

TOWN OF TAGHKANIC ZONING BOARD OF APPEALS

MINUTES OF THE OCTOBER 24, 2022 REGULAR MEETING

A regular meeting of the Town of Taghkanic Zoning Board of Appeals was held on Monday, October 24, 2022 at the Town Hall.

Those present:

Elizabeth O'Donnell-Acting Chair, Thomas Mirabelli, Kent Sammons, Stephen Fass, Clara Cordato,

Those absent:

James Romaine

Also present:

Robert Fitzsimmons, Esq., Counsel to the Zoning Board

Approved
W/Corrections
March 27, 2023

Ms. O'Donnell opens the meeting at 7:00 p.m. with the pledge.

Ms. O'Donnell seats Ms. Cordato at this time.

Minutes –

September 26, 2022

Mr. Mirabelli makes a motion to approve September 26, 2022 minutes with corrections, seconded by Mr. Fass and approved by those present.

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

Public Hearing –

Schnackenberg - Area Variance

The applicant gives the Board new drawings with photographs as requested at the previous meeting. He goes over the drawings/pictures to show the layout of the lot. The applicant told the ZBA that when he obtained a permit for the garage he was informed by the Code Enforcement Officer (CEO) that the side yard setback was 12 ft. The applicant recently constructed a lean-to without a permit based on a 12 ft. setback. One corner of the lean-to is 8 ft. from the property line. The applicant is applying for an area variance from the Board. However, the side yard setback defined in the current code is 75 ft. and that is what the Board has to go by.

Ms. O'Donnell makes a motion to open the Public Hearing, seconded by Mr. Fass and approved by those present.

Approved 5 Aye (O'Donnell, Mirabelli, Sammons, Fass, Cordato,)
0 Nays
1 Absent (Romaine)

Adjacent property owners – Myers

Confused on terminology being used for the garage/barn. What is the lean-to being used for. Had no idea the building was non-compliant and that the garage building would be so large. Was told it was for storing tools. They want to know the intended use and are concerned about the level of noise.

Neighbor - Pretorius

Never had any issues with the applicant and have no complaints on what the applicant did nor what he is asking for.

Neighbors – Myers

The Meyers' wanted to say how upset and confused they are by the permitting process for the garage. How did a building of this size get a permit if it was not in conformance with the code? They are worried about the use of the building as a garage and what that could mean in terms of traffic in and out along with the noise. They were told the setback was 10 feet and now are being told it is 75 feet. They don't want to be bad neighbors but this is very concerning to them.

Ms. Cordato asked for clarification on the use for both the main building and the lean-to. Also what is the location of the buildings in relationship to the house? Is it to the rear, front or the side of the house?

The applicant states the main garage building is used to park vehicles and hobbies such as woodworking. The lean-to is used to park a horse trailer and other equipment. As far as the concern with the noise the applicant expects no change in the current level of noise.

Mr. Sammons make a motion to close the public hearing, seconded by Mr. Fass and approved by those present.

Approved 5 Aye (O'Donnell, Mirabelli, Sammons, Fass, Cordato)
0 Nays
1 Absent (Romaine)

The Board is concerned with the 8' setback the applicant is asking for. The lean-to is added to the building that is already built within the side yard setback. There is concern that the CEO approved a permit for the garage building, as the building is located fully within the side yard setback and is non-conforming. The lean-to was built without a permit and the Board needs to decide if they will grant the applicant relief by approving the request for a variance to the setback defined in the Zoning Ordinance (adopted January 4, 1988).

The applicant does not agree with the Board using the current code. The applicant states that he was informed that the setback was 12 ft. by the CEO. He stats that if he takes down the lean-to it will not change the look of the main building nor what the what the neighbor will see.

Mr. Fitzsimmons goes over the Area Variance factors in the town law with the Board at this time.

1. Whether an undesirable change would be produced in the character of the neighborhood or be a detriment to the nearby properties?
2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance?
3. Whether the requested variance is substantial?
4. Would the variance have an adverse impact on the physical or the environmental conditions on the neighborhood?
5. Was it self-created?

The Board takes a pole to see where everyone is on approving or denning the application.

Ms. O'Donnell is not in favor of it, based on the side yard setback requirements defined in the current Zoning Ordinance.

Mr. Sammons is not in favor of it, due to the applicant's failure to get a permit and therefore the hardship is self-created.

Mr. Mirabelli is undecided as the applicant was given incorrect information by the code enforcement officer. Would be agreeable to reduced size of the lean-to.

Mr. Fass agrees to approving a variance for a reduced size of the lean-to.

Ms. Cordato would be in favor of granting the variance as the applicant was told that the setback requirements was 12' and that the lean-to is not over by a substantial amount.

Mr. Sammons make a motion to deny the request for an area variance to add a 14' lean-to to the garage, seconded by Ms. O'Donnell and approved by those present.

Approved 3 Aye (O'Donnell, Mirabelli, Sammons)
2 Nays (Fass, Cordato)
1 Absent (Romaine)

The applicant's request for a area variance is not approved.

Ms. O'Donnell makes a motion to adjourn the meeting at 8:10p.m., seconded by Mr. Fass and approved by all present.

Approved 5 Aye (O'Donnell, Mirabelli, Sammons, Fass, Cordato,)
0 Nays
1 Absent (Romaine)

Jean-Adele Howard
Secretary, Town of Taghkanic Zoning Board of Appeals

Next Meeting: November 28, 2022 at 7pm.

Accepted by: _____

Title: _____

Date: _____