



TOWN OF
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**Town of Beekman Zoning Board of Appeals
Minutes of July 6, 2023**

The Town of Beekman Zoning Board of Appeals met for their regularly scheduled meeting on Thursday, July 6, 2023 at the Beekman Town Hall at 7:00 PM. The following members were present: Chairman: Mersin Capollari, Stella Slattery and Phil Capalbo. Linda Porter and Maria Rodrigues were absent. Also present was Town Attorney – Craig Wallace and Secretary – Aletha Bourke.

M. Capollari – Meeting called to order
Indicated emergency exits and restrooms
Led the Pledge of Allegiance

M. Capollari - Motion to approve June 1, 2023 ZBA meeting minutes. Seconded by P. Capalbo. All in favor. Motion carried.

PUBLIC HEARING

- 1. 17 Bowe Ln – Area Variance**
Maiorino-Detached Garage
Grid # 6659-00-461851
Zone R-90

M. Capollari - Applicant is seeking area variance §155 Attachment 2, Schedule B which requires a front yard setback of 75 feet. The applicant has proposed 42.5 feet and is requesting a variance for the remaining 32.5 feet. In other business later, the Conservation Advisory Council presentation led by Shannon Fatum for the town of Beekman natural resources inventory project.

M. Capollari – Motion to open meeting. Seconded by S. Slattery.

M. Capollari – Invites applicant to podium to explain application and asks for proof of public notice posting and mailing receipts.

Confirmation by recording secretary that mailers were sent for notification of public hearing.

Jason Lichwick, JL Architecture, Representative for applicant – Taking a variance from the 75 foot setback. We're kind of in a tough situation because we are at a corner lot so it requires both front yards to have that 75 foot setback and we don't have any side yards. The situation we run into is that this area right here he's got a concrete slab. This is where his septic system is and his proposed expansion area so we can't really move back into that area. If we move back the 75 feet its going to be too far. The garage is going to be sitting in the middle of the property. We already have an existing turn around that is on his driveway so we thought we could place the garage as close to that as possible to save on asphalt

as well. If we had a regular setback we would not be seeking this variance and 75 feet is a pretty far distance to set the garage back. We looked at the shed. It is sitting on a foundation so we can't just pick it up and move it. It's kind of a permanent structure so we did the best we could to kind of rotate the garage right where the turnaround was and that's why we are requesting the variance.

M. Capollari – Asks applicant to tell the board a little more about the topography from the road up through the house.

Jason – It does step up and there is a line of trees so the garage would be screened from the road. The rest of the property has slight slope heading back but fairly flat. This had that big drop right after Bowe Ln. It goes up from the road to the hill and it's tree lined so you're not going to see.

M. Capollari – Based on your professional opinion and expertise in this space in the upward slope and the step up as you just said, would that present a challenge to having this structure anywhere else on the property?

Jason – This area here is really the ideal place to put it. (Indicates on plans) Over here would be in front of the house and you can't get it in between this area here. It just wouldn't fit there. So the next best thing would be in this general vicinity and we showed that this spot is closest to where the driveway turnaround existing pavement already was.

P. Capalbo – The wood cord line in the proposed garage area...what is that?

Jason – We designed it so the back of the garage has an overhang and he can keep wood stored for firewood stove there.

S. Slattery – How big is the garage?

Jason – 24x24 so 576 square feet.

P. Capalbo – Maximum height to the peak of the roofline is?...

Jason – About 10-15 feet

P. Capalbo – Not higher than the peak on the house?

Jason – No, just a single story shed roof so we're low on the back here and we come up probably about I'd say like 12 feet.

P. Capalbo – And this get put on a concrete foundation?

Jason – Correct. We will have a full frost wall foundation with slab on grade.

P. Capalbo – Questions size of existing shed

Jason – In the ballpark of 10x15

S. Slattery – You said there would be a line of trees?

Jason – There's an existing row of trees pretty much all along Bowe Lane right here (indicates on plans).

S. Slattery – How many of these trees would be disturbed for the construction?

Jason – No disturbance

M. Capollari – Have you done any soil testing in the area for rock? Are you going to need John Deere jackhammers to break through the bedrock or is it fairly simple?

Jason – I think it is fairly simple because the shed is sitting on there and, because it's only 576 square feet, we could do a monolithic slab if it is all bedrock. We are choosing to go with 42 because it is a stronger, more stable rock.

