody's decision and so forth. Just keep that in mind. Let the record reflect that the minutes were approved without changes, by consensus. First order of business, area variance ZBA 2017-3. I guess at this time, I'll open the public hearing. Patti, would you tell us how this comes before us?

Mrs. Corlew – Sure. Mr. Laduca would like to construct a garage and he cannot meet the setback, the minimum setback for the front yard. So... The garage is going to eight from the property line in one section and four feet in another section. So he needs a variance in order to do that.

Mr. Morey – It's the custom of this board to swear anyone who is going to give us information. So one or both of you, I'll need you to stand and raise your right hand. Mr. Miller, will you be giving any...

Mr. Miller – Yeah, I'll let him do it first and then I'll...

Mr. Morey – I can do you both on the same time.

Mr. Miller – Okay.

Mr. Morey – We'll get it, we'll get it done all at once here. Do you solemnly swear that the statements you are going to give the Board are the truth, the whole truth and nothing but the truth?

Mr. Miller – Yes.

Mr. Laduca – Yes.

Mr. Morey – Okay. You can take your seats. Who'd like to start the questioning? Well, I viewed the property and it looks like the right-of-way is that wide in that point because they need that much space to hold the road up. It's your, the toe of the bank.

Mr. Miller – We assumed it was the power company's jurisdiction in that area 'cause the lines run through there.

Mr. Morey – Oh, okay. Yep.

Mr. Miller – Why it was that wide there, we didn't know. That's a good point though.

Mr. Morey – It's, now there... You had a survey done on the property. I think I saw the math here. This is part of a survey map?

Mr. Laduca – Yeah, so that... Speak to this?

Mrs. Corlew – It'll pick you up.

Mr. Laduca – It'll pick it up. So first of all, it's nice to meet all you people. I'm glad to be able to come. Alan stopped by the house today. I am Frank Laduca. My wife, Trish is back at our home in New Jersey. We actually built the house on 28 three years ago and now we're anticipating our retirement next year and we want to be able to have a garage at our full-time home, which is the.. 'Cause we'll sell our house in New Jersey 'cause you know how the winters are.

Mr. Morey – Good idea in this country.

Mr. Laduca – So the way the, the survey that you see there was the survey that was done when we bought the property and that placement of the garage is just my markup of that survey. So that was not done through any official jurisdiction of the, with the surveyor. It can be done but that's basically looking at the setbacks, using the actual scale. The road and the property line are about... The property line's about 42 feet from the road, and then that little house is a good landmark. It's like a little old schoolhouse. It's the one building left from the old estate, and it's right about three feet from the property line, so these are fairly good measure to know (inaudible).

Mr. Morey – The reason I asked was that your property line, your boundary with the road is, is well defined. It's not...

Mr. Laduca – Yes.

Mr. Morey – So the road appears to be quite wide. That's State Route 28 and...

Mr. Oehler – What is the, what are the setbacks, or what is the road, what do they have for allowance. Is it like a 50 foot right-of-way?

What is the right-of-way from the center of line to the property line now?

Mr. Miller – Well he said that the, the distance from the road to his property line is about 42 feet.

Mr. Oehler – Okay.

Mr. Miller – So...

Mr. Laduca – That's not the center of the road. That's the actual...

Mr. Miller – Edge of the road.

Mr. Oehler – The edge of the road to your property line? So they, the State has that much of a right-of-way?

Mr. Miller – The State or the power company.

Mr. Oehler – Or it's the power company's?

Mr. Miller – It's not clear whose property that is or whose jurisdiction that is. But is, what we were told was that, that line right behind where he wants to put the garage is his property line and if he was to do the 30 feet...

Mr. Oehler – Right.

Mr. Miller – It would put him into his house, so he can't...

Mr. Oehler – (Inaudible).

Mr. Miller – Yeah.

Mr. Laduca – The reason why the house is where it is, is because to build we had to deal with the restrictions of the APA, so we had to set it back very far from the river. (Inaudible) square footage 150 feet back from the mean high water mark, a way to control the (inaudible). So that house sits pretty far back on the property.

Mr. Oehler – Right.

Mr. Laduca – I actually have some pictures if you didn't have the chance to get there to see what it looks like.

Mr. Oehler – I know the house. I know (inaudible). I know dealing with the APA is, is not easy.

Mr. Laduca – Well, actually we were able to navigate the APA pretty well, with the help of Dan Smith, who unfortunately is deceased now. He actually was so good. It took him a full year...

