



TOWN OF
BEEKMAN
New York

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**Town of Beekman Zoning Board of Appeals
Minutes of December 7, 2023**

The Town of Beekman Zoning Board of Appeals met for their regularly scheduled meeting on Thursday, December 7, 2023 at the Beekman Town Hall at 7:00 PM. The following members were present:

Chairman: Mersin Capollari, Linda Porter, Maria Rodrigues and Phil Capalbo.

Also present was Town Attorney – James Horan and Secretary – Aletha Bourke.

M. Capollari – Meeting called to order at 7:03pm

Led the Pledge of Allegiance

Indicated emergency exits and restrooms

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

M. Capollari – Tonight’s public hearing is in reference to the Quigley pool house. Reviews details of requested variance.

PUBLIC HEARING

1. Quigley Pool House – Area Variance

11 Lyndsey Lane

Grid # 6759-00-990432

Zone R-45

M. Capollari - As recalled, the meeting was tabled in October and left open upon the satisfaction of some additional information from the applicant on the survey. Noted into record that on October 12, 2023, the septic tank and fields were noted. The location of the stakes found shown per field survey on 10/24, stakes represent the eastern edge of SSDS fields as uncovered by others. On the 26th, the revision is the add stakes were found. Asks for questions or comments.

P. Capalbo – They’ve gone from an approximate location to confirming the location as indicated by the updated plan. In their notes, #3 confirms that the location of the stakes found are as we had hoped.

M. Capollari – It was approximate. Now it is exact.

M. Rodrigues – They are just looking for the survey to say it is exactly where it’s at.

J. Horan – The line represents the portion of the septic field that's closest to the rear of the pool house and the code requires that accessory structures cannot be located within 10 feet of a septic system. The closest distance here is 17.3 so it meets that setback requirement. This is different. They're requesting a setback for the distance off the rear yard. The concern was that the pool house could be located in the proximity of the septic field and this survey shows that the closest point on the septic field is 17.3 feet away.

P. Capalbo – They have to maintain at least 10 feet between structures and septic for any expansion or field use which was one of the concerns. The 17 feet took care of one concern and they had approximate, which has been confirmed so now we're back to ruling on the setback for the rear yard. Before it was just a concern of can we give them any relief on that. It's pretty substantial. Before it was a moot point if that 10 feet wasn't maintained and we needed to know that. Now it's coming down to the pool house. We spoke to this at the last meeting. Back in 2020, they needed a variance for the pool to be able to put this back to that same line and we gave that. The pool house that they're looking to put in there is actually inside the framework of the pool that's there. So the relief we gave them back when the pool was built is actually more than what they're looking for for the relief on the pool house. The pool house I believe you said is going to contain the equipment for the pool also, correct?

Joanne Quigley, 11 Lyndsey Ln – The pool house, really it's a shed, will just contain pool chemicals, hoses. The filter is actually going to be outside the structure because it needs air circulation.

P. Capalbo – Had gone down to the property to verify that it wasn't any closer than the original variance we gave for the pool at the time. The way the property is laid out, the septic field, where it's located, and the well really made it a problem for where they could locate a pool or not to do it at all. That's why back in 2020, without the neighbor or any of the other neighbors, but the direct neighbor to the rear didn't make any concerns and that is why we granted it. The biggest concern this time around was is that pool house going to be closer than the variance we granted for the pool, which it is not.

M. Capollari – Now that we know exactly where the stakes are and the septic lines are versus the estimated location, it helps us make an easier decision. Exact is better than estimates.

P. Capalbo - We hate to put ourselves in positions to give huge variances because it sets a precedent. The one weighing factor for this was the direct neighbor behind you who was not worried and that was the one concern we really had about that original variance. Then when this application came up again, we realized that we could have a problem with the distance to the septic field and that was as great of a concern as what you're looking for to the rear yard. It's a big variance but is contained within the framework of the pool. We've had a bunch of applications that had huge requests for variances that we have to be very careful how we grant them. With this one, the neighbor to the rear has not come up to express concern at any of the meetings which we always take into a lot of consideration. Other than that, I think we addressed it and just need to see how the board feels.

M. Capollari – Had the proposed pool house been closer to the property line, I could see probably an extended discussion and conversation about this but given you're actually further back, the prior variance was granted for the pool, and the neighbors have not come forth, for me, knowing where the septic fields and stakes are helps make a good record for you.

**M. Capollari – Motion for roll call vote for proposal to grant variance. Seconded by P. Capalbo.
Roll call vote: L. Porter-Aye, M. Rodrigues -Aye, M. Capollari- Aye, P. Capalbo- Aye
Motion passes**

J. Quigley – Asks what the next steps are.

P. Capalbo – The vote shall go down to the office and the building department can give you the permits and other paperwork you need.

J. Horan – There's one condition that there were some escrow fees that were outstanding that would need to be paid.

P. Capalbo – On our end it's closed up so any outstanding escrow fees that have to be taken care of, you'll take care of with the building department and they'll give you the paperwork you need to proceed.

Joanne – Confirms she should be in touch with the building department for next steps.

M. Capollari – Motion to approve 2024 meeting dates: Jan. 4, Feb. 1, Mar. 7, Apr. 4, May 2, Jun. 6, Jul. 11, Aug. 1, Sep. 5, Oct. 3, Nov. 7, and Dec. 5 of 2024. Seconded by L. Porter. All in favor. Motion carried.

M. Capollari – Motion to close meeting. Seconded by P. Capalbo. All in favor. Motion carried.

Meeting Adjourned 7:14 pm.

Respectfully submitted.

Aletha Bourke
Secretary