

**\*\*AGENDA\*\***  
**TOWN OF BEEKMAN ZONING BOARD OF APPEALS MEETING**  
**February 7, 2019**  
**7:00 pm**

Review minutes: November 2018

**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](http://www.townofbeekman.com)  
(845) 724-5300

**Town of Beekman Zoning Board of Appeals**  
**Minutes of February 7, 2019**

The Town of Beekman Zoning Board of Appeals met for their regularly scheduled meeting on Thursday, February 7, 2019.

The following members were present: Murray Johnson, Sarah Davis, Ed Powers and Ciaran Bruen were present.

Maria Rodrigues and Faye Garito were absent. Also present was Secretary - Selene Haile

**PUBLIC HEARING:**

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

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Grid # 6658-00-498395

Zone: R-45

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

It was stated this needs to be sent to the County for review and it should be done by the first week of March.

William Shilling - Attorney for applicant, Kelly and Patrick O'Mara approached the Board.

Notice of Publication and Proof of Mailings were provided.

It was stated this is located off Beekman Road and is 1.18 acres in the R-45 zone. This is serviced by a 10 foot Right of Way and shared with 3 other lots. The BOH approval map was shown.

The applicant stated that the Fire Department came out and looked at the property. The road has to hold an 80,000 pound vehicle.

They will create a turnaround for the fire trucks. This will also help the other houses off this road.

According to Mr. Shilling the easement was created in 1940. There is also a road maintenance agreement from 1984.

The properties predecessor agreed to it.

The applicants are seeking a 280A variance. They cannot build on this lot without it. The lot was purchased in 2016.

Mr. Shilling stated that a turnaround for the Fire Department would benefit the other home owners in this area.

He stated there are no environmental issues. There are similar homes in the neighborhood. The existing lot is safe and suitable for building.

There is a second lot behind this but it is in the 100 year flood plain and the applicant stated he would keep it for bow hunting purposes. He is not requesting a 280A for that lot.

There was a discussion that the current road does not follow the easement. There is a slight deviation and it waives on and off.

The Board expressed concern that the Fire Department came out to view this and the road they were looking at was not on the easement. The question was asked whether if the Road was constructed on the actual easement. Would the Fire Department still agree with this?

There was a discussion about getting another easement from the owner that the road encroaches on or locating the road on the easement that already exists.

The Board cannot grant a variance on someone else's property.

It was stated this needs to be referred to the Town Attorney.

Ed said he would like to go out and see the property.

The Board all agreed they are not comfortable with the road not being on easement. They suggested that the applicant talk to the other property owner and get an easement for where current road is or it has to be located on the actual easement.

Any variance that is granted would be on the easement not on the existing driveway.

The Board would also have to see how the road would be constructed and show it on the map.

The Board would like to talk to the Town Attorney.

Mr. Shilling stated he doesn't want the applicant to pay for an easement and to have new plans drawn up if this isn't something the Board would entertain.

The Board stated they can't approve on another person's property.

This application will be adjourned until next month.

Murray made a motion to adjourn. Seconded by Sarah. All in favor. Motion carried.

Respectfully submitted.

Selene Haile

Secretary