Mr. Oehler – Hm hm.

Mr. Laduca – ...to negotiate because it was a very diffuse property, a lot of little cottages. I don't know if you're familiar with it, but, so we had to negotiate and he did a very good job. He was excellent.

Mr. Morey – Patti, this was submitted to the County? Was there any impact or?

Mrs. Corlew – No county impact.

Mr. Oehler – And the State has nothing on this for the road and all that? There is no problems with the State?

Mr. Laduca – Not to my knowledge.

Mr. Oehler – 'Cause it's a, being it's a State road, (inaudible) if there's anything...

Mr. Laduca – Do you know, Patti?

Mrs. Corlew – I wouldn't know. I doubt it.

Mr. Miller – The only reason you would involve the State if is you were doing a new curb cut or something, so.

Mr. Morey – The land surveyor should have actually noted who the property, the adjoiners are all the way around it, but it looks... I think you're right, ya know, this overhead wire that's shown on the map, it probably is the power company's right-of-way there.

Mr. Oehler – Yes. Exactly, yep.

Mr. Laduca – (Inaudible).

Mr. Oehler – Nope. Not at that map.

Mr. Morey – Mr. Hall, you have any questions?

Mr. Hall – (Inaudible) statement I was able to drive that X-cab pickup of mine up and around that circular driveway through what would have been the setup for the garage, so he does... It's a little tight, but he does have (inaudible).

Mr. Miller – Yeah, he's made a turn-around there now and there's room on both sides of the garage to, to pull up next to it and get turned around. The circular driveway's gone, but...

Mr. Laduca – Semi-circle.

Mr. Miller – Yeah.

Mr. Morey – Ms. Coughlin?

Ms. Coughlin – I'm good.

Mr. Morey – Okay, I guess at this time, we'll, I'll make a motion that ZBA 2017-3 is approved and is there a second?

Mr. Oehler – I'll second it.

Mrs. Corlew – Excuse me, did you do SEQRA yet?

Mr. Morey – No, I haven't done SEQRA.

Mrs. Corlew – You want to do that...

Mr. Morey – Don't I do that...

Mrs. Corlew – ...first, okay.

Mr. Morey – Yep.

Mrs. Corlew – And Bill seconded that?

Mr. Oehler – Yes.

Mr. Morey – Okay. Now we'll proceed to discussion. Well, we'll get the SEQRA motion out of the way. I move that the board finds that this is Type II listed action under the State Environmental Quality Review Act and therefore, that there is no significant environmental impact as a matter of law. Well, not therefore, there... We'll correct the minutes right now. Is there a second.

Mr. Oehler – I'll second it.

Mr. Hall – I'll second.

Mr. Oehler – He can.

Mr. Morey – All those in favor, say aye.

RESOLUTION #2017-10

Motion by: Mark Morey

Second by: Alan Hall

RESOLVED, to deem application #2017-3 by Frank Laduca, tax map #167.4-1-28, located at 561 Route 28, for an area variance, as a Type II listed action under the State Environmental Quality Review Act and there is no significant environmental impact as a matter of law.

DULY ADOPTED ON THIS 13TH DAY OF JULY, 2017 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, William Oehler

Nays: None

Mr. Morey – We'll go down through the application. There may be other questions that come up or observations. Question number one, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance. You answer, "no. No impact to any neighborhood character as this lot is bounded by park land. Pack Demonstration Forest to the south, park land across the road east. Hudson River to the West and one neighbor on the north whose home is more than 150 feet from the current property line, with wooded area in between". I didn't see anything that would contradict any of that.

Mr. Oehler – No.

Mr. Morey – Number two, whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance. You answer, "no. There's no other land available on the lot to build a garage". Pretty well covered that just a minute ago, with the restrictions from the APA and the lot size. Really, I don't see where there's a lot of... I don't see where there's a lot of other options. If anyone else thinks different, now is your chance.

Mr. Hall – (Inaudible).

Mr. Morey – Number three, whether the requested area variance is substantial. You answer, "no. This not a substantial variance requested. The building will be a minimum of 45 feet from the roadway, Route 28, and not impact any aspect of character of the neighborhood". Our last application was very similar to this, where the road is quite wide or at least the right-of-way and, but we've always considered, this board has considered anything over 50% variation to be substantial. This one has, in my opinion, some

mitigating factors in that it sets down over the bank and it's screened by other, by woods and other factors. Any comments on that? Any..?

Mr. Hall – No.