M. Capollari – Can you tell us the existing square footage of the principal residence please.

C. Wallace – Mr. Chairman, the code states that the scale and character of the structure cannot exceed 25% of the principal structure which would be the house so make sure you note on the plans that if it does require more than that, that this board is going to consider that tonight as part of the variance application. You may also want to establish whether or not the proposed structure is within 10 feet of a septic system or leech field.

Jason – We believe the septic system is right in this area which is behind the existing shed. Confirmation that it exceeds 10 feet.

-Board members calculate and discuss square footage with regard to percentage of principal structure.

M. Capollari – You're about 100 square feet over.

C. Wallace – Will verify square footage on parcel access.

S. Slattery – Does the house already have a garage?

Jeffrey Maiorino, Applicant – It has a 2-car garage.

P. Capalbo – And the structure will mainly be used for more vehicles?

Jeffrey – Multiple uses: storage, hobbies and probably maintenance of vehicles

M. Capollari – Are you able to point out approximately where the septic system is on this map?

Jason – We believe it is in this area here right behind the shed. It is on the original subdivision plan.

P. Capalbo – Do we have any reason to believe that it is down there where you put the shed?

Jason – Originally, we put it back here and in meeting with the client, he didn't want it back here for fear of running into where the septic system was so we made the decision to move it up to stay clear of any possibility of running into even the expansion area, let alone laterals sitting back there. And as mentioned earlier, staying that 10 feet away from the septic system.

P. Capalbo – But we're pretty sure the septic is in that area; we're not guessing that we think it's there, we're pretty sure.

Jeffrey – It's not speculation. I don't have it in writing but I did consult with the septic inspector and he said that's where it was and pointed it out to me.

C. Wallace – According to Parcel Access this is R-45.

Recording secretary confirms information in Parcel Access is incorrect and property is in fact R-90 according to zoning map.

Jason – finds email with original survey and points out septic location to board

-Board discussion regarding structure size and amendment of application

P. Capalbo – It appears that 25% of principal home and square footage of the new building, you're over by 76 square feet which should have been another variance requirement. The choices are you can scale back the garage to cover the 76 and we're back to the regular variance that you're asking for or we can consider that 76 as an additional variance with the stipulation that you would refile your application with the clerk to ask for that 76 square feet variance of the 25% of the principal structure. I will ask you up front, would you rather scale back the building for the 76 feet so you're within without asking for that variance or would you like us to consider that tonight?

Jeffrey – Questions the need to return to the next meeting for the 76 feet.

P. Capalbo – We could consider that tonight and if we choose to approve it, you would then go and readjust the application with the building inspector to add for the extra variance.

Jason – If we can get that covered tonight as well we can amend it tomorrow.

Recording secretary confirms office hours.

Jason – Typically your normal 2-car garage is 24x24. Anything smaller, you're not going to have room to put 2.

P. Capalbo – Not without opening your doors and slamming them. I understand. We just wanted to give you the option because there's no guarantee right at the moment of it gets it or doesn't get it.

C. Wallace – When you amend your maps you may want to show where the location of the septic and leech fields so you can show that you comply with the code of the distances. Also, is the distance from the road to the garage depicted on the map? The setback is from the road to the structure. So in the map notes if you could just address §155-26A. That is where these questions have been coming from is those elements of that code. §155-26A1.

P. Capalbo – The applicant has asked us to go ahead and consider the extra 76 square feet due to the code. What was the code Mersin?

M. Capollari - §155-26a-1 which structure can be no larger than 25% of the principal structure of the home, the principal residence. Under §155-26 Accessory Structures, detached accessory structures not exclusively used for farming or agricultural purposes shall be erected in accordance with the following requirements, except as otherwise permitted herein. Detached accessory structures over 120 square feet shall require a building permit, shall not be located within any required yards or within 10 feet of operative septic tanks and/or leech fields, shall be located no closer to the street than the front of the principal structure, shall respect the scale and character of the principal structure, and shall not exceed 25% of the principal structure in bulk, nor exceed the height of the principal structure. For fire safety purposes, a detached accessory structure shall be located in compliance within the New York State uniform fire prevention and building code and, in any case, no closer than 10 feet to the principal structure.

