

ZONING BOARD OF APPEALS  
TOWN OF STUYVESANT  
STUYVESANT, NEW YORK 12173

MINUTES OF JULY 25, 2006

\*Approved @ 10/24/06 meeting

MEMBERS PRESENT:

Mr. William Vick, Chairman  
Ms. Patricia Casey  
Ms. Margaret Pino  
Mr. William Gumaer

OTHERS PRESENT:

Attorney Tal Rappleyea

Chairman Vick called the meeting to order at 7:30 p.m.

A motion was made by Patricia Casey and seconded by Margaret Pino to accept the minutes of the June 27, 2006 meeting. All members voted in favor.

1. VARIANCE APPLICATION: Nicholas Walster presented 10 receipts, proof that he had sent the proper notices. He also gave a copy of one written comment he had received from neighbor Pianelli stating "I have no objection to the proposal, nor does my wife MaryAnn. We support the proposal and urge the approval" Mr. Walster would like to add a 20 x 15 room onto an existing home at 43 County Road 23.

The Public Hearing was opened at 7:52pm. Chairman Vick asked if there were any comments from the public, none were received. He then asked if there were any comments from the board. A question was asked as to whether this was a one story addition. Mr. Walster stated it would be only one story. The Public Hearing was then closed at 7:54.

Patricia Casey stated that looking at the Town Zoning Book "Density Control Schedule" she questioned the size of Mr. Walster's property in comparison to the size of his home. The Zoning book reads as follows:

- To be determined by the Columbia County Health Department. In the "H-1" & "H-2" zones the minimum lot size including a 30' by 50' residence, would be 150' wide and 120' deep or .41 acres.
- Density Average is determined by dividing the total developable area of a parcel by the acres required per use. Minimum lot size is determined by applying the Health Department standards for the on-lot well & septic system to the parcel and then adding the minimum required setbacks.
- Dimensional requirements will be determined on a case by case base via the Site Plan Review Process.

Mrs. Casey stated that since the home is already 4000 sq. ft and the addition adds 300 sq. ft., is it possible to stay within the zoning requirements? A discussion ensued regarding the existing non-conformity of the property that predated zoning. The best course of action for Mr. Walster was to add a “density variance” to his application, which he did. Attorney Rappleyea then discussed the questions that Mr. Walster answered in order to get a variance.

Chairman Vick discussed that this application had one stipulation, since this is a non-conforming property, it can never be more than a three family home. Mr. Walster agreed. Having gone over the issues, Chairman Vick asked the board if they were prepared to go forward. Margaret Pino made a motion to accept the application of Mr. Walster, this was seconded by William Gumaer, and all were in favor. Mr. Walster thanked the board.

VARIANCE APPLICATION: Application of Donald and Louise Hogan for an area variance to install a vinyl fence on one side of their property. Mr. Hogan stated that currently he has a tree line on that part of the property and would like to put the fence behind the tree line for esthetics reasons. The trees were planted approximately 3.5 to 4 feet from the line. The board had concerns about the placement of the fence and asked Mr. Hogan about the property line. Attorney Rappleyea explained that Mr. Hogan must leave himself room to do repairs on the fence so that he does not trespass on someone’s property. The mowing on that side of the fence may also become an issue. Mr. Hogan explained that he did not want to disrupt the growth of the trees.

The Public Hearing was opened at 8:36; Mr. Hogan presented six receipts as proof for the board. He did not receive any written comments. Ronald Knott was concerned about the survey map and having the Hogan’s stay within the one to two foot boundary of the property line. Mr. Hogan explained that he is embarrassed of this neighbor’s property and he would just like to shield his property from this. The board understood but insisted that Mr. Hogan leave at least one foot of property behind the fence and be ten feet from the road. The board asked ZEO/CEO Ennis to see that this is done. The Public Hearing was closed at 8:45pm.

A motion was made by Patricia Casey, seconded by Margaret Pino to accept the application of Donald and Louise Hogan for a six foot fence, at least one foot from the property line. All members in favor.

A motion to adjourn the meeting was made by Patricia Casey, and seconded by Margaret Pino.

Respectfully submitted,

Lori Ennis  
Acting Secretary