Mr. Morey – I guess we're just getting the run on this type of variance.

Mrs. Corlew – Yes.

Mr. Morey – Question number four, whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. You answer, "no. No impact on any aspect to the neighborhood as described in 1".

Comments? Number 5, whether the alleged difficulty was self created which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. You answer, "no. The difficulty in locating the garage is due to limited available land on the lot due to adherence to all building requirements of the Town of Warrensburg and the APA in placement of the main house and the required waste water leach field". No comments on that?

Mr. Hall – No comment on that, no.

Mr. Oehler – No.

Mr. Coughlin – No.

Mr. Morey – Well, if everyone's ready, then we'll proceed to a vote. A yes vote will grant the variance. Mr. Oehler?

Mr. Oehler – Yes.

Mr. Morey – Ms. Coughlin?

Ms. Coughlin – Yes.

Mr. Morey – Mr. Hall?

Mr. Hall – Yes.

Mrs. Corlew – You forgot to shut, close the public hearing. Sorry.

Mr. Morey – Should I close that now or..?

Mrs. Corlew – Yes.

Mr. Morey – At this point, I'll make a motion we close the public hearing on ZBA 2017-3. Is there a second?

Mr. Oehler – I'll second it.

Mr. Morey – All those in favor, say aye.

RESOLUTION 2017-11

Motion by: Mark Morey

Second by: William Oehler

RESOLVED, to close the public hearing for application 2017-3.

DULY ADOPTED ON THIS 13TH DAY OF JULY, 2017 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, William Oehler
 Nays: None

Mr. Morey – Okay. Do you want me to start over and are we just continuing the order that we were on the vote?

Mrs. Corlew – Just start over.

Mr. Morey – Okay. A yes vote will grant ZBA 2017-3. Mr. Oehler?

Mr. Oehler – Yes.

Mr. Morey – Ms. Coughlin?

Ms. Coughlin – Yes.

Mr. Morey – Mr. Hall?

Mr. Hall – Yes.

Mr. Morey – And I vote yes as well.

RESOLUTION #2017-12

Motion by: Mark Morey

Second by: William Oehler

RESOLVED, to approve application #2017-3 by Frank Laduca, tax map #167.4-1-28, located at 561 Route 28, for an area variance to allow construction of a garage four to eight feet from the front property line.

DULY ADOPTED ON THIS 13TH DAY OF JULY, 2017 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, William Oehler

Nays: None

Mr. Morey – I guess we've stumbled our way through another variance, at least I have.

Mr. Oehler – Everybody can build their garages now.

Mr. Laduca – Thank you very much.

Mr. Morey – You're welcome.

Mr. Laduca – Patti, thank you for keeping everybody honest.

(Laughter).

Mr. Laduca – Making sure the rules are followed.

Mr. Morey – You're welcome. You're welcome. You have our permission. That doesn't... You still may need other...

Mr. Miller – Yeah.

Mr. Laduca – (Inaudible). We have to (inaudible).

Mrs. Corlew – I'm here tomorrow. I'm not here next week.

Mr. Miller – For, to get the...

Mrs. Corlew – To get the zoning compliance and the permit from here.

Mr. Miller – Okay. Do you want to come in tomorrow and see her? Are you leaving or..?

Mr. Laduca – Sure, I can come in tomorrow. What time are you here in the morning?

Mrs. Corlew – I get here at 8:30.

Mr. Laduca – I'll be here in the morning.

Mrs. Corlew – Okay.

Mr. Morey – Is there any new business or other business for the board tonight?

Mrs. Corlew – Nope.

Mr. Morey – Then I'll make a motion that we adjourn. Is there a second?

Mr. Hall – Second.

Mr. Oehler – Second.

Ms. Coughlin – Second.

Mr. Oehler – We all second that one.

Mr. Morey – (Inaudible) if you all wanted to stay.

Mr. Oehler – No.

Mr. Morey – All those in favor, say aye.

Motion by Mark Morey, second by William Oehler and carried to adjourn the Zoning Board meeting at 7:16 p.m.

Respectfully submitted,

Patti Corlew
Recording Secretary

Pc/zb07132017

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Second by: Alan Hall

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Ayes: Theresa Coughlin, Alan Hall, Mark Morey, William Oehler

Nays: None

RESOLUTION 2017-11

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Second by: William Oehler

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Nays: None

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Second by: William Oehler

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Ayes: Theresa Coughlin, Alan Hall, Mark Morey, William Oehler

Nays: None