



TOWN OF
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**Town of Beekman Zoning Board of Appeals
Minutes of August 3, 2023**

The Town of Beekman Zoning Board of Appeals met for their regularly scheduled meeting on Thursday, August 3, 2023 at the Beekman Town Hall at 7:00 PM. The following members were present: Chairman: Mersin Capollari, Stella Slattery, Linda Porter and Phil Capalbo. Maria Rodrigues was absent.

Also present was Town Attorney – Craig Wallace and Secretary – Aletha Bourke.

M. Capollari – Meeting called to order at 7:01pm
Indicated emergency exits and restrooms
Led the Pledge of Allegiance
Review of agenda

M. Capollari - Motion to approve July 6, 2023 ZBA meeting minutes. Seconded by P. Capalbo. All in favor. Motion carried.

M. Capollari – Motion to open the meeting. Seconded by P. Capalbo. All in favor.

PUBLIC HEARING

1. 17 Bowe Ln – Area Variance

Maiorino-Detached Garage
Grid # 6659-00-461851
Zone R-90

M. Capollari – Notes this is a continuation of last month. Asks applicant to state name and case for the board.

Jason Lithwick, JL Architecture – Were here last month. Had items come up that were addressed. Submission was late but building department stated no major changes on application. Show septic location on site plan. We have original BOH subdivision approval showing well and septic locations. Realized garage was too close. Moved it in 4 more feet, reducing the variance needed. Regarding accessory not exceeding 25% of principle bulk area, Parcel Access has square footage listed at 1998, which is living space. The house has a 3-season room built into it. Including the garage area that is part of the mass structure, you are at 2965 square feet which is 19%. We reduced the amount of variance, located the septic system, and prove we are below the 25%.

C. Wallace – Asks Jason to go through §155-26 subsection 1 for the board.

Jason – We have already applied for a building permit. Setbacks; we are 12 feet away from the 10 required so we meet that. The one issue C; shall be located no closer to the street than the front of the principal structure. Because it's a corner lot, it's tough to have anything proposed without being closer than what the main house is. The main house is 75 feet from the road. If we try to put the garage in the back, that is where we run into the septic issue. D: Is in respect in scale of principle structure, does not exceed 25% in bulk area, and height does not exceed principal structure.

C. Wallace – Asks Jason to summarize the 5 criteria for record and members that were not present for the last public hearing.

Jason – Reviews 5 criteria. 1. No undesirable change. Not detriment to character as it is in scale with neighborhood, plus tree line blocking view acts as natural buffer. 2. That would put the garage in the middle of the yard and interfere with septic. 3. Variance is substantial. Corner lot has to meet both setbacks. 4. The garage has been designed to match the character of the house; match siding, windows, etc. 5. Hardship self-created? Yes and no. I say no because being a corner lot limits locations for accessory buildings on the lot. We picked the best location due to natural screening and buffers.

C. Wallace – What year was subdivision lot approved?

Jason – 1963

C. Wallace – Asks for summary of why it is not feasible to bring the proposed structure closer to the principal structure.

Jason – Existing shed on foundation and not enough room between shed and house to meet 10 foot distance from principal structure to accessory structure.

Jason – Confirms there is no topographical issue. Provides reasoning behind proposed location.

M. Capollari – Given the location of proposed garage and principal structure is on a corner lot, there are two interpretations of where the front yard is creating the potential need for a variance. Zoning Administrator needs to provide interpretation of code.

C. Wallace – Code for the record is 155-26C. The board can consider the variance and condition on positive determination from ZA as to whether variance is required under 1C. You would not get building permit until determination by ZA. The board could also consider both next month.

P. Capalbo – Reiterates understanding of legal counsel recommendation.

C. Wallace – It's in line with the existing driveway so it makes sense but need clarification with respect to the setbacks. You're seeking variance on 75 foot setback but what is the distance from the corner of the proposed garage on a 90 degree angle to Bowe Ln. It needs to be 75 so the variance is 40 foot 5 inches.

Recommends continuation to next month in case ZA determines variance is needed. If not, a letter is needed for the file.

P. Capalbo – The code says the accessory structure on a corner lot has to be the same distance back as the primary structure.

C. Wallace – Yes it is one of 5 factors, not defeating, that you have to look at on an overall scheme. You should have a continuation regardless, in case the zoning administrator comes back and says a variance is needed. It's under a different section. That is 1C. You're seeking a variance under 1F for the setback which is a number of feet. 1C says it shall be located no closer to the street than front of the principal structure. The ZA, Jessica Peterson, will have to make a determination and a letter provided. We should have an adjournment until next month for worst case scenario so it's on the record for the public hearing.

M. Capollari – Explains to applicant that the public hearing will be adjourned, and the applicant need not return if the ZA determines no variance is needed.

C. Wallace – You're going to make a motion to keep the public hearing open in case a variance is needed in accordance with code 155-26a1c. The variance before you that is now ripe for determination is code 155-26a1f which is a 40' 5" variance so if you want to go through the 5 criteria based on the record, you may do so.