M. Capollari – Motion for the consideration of the additional 76 square feet of area variance for the proposed structure. Seconded by P. Capalbo. All in favor.

S. Slattery – As of this moment I do have some concerns and I would like to know if you would be considering reducing the size of the building. I know you said 24x24 and I can understand having 2 cars but 24 lengthwise seems quite a bit.

Jason – An average parking space is 10x20 so that only gives him about 4 feet in front of the car for any kind of work tables or work stations and storage. It makes it tight to move around the car. If you figure an average parking space at the supermarket, 10x20, you're kind of right in that nose.

S. Slattery – Using my own experience and thinking of my own garage, which is a standard garage if you will, there is plenty of room and we have plenty of accessories around. So you would not take into consideration reducing the building to meet the requirement?

Jeffrey – I agree with you that 24x24 is a nice size garage. I think part of the intention with the undertaking of this project was the idea of a multi purposes space. Less of a car storage solution, more of an investment.

P. Capalbo – How much does 76 square feet reduce the garage size by?

Jason – Even 22x23 you're at 506 so you're still 70 square feet over so if you go to 22x22 you get 484.

-Board discussion with C. Wallace with regard to public hearing and amendment of application

M. Capollari – At this time I would like to make a motion to adjourn the public hearing so the applicant can re-examine the 5 question balancing test in light of the information received this evening.

C. Wallace – So you are directing the applicant to amend the application to address both variances; the side setback and the area variance for the accessory structure.

M. Capollari - Yes. We are making a motion to adjourn the public hearing so the applicant can re-examine the 5 question balancing test and address the additional variance for the square footage that exceeds the 25 percent allowable under the town code.

Jason – So you're retracting what you said before.

P. Capalbo - Yes because the public was not made aware of the second variance and it is sizable enough that we're worried they won't have the chance to ask the questions about the building because they weren't aware of it. They were just worried about the front yard setback. Not that they will be any more concerned but we think I may be enough that they would at least like to be advised. That is no reflection of whether we would or wouldn't grant the variances. It's just enough that when we look at a lot of the zoning laws and giving relief, one of the very first things we take into consideration is how your neighbors feel. I sympathize with corner lot people because you end up with two front yards that shorten your zoning. The biggest part for us starts with the neighbors. It wasn't as concerning when it was just the front yard variance, even though sizable, we are kind of rolling with the square footage problem on the principal structure. We think that if we're struggling with it, we want to make sure none of the neighbors are struggling with it. We hate to make you come back but if we leave the application open until next month it gives you a chance to go down and amend the application and be set for next month. Asks for clarification of public notice.

C. Wallace – It's a continuation of the public hearing so the new application and materials should be on the website. You might want to instruct the applicant to make sure the square footage of the principal structure and the accessory structures are clearly spelled out so you know the scope of the amount of the variance they are seeking on the accessory structure.

M. Capollari – The five balancing questions that you have answered in the application are based on relief of 32.5 feet and does not address the additional 76 square feet that you are asking for changing the integrity of the application which is why we make the motion to leave the hearing open so you don't have to do a new mailing. Amend the application. Include §155-26a-7 which you are asking for approximately 76 square feet of relief given that the structure does exceed the 25 percent allowable under the town code. Does that make sense? Is that clear?

Jeffrey – Yes. When you say amend the application, does that just mean file a new application or would I just request the old one and actually make the amendments on a separate form?

M. Capollari – You can go to the clerk, or the building inspector and they will walk you through it in time for next month’s hearing. I think that’s the path of least resistance and puts you in the best position to state your case for the board, get your ducks in a row and make sure everything is as accurate as possible for yourselves and us for next month. Is that fair?

Jason – Understood. Thank you for your time.

M. Capollari - Motion to adjourn public hearing to August 3, 2023. Seconded by S. Slattery. All in favor. Motion carried.

M. Capollari – Announces that CAC presentation for Natural Resources Inventory will begin and introduces Cliff Schwark, CAC.

Cliff – Provides background information regarding the project and introduces Shannon Fatum, CAC.

P. Capalbo – Adds input regarding importance of the role of CAC.

Shannon – Presents power point presentation to zoning board.

P. Capalbo – Closing comments regarding goals and benefits to boards that are on the fence regarding and issues that require a closer look.

Meeting Adjourned 8:02 pm.

Respectfully submitted.

Aletha Bourke
Secretary