

****AGENDA****
TOWN OF BEEKMAN ZONING BOARD OF APPEALS MEETING
August 1, 2019
7:00 pm

REVIEW MINUTES: July 2019

PUBLIC HEARING:

- 1. O'Mara Family Farms, Inc.** – Area Variance
Proposed variance to NYS Town Law 280a
Rear of 796 and 798 Beekman Road
Poughquag
Grid # 6658-00-498395
Zone: R-45



TOWN OF
BEEKMAN
New York

4 Main Street
Poughquag, NY 12570
www.townofbeekman.com
(845) 724-5300

Town of Beekman Zoning Board of Appeals
Minutes of August 1, 2019

The Town of Beekman Zoning Board of Appeals met for their regularly scheduled meeting on Thursday, August 1, 2019 at the Beekman Town Hall. The following members were present: Chairman - Murray Johnson, Faye Garito, Sarah Davis, Ed Powers and Ciarn Bruen. Maria Rodrigues was absent. Also present was Selene Haile - Secretary.

Murray led the Pledge of Allegiance and noted the emergency exits.

PUBLIC HEARING:

1. O'Mara Family Farms, Inc - Area Variance

Proposed variance to NYS Town Law 280a

Rear of 796 and 798 Beekman Road

Poughquag

Grid # 6658-00-498395

Zone: R-45

Murray stated this Public Hearing was adjourned from the April Meeting.

The applicants stated this is a 1.2 acre residential property. There is a 10 foot easement to get onto the property. Three other houses gain access from this easement. This easement was created in 1930 and a road maintenance agreement was signed in 1984.

The property requires a 280 a variance because it has no road frontage.

The applicants purchased the property in 2016. They have talked to the Beekman Fire Chief and they will increase the site distance into the property by grading and will have a turnaround on the property which make it safe for the other 3 houses as well.

The applicant's attorney stated the following points. This will not create a change to the neighborhood. It will also not have an environmental impact. This complies with all the other items in the code. There is no other way to gain access to the property. Based on the maintenance agreement set up in 1984, it was anticipated that there would be a house on this property.

The issue is the road deviates from the deeded right of way. The applicant has spent 4 months negotiating with the property owner and they are not interested in granting an easement where the road deviates.

The applicant intends to put the actual road bed on the actual Right of Way. The appellant does not want to start work until they are granted a 280 A variance. They invested too much money to just walk away. They will comply with any specifications the Building Inspector will require. It was stated this appears to be the only way to move forward.

Faye asked if it changed any of the setbacks on the existing property. It was stated it doesn't change the property line.

Peter stated he doesn't like the way it exists. He said it will be an improvement with a gradual slope.

It was said that there will be a pull off and back out spot for firetrucks which will be an improvement for everyone.

There was no one in the audience for this application.

Murray made a motion to close the Public Hearing. Seconded by Ciarn. All in favor. Motion carried.

Murray made a motion that this application is a type II and no further SEQRA action is required. Seconded by Faye.

All in favor. Motion carried.

Murray med a motion to grant a 280 a variance for driveway to a new structure and this will be accomplished by putting the new road on the existing easement. Seconded by Faye.

Sarah - Nay

Ed - Aye

Ciarn - Aye

Faye - Aye

Murray - Aye

4 in favor - one against. Motion carried.

Findings:

There will be no change to the neighborhood. The immediate neighborhood is a mixture of modest-sized homes with common access via a common 10' wide easement. The three houses currently using the easement were all built in the 1940's and all of them have been nicely updated and renovated. We had 2 Fire Chiefs visit the premises and they both state that with the proposed large turnaround on our lot, it will make all 3 of the other homes safer. They both recommended upgrading the drive way. They both stated that we should add material at the entrance of the driveway to decrease the slope as the slope is too steep on exiting the driveway. If the variance is granted, fire trucks and ambulances and other emergency vehicles will be able to enter and exit with greater ease than the current driveway allows. The property is an existing non-confirming lot with a deeded right of way on a private road which is its only means of access. The request variance is minimal and the impact if minimal because the lot has a deeded right of way granted on April 2, 1949. The variance will not have an adverse impact on the neighborhood. The private road has been in existence for seventy years and is pre-existing and non-confirming. The private road is maintained under a 1984 road maintenance agreement and the owners of all the properties along the road are obligated to fix and maintain the road per that document. The hardship is not self-created since this lot is a pre-existing lot of record with a deeded right of way that predates zoning.

Sarah - Nay

Ed - Aye

Cairn - Aye

Faye - Aye
Murray - Aye

Murray made a motion to approve the May minutes. Seconded by Sarah. All in favor. Motion carried.

Murray made a motion to approve the June minutes. Seconded by Cairn. All in favor. Motion carried.

Murray made a motion to close the Meeting. Seconded by Sarah. All in favor. Motion carried.

Meeting Adjourned

Respectfully submitted.

Selene Haile

Secretary