

TOWN OF TAGHKANIC ZONING BOARD OF APPEALS

MINUTES OF THE MARCH 22, 2021 REGULAR MEETING

A regular meeting of the Town of Taghkanic Zoning Board of Appeals was held on Monday, March 22, 2021 at the Town Hall.

Those present:

James Romaine, Thomas Mirabelli, Veronica Mitchell, Stephen Fass

Those absent:

Elizabeth O'Donnell, Kent Sammons

Also present:

Robert Fitzsimmons, Esq., Counsel to the Zoning Board

Approved April 26, 2021
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Mr. Romaine opens the meeting at 7:00 p.m. with the pledge.

Mr. Romaine seats Ms. Mitchell at this time.

Boyles-Variance

The applicant takes the time to explain what he would like to do. They are looking to get a variance to shift the house closer to the north side of the property. They have a 3-acre parcel with variance of 100' back 100' front with 75' each side. Based on the topography of the land they are looking to shift the house closer to the right side of the property from 75' to 55'. The property is rocky with ledges and that is pretty much the flattest part of the property.

Mr. Mirabelli has been by the property and agrees that the property is pretty rocky with some outcropping and other issues. The widest part is the front and the further you go back the narrower it gets. How wide is the structure?

The house is 60' with a 24' wide 2 car garage attached giving a total of 84' wide single story.

Mr. Fitzsimmons reads Ms. O'Donnell's letter to the Board with her comments and concerns:

"The Applicant is proposing a variance to permit a new house and garage that encroach on the side yard setback by +/- 20'

Is survey drawing provided with this application the final, filed lot configuration? Lot areas are noted as "proposed". Provide final survey prior to final ZBA determination as may be necessary

Applicant, please provide a larger, scaled drawing with all set-backs drawn to scale and dimensioned, and new construction drawn to scale and dimensioned.

If I'm reading the Provided PDF correctly, and scaled from a print of the PDF, the lot width is approximately 230 ft. at the proposed location of construction. With required side yard setbacks of 75 ft., the lot allows approximately 80' buildable width as of right (i.e., no variance needed).

Applicant to please demonstrate the hardship of building the proposed project without a variance."

The Board would like a larger map showing the lines and dimensions. Also a few pictures showing the out crops and rocky ledges. The Board would like to do a site visit once it is staked out.

Mr. Romaine makes a motion to accept the application with the addition requested amendments to be provided with a public hearing on April 26, 2021 at 7:15 pm, seconded by Mr. Mirabelli and approved by those present.

**Approved 4 Aye (Romaine, Mirabelli, Fass, Mitchell)**  
**0 Nays**  
**2 Absent (O'Donnell, Sammons)**

**Fass- Variance**

Mr. Fass has recused himself at that time.

Mr. Fass explains to the Board what he is looking to do. They have a summer house in the back of the property and would like to put the pool right behind that. The 13' shortage is his own property. They have 2 lots; the second lot is on top of the hill. The variance is on his own property.

Mr. Romaine asks why it can not go on the left side of the property where there is lots of room.

Mr. Fass states that there are many of pine trees and that would create lots of work to keep the pool clean from the tree debris.

Mr. Mirabelli mentions that it is an under sized lot. It is a 7 acres zone district and they only have 4.2 acres lot. Where do you take the width from, 20% of the width is the setback according to the zoning code. The frontage they possible have is 350-360 and the lot is odd shaped. Doing the math if he has 350 that would be 70' and he has 87'. It all depends where you take the width from.

Mr. Fitzsimmons reads Ms. O'Donnell's letter to the Board with her comments and concerns:

"The Applicant is requesting a variance to permit a new pool that encroaches on the side yard set-back by +/- 25'.

Applicant to please provide a larger, scaled drawing with all set-backs drawn to scale and dimensioned, and new pool drawn and dimensioned. Pool fence is allowed in the setback.

Applicant to please provide documentation that shows why the pool cannot be located fully outside the setback and built without a variance. (Topographic lines, photographs, Google-maps, etc.). Or, ZBA to schedule a site visit?"

The Board would like to have larger maps with pictures of the lay out of the property.

Mr. Romaine makes a motion to accept the application with the addition requested amendments to be provided with a public hearing on April 26, 2021 at 7:20 pm, seconded by Ms. Mitchell and approved by those present.

**Approved 3 Aye (Romaine, Mirabelli, Mitchell)**  
**0 Nays**  
**2 Absent (O'Donnell, Sammons)**  
**1 recused (Fass)**

Mr. Fitzsimmons informs the Board that neither application will need to be referred to County Planning Board because they exceed setbacks on existing lots.

Mr. Romaine moved to adjourn the meeting at 7:45p.m., seconded by Mr. Mirabelli and approved by all present.

**Approved 4 Aye (Romaine, Mirabelli, Fass, Mitchell)**  
**0 Nays**  
**2 Absent (O'Donnell, Sammons)**

Jean-Adele Howard  
Secretary, Town of Taghkanic Zoning Board of Appeals  
Next Meeting: April 26, 2021 at 7pm with Public Hearing for Boyles-Variance at 7:15pm and Fass-Variance at 7:20pm.

Accepted by: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_