

TOWN OF TAGHKANIC ZONING BOARD OF APPEALS
MINUTES OF THE APRIL 26, 2021 REGULAR MEETING

A regular meeting of the Town of Taghkanic Zoning Board of Appeals was held on Monday, April 26, 2021 at the Town Hall.

Those present:

James Romaine, Thomas Mirabelli, Veronica Mitchell, Stephen Fass, Elizabeth O'Donnell, Kent Sammons

Those absent:

Also present:

Robert Fitzsimmons, Esq., Counsel to the Zoning Board

**DRAFT NOT
APPROVED BY THE
BOARD**

Mr. Romaine opens the meeting at 7:00 p.m. with the pledge.

Mr. Fitzsimmons swore Mr. Sammons in.

Minutes – March 22, 2021

Mr. Mirabelli makes a motion to approve the minutes, seconded by Mr. Fass and approved by all present.

Approved 6 Aye (Romaine, Mirabelli, Fass, Mitchell, O'Donnell, Sammons)
0 Nays
0 Absent

Mr. Romaine makes a motion to open the public hearing for Boyles, seconded by Mr. Sammons and approved by all present.

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

Boyles-Variance

The applicant takes the time to go over what they would like to do. They are looking for 20' variance in total along a side property line due to the nature of the topography of the site. All notices did go out. Some Board members did do a site visit.

There were no additional public comments on the application.

Mr. Romaine makes a motion to close the public hearing, seconded by Ms. Mitchell and approved by all present.

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

0 Absent

Mr. Fitzsimons informs the Board that it is exempt from the SEQR review as a Type 2 action.

The Board request a completed survey map with dimensions of the proposed project before any construction is done.

Mr. Mirabelli makes a motion to approve the variance with the condition listed, seconded by Mr. romaine and all those present.

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

Fass- Variance

Mr. Fass recuses himself at that time. Mr. Romaine seats Ms. Mitchell at this time.

Mr. Romaine makes a motion to open the public hearing for Fass, seconded by Mr. Sammons and approved by all present.

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

Mr. Fass explains to the Board what he is looking to do. He seeks a variance to put in a fenced inground pool and it is approximately 75' from the side property line with a fence being about 10' closer. The lot is an undersized lot, but Mr. Fass owns the adjacent lot, so no reduction of the setbacks is permitted by ZO VI.G.1.c The variance they are looking for is along a driveway on the adjacent property, which they own. There can be no construction on that portion of the adjacent lot because of the lot width.. They are looking for a 15' variance in total.

Mr. Romaine makes a motion to close the public hearing, seconded by Ms. O'Donnell and approved by those present.

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

Mr. Fitzsimons informs the Board that, as an accessory structure to the single-family residence it is exempt from the SEQR review as a Type 2 action.

The Board believes the applicant will need a 25' variance. The section of the lot adjacent to the variance cannot be built on because of the lot width..

Mr. Romaine makes a motion to approve the 25' variance, seconded by Ms. O'Donnell and all those present.

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

Mr. Fass returns to his seat at this time.

West Taghkanic Diner – Schram

The Applicant is looking to put out temporary picnic tables for dining outdoors due to COVID restrictions. The Board reviewed the request. The zoning table that says that a restaurant is a permitted use with site plan approval by the Planning Board. The Board saw no action they need to take at this time but supports the request. They will defer back to Mr. Callahan to see if the applicant needs to submit a modified site plan approval request to the Planning Board. Mr. Romaine mentions that he spoke with Mr. Skoda who informed him that the state is asking for towns to ease up due to COVID.

Mr. Romaine makes a motion that Mr. Fitzsimmons write and send an advisory opinion to the Planning Board, seconded by Mr. Fass and approved by all those present.

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

Jo Jo's Pizza- Outdoor Seating

The Board reviewed the request and saw the denial for Section VI(C) permitting expansion of construction on an undersized lot by 50% as this variance had been used twice previously. The Board has a few follow up question for Mr. Callahan at this time.

- Is the request for an area variance for now seeking to exceed the 50% limitation on expansion?
- Is there request for an area variance due to the seating violating an existing setback, or both 1 and 2?
- If the new pavilion is installed for seating, it would require a building permit, and is in your opinion, a structure requiring approval?
- Is the distance between the existing building and the pavilion an issue (they actually overlap), does there need to be separation of these structures or a connection by a breezeway?

The Board asks Mr. Fitzsimmons to draft a letter to Mr. Callahan with the above follow up questions. The Board will accept a dimension sketch drawing from applicant due to COVID and surveyors not available for months.

Mr. Sammons makes a motion to set a Public Hearing for May 24, 2021 at 7:15 with the stipulation that they have all the information & clarification from Mr. Callahan, seconded by Mr. Fass and approved by all those present.

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

Mr. Romaine moved to adjourn the meeting at 8:25p.m., seconded by Mr. Sammons and approved by all present.

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

Jean-Adele Howard

Secretary, Town of Taghkanic Zoning Board of Appeals

Next Meeting: May 24, 2021 at 7pm with Public Hearing for Jo Jo's Pizza at 7:15pm

Accepted by: _____

Title: _____

Date: _____