

TOWN OF BEEKMAN ZONING BOARD OF APPEALS MEETING
Minutes of February 1, 2018

The Town of Beekman Zoning Board of Appeal met for their regularly scheduled meeting on Thursday, February 1, 2018 at the Beekman Town Hall at 7 PM. The following members were present: Chairman - Murray Johnson, Faye Garito, Sarah Davis, Ed Powers and Maria Rodrigues. Also present was secretary - Selene Haile.

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

PUBLIC HEARING:

1. Sarah & Peter Davis – proposed 28' x 42' detached garage Lime Mill Road
Area Variance – side yard – required 20' – proposed 10' - variance needed 10'
Area Variance – rear yard – required 35' – proposed 15' - variance needed 20'
Area Variance – 155-26A(1)(d)(1) shall respect the scale and character of the principal structure and shall not exceed 25% of the principal structure in bulk.
permitted 25% (994 square feet) – proposed 29.6% (1,176 square feet)- variance needed 4.6% (182 square feet)
Grid # 6759-00-462759
Zone: R-45

Sarah recused herself from this applicant. The Board stated they were all familiar with the applicant but that it would not affect them making a decision.

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

Proof of Publication and Notice of Mailings were provided.

The applicant is building a new home on this lot and would like a 28 x 42 garage which is bigger than the 25% of principal structure that is allowed in the code. Also due to the septic location other variances will be needed for the garage. This will not be seen from the road and the neighbors are fine with it.

The house that is going to be constructed will be no smaller than 1800 square feet and the proposed garage is 1176 square feet.

The garage will house 5 cars, a quad, and a backhoe and an area for woodworking. The appellant will not be running a business from the garage.

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

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

Murray made a motion to grant 3 variances for a proposed 28 x 42 two story detached garage.

1- a side yard variance of 10'

2- a rear yard variance of 20'

3- an area variance of 40% above the 25% allowed by the code for an accessory structure to be larger than the principal structure

Seconded by Faye. All in favor. Motion carried.

Findings:

This will not create an undesirable change to the character of the neighborhood because the building will not be visible from the adjacent properties or the street. The structure is needed for vehicles, equipment, wood shop and storage.

Due to the topography of the lot and proposed dwelling has an excessive front yard setback. This results in a limited rear yard area to place the garage and the house is small and does not meet the 25% requirement. There for this can't be achieved without a variance.

The variances requested are the least possible due to the topography, turning radius and location of the septic fields on the lots.

The variance will not have any adverse impact because it is naturally secreted from adjacent properties and the public way. The building is similar to other detached structures in the neighborhood.

This is not self-created because the house is created for downsizing and the garage is needed for storage.

All in favor.

2. Keith & Janette Talbot – proposed 24' x 40' detached garage 67 Mountain View

Area Variance – 155-26A(1)(d)(1) shall respect the scale and character of the principal structure and shall not exceed 25% of the structure in bulk.

Area Variance – 155-26A (1)(d)(2) shall respect the scale and character of the principal structure and shall not exceed the height of the principal structure.

Grid # 6659-00-990350

Zone: R-90

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

Proof of Publication and Notice of Mailings were provided.

The applicant stated this is an application to build a 24 x 40 garage far enough away from the house to add and addition one day. This will be a 3 car garage with storage above. The applicants are having a baby and they need storage.

They have already moved the shed that was in the location. The house is 990 square feet and the shed will be 960 square feet.

The garage will be used for vehicle storage. law mower, plow, top of a jeep and tools. The applicant works on his own cars. The garage will have electric but no water or bathroom. They have a lot of things outside which will now be stored in the garage.

Ed Powers noted this will be 71.9% over the allowed. Also this will exceed the height of the principal structure because it is 2 stories.

The Board asked if they would consider reducing the size of the garage. The applicants stated they have no storage in their house so they need this for storage. They also stated that in the future they will be adding an addition to the house so the garage will not be as large as the house.

Murray asked if there was anyone in the audience for this application. No one was present.

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

Murray made a motion to grant two variances to allow a proposed 24 x40 garage. Variance 1 is to be 71.9% over the allowed 25% allowed in the code.

Variance 2 is to allow the proposed garage to be higher than the principal structure. Seconded by Faye. All in favor. Motion carried.

Findings:

No undesirable change in the neighborhood - there are woods

Septic in front so no alternative for location and they would like to attach to an addition in the future

Variance requested is substantial

There is no adverse impact

This is not self-created - there is limited places to put this due to the lot

All in favor

3. Kelley M. Kelley Circle Hill Road

Area Variance – 280a - required street frontage – 155-22 E (see attached)

Grid # 6658-00-954516

Zone: R-45

The applicants and attorney William Schilling (Carmel, NY) approached the Board.

This is located on Circle Hill Road - which is a private Road. There is a total of 7 houses It was stated that the road is sufficient for emergency vehicles and has all the qualities of a public road. The zoning is R-45.

This lot is a 3 acre flat build able lot which will be serviced by this private road. The applicant would like to create two 1 1/2 acre lots. This is compliant with the R-45 zone and there are no other variances required. The only variance needed is a 280A for both lots.

Mr. Schilling submitted a Memorandum of Law and an Affidavit in Support.

This has a maintenance agreement for all the homeowners on the road.

The last dwelling was built in 1973.

A letter of support from the neighbors was submitted. (Robert and Melissa Layman). They are happy to see new development in the area and to have two more people contributing to the maintenance agreement.

It was stated by Mr. Schilling that this is an area variance not a use variance. He said this will increase property value, they are oversized lots and will enhance the neighborhood. There are no environmental issues. This road has been in existence for a long time.

The owners' intention is to build one house for themselves and the other for their son.

There was no one present in the audience for this application.

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

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

Murray made a motion to grant a 280A variance for a proposed 2 lot subdivision waiving the need for frontage on a town road. Seconded by Sarah. All in favor. Motion carried.

Findings:

This will not create an undesirable change to the neighborhood because Circle Hill Road has been well established and used by by 7 lot owners since the 1950's and the variance will not make any changes to the neighborhood.

This can't be achieved by any other means because the property is an existing non-conforming lot with a deeded right of way on a private road, the only means of access.

The requested variance is not substantial because the lot has a 50' right of way. The actual road frontage is 854 ft.

The variance will not have an adverse impact on the physical or environmental conditions of the neighborhood. Circle Hill Road is sufficiently constructed and maintained as to require no improvements or changes. Both the road and the property frontage allow adequate width for ingress and egress by emergency vehicles.

This is not self-created since it is a pre-existing lot of record with deeded right of way that pre-dates zoning.

All in favor

Murray made a motion to close the meeting. Seconded by Maria. All in favor. Motion carried.

Meeting Adjourned at 8:15 PM

Respectfully submitted

**Selene Haile
Secretary**

**Selene Haile
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