M. Capollari – Review of 5 criteria. No issues.

C. Wallace – Suggest when considering condition #3, it is self-admitted substantial, but there is no other place topographically to put this other structure so the board may consider that.

M. Capollari – Motion to keep hearing open pursuant to the ZA interpretation of the code. Seconded by S. Slattery. All in favor. Motion carried.

M. Capollari – Motion to grant request for variance of 40' 5". Seconded by P. Capalbo.

Roll call vote: L. Porter – Aye

S. Slattery – Aye

P. Capalbo – Aye

M. Capollari – Aye

All in favor. Motion granted.

2. 11 Lyndsey Lane – Area Variance

Quigley Pool House

Grid # 6759-00-990432

Zone R-45

M. Capollari – Applicant seeking area variance Section 155 Att2 Schedule B which requires a minimum rear setback of 35 feet. The applicant has proposed 4' 6", requesting a variance of the remaining 30' 6".

Joann Quigley – Seeking variance for a structure (pool house) to be built on the property right next to our pool. We were granted a variance for our pool built three years ago. The only issue I see with the information you have is that I'm not requesting a variance for four feet off the property line. The setback is 35 feet. The structure would be 17 feet off the property line, so we are requesting a variance of 18 feet.

C. Wallace – It's measured by the closest part of the structure to the rear so it's actually a 31 foot variance.

Joann – The closest part of the structure off the property line is 17 feet.

Drawing observed by board members.

P. Capalbo - Asks applicant to approach board to clarify details of measurements on drawing with regard to pool. Questions roofline or other protrusion.

C. Wallace – Confirms the map is showing 4' 6" and suggests board should receive new survey map showing correct measurements.

Joann – Asks if there are other issues that need to be addressed in addition to measurements.

P. Capalbo – We have other questions that will be asked so you can check all the boxes.

C. Wallace – Provides applicant with §155-26. Suggests applicant go through criteria and address deficiencies.

Joann – It's certainly over 120 square feet. 12x24. Will require a building permit. Not within 10 feet of operative septic tanks or leach fields. I don't have another place in the yard to put it without obstructing septic, leach field, or setback. It's behind the house. Shall respect scale and character, Yes. Exceed 25%, No. Exceed height of principle structure, No. We are expecting it to be built within those codes. It's on a middle lot, not a corner lot.

M. Capollari – In addition to the 4' 6" measurement depicted on the map from the architects, we don't know where the septic or leaches are on the map and we cannot tell whether the proposed location is within 10 feet so we don't have enough information to make a determination.

C. Wallace – They also need to depict the reserve field in accordance with the statute. The applicant can resubmit an actual as built approved by the department of health for the board's consideration for the next meeting, it would meet one of the determination thresholds issues. The new survey would depict a new setback to the rear. Once the new setback is shown it may help her with the setback distance.

L. Porter – Inquires about a bathroom in pool house.

Joann – Confirms no water or septic, only electric which is already in the area.

P. Capalbo – Asks if applicant would be adverse to moving the setback to equal the pool.

Joann – Willing to reconsider size of the structure. The patio is wider than the pool so everything would line up. Would reconsider but prefer to go with original plan.

C. Wallace – Recommends making record of mailing. Confirmed completed by secretary. Recommends going through balancing questions. The roofline being within the neighbor's view should be taken into consideration. Confirms roofline is 11' 9".

P. Capalbo – Upcoming the new path map; leach fields, correct measurements for the building and the reserve field. Will ask balancing questions in case anything else comes up.

M. Capollari – Review of balancing questions with applicant. Chairman is in agreement with applicant. No questions from the board. We're going to keep the public hearing open to give the applicant the opportunity to go through the process again for the new variance on the measurement, the septic system, septic location and will reapply for the §155-26 variance and will show on the map the location of the septic in respect to the proposed pool house. The board will also direct the applicant to get DOH approval.

C. Wallace – She can get the septic location as built from DOH. If it hasn't deviated from the subdivision map, it could be transposed by an engineer right on to the survey. Confirms August 21, 2023 is the submission deadline. Inquires if applicant will be able to meet that deadline. Explains that there would have to be measurements from the pool house to the septic fields and septic system.

M. Capollari – We are keeping the public hearing open. The mailing has already been done and this is not new, but an amendment. Need an accurate representation of the distance from the pool house to the property line and the location of the septic on the map. Confirms that there is not enough information to make a determination. Getting approval from DOH would be helpful. Although compliant, being 11 feet from septic could pose future issues.

C. Wallace – Also would be helpful when considering the statute code §155-26, add the square footage of your home and proposed structure definitive for the record. You could put in notes/legend on survey.

M. Capollari - Motion to keep public hearing open and adjourn to September 7, 2023. Seconded by S. Slattery. All in favor. Motion carried.

M. Capollari - Motion to adjourn meeting. Seconded by L. Porter. All in favor. Motion carried.

Meeting Adjourned 7:50 pm.

Respectfully submitted.

Aletha Bourke
Secretary