

# ZONING BOARD OF APPEALS

## TOWN OF STUYVESANT

### STUYVESANT, NEW YORK

Minutes of March 27, 2019

\*\*\* DRAFT \*\*\*

#### **MEMBERS PRESENT:**

Jeff Jensen, Chairman  
Margaret Pino  
Christian Sweningsen  
Amy Abbati  
Steve Montie, Alternate  
Steven Taylor

#### **MEMBERS ABSENT:**

Paul Harpis  
Meghan Van Alosty

#### **OTHERS PRESENT:**

Applicant, contractor

Chairman Jeff Jensen called the meeting to order at 7:02pm with the Pledge of Allegiance to the Flag.

1. Applicant and contractor present for an Area Variance Donna Moylan at 255 Eichyush Road, Stuyvesant, NY tax map number 43.-1-5. Applicant presents tonight for a revised variance of 7 feet instead of the original 10 foot variance for the front yard setback. Parcel is 1.7 acres in size, located in the zoning district labeled "agricultural" with current required front yard setback of 40 feet. Documents provided to the board tonight include:
  - a. All certified mailed receipts to neighbors
  - b. A copy of the letter that was mailed to neighbors notifying them of the proposed Area variance and Public Notice information
  - c. All associated fess
  - d. Copy of Deed
  - e. Email correspondence to Donna from various neighbors (4)
  - f. Survey Plot plan with residence and garage location hand drawn

Chairman Jeff asked for a motion to open the public hearing, given by Steven Taylor and second by Margaret Pino, all members voted in favor, all aye.

Public Hearing: Applicant, Donna was present and described to the board her intentions of the new construction project. Donna stated she would like to build a single story, 2 car garage, with dimensions of 13 feet high, 28 feet wide and 22 feet deep, at 7 feet off the road instead of 10 feet. Chairman made a comment that besides the applicant and contractor, no one else was in attendance tonight. Donna had forward to the board, the 4 emails she received from the following neighbors: Brent Peterson, Mark Irish, Adam Siegel and Deborah Dutton Minton. It was noted that all of the emails were in support of the variance for the garage. Chairman Jeff asked if there were any questions or comments from the public in relation to the project. There were none. A motion was made by Steven

T. and second by Margaret P. to close the Public Hearing pending no one from the public appears at a later point tonight. All members voted in favor. Motion passed, all aye.

The board discussed the survey that was distributed. The current survey appears to be dated November 24, 1967 and completed prior to the residence being built. The existing house, well and septic, were all drawn on the map with only one dimension clearly marked (distance from the road to the house at 90 feet). The proposed garage location was also drawn on the map at 33 feet off the road and 26 feet from the side-yard property line. There were many questions as to this particular survey meeting the board's requirements of "Completed Survey Map". Since some of the items were drawn in and not surveyed, and the dimensions of the proposed garage not marked, the board would like legal counsel on determining if this type of map/survey complies with the requirements. The board would like to reduce any ambiguity and would like to ask Mr. Rappleyea if this does in fact meet all the criteria the board is looking for. Collectively the board continued to discuss the project and completed the short SEQRA part 2-Impact Assessment form. All of the questions labeled 1-11 were asked/discussed and determined to all be answered and marked- "No, or small impact may occur". Since no items were found to have "moderate to large impact may occur", it was determined that the proposed action would not result in any significant adverse environmental impacts. The board discussed if the benefit sought could be achieved by other feasible methods, and the board answered yes. Discussion was held on the retaining wall height at the back side of the garage that would retain the hill/slope. The question was raised if the board thought a 7 foot variance was substantial in nature, and it was determined that it was not substantial. The question was raised "Will the project have an adverse environmental impact?" and the board answered "No", as per the SEQRA findings. The question was raised "Is this self created?" and the board answered "Yes".

Based on the above findings, it was found that the project could be accomplished by another feasible method, and it is self-created, however, it was found that granting the variance does not create a negative impact and it is not substantial. Chairman Jeff asked for a motion to approve the variance based on the above findings and the condition that the town lawyer, Tal Rappleyea, determines that the submitted survey from 1967 with hand drawings is sufficient for the Board to respond to the request. A motion was made by Steven T. and second by Steve M. All members voted in favor. Motion passed, all aye.

The Board will contact Mr. Rappleyea and let the applicant know of his response.

2. The latest edition of Talk of the Towns & Topics was distributed to all members present.
3. Christian brought up a question for the board. He was wondering if the concern from the January meeting, item #4, about deed conditions and follow through was answered. It was determined that at this time our IPS software alerts the ZEO/inspector of any conditions, approvals, and denials on all projects. Chairman Jeff asked that this topic be tabled until the next meeting so Tal could be asked to clarify and answer that for us.
4. Chairman Jeff Jensen asked for a motion to approve the minutes from previous meeting, January 2019. Motion was made by Steven Taylor and second by Steve Montie to accept the minutes without corrections or omissions. The board voted, all in favor, except Amy Abbati who abstained since she was not in attendance in January, motion carried without objection.

With no further business to discuss, Chairman Jensen requested a motion to adjourn the meeting which was made by Steve M., and seconded by Steven Taylor, and all members voted favorably, all aye.

Respectfully submitted  
Doreen Danforth

Secretary to the Board

DRAFT