

**Town of Warrensburg
Zoning Board of Appeals
June 13, 2013**

Board Members Present: Donne Lynn Winslow, Alan Hall, Sr., Mark Morey, Harold Moffitt

Board Member Absent: James Cooper

Others Present: Heidi Baker, Patti Corlew, Christopher Belden (Zoning Administrator)

Meeting Commenced at 7:00 p.m.

****Note: there was a malfunction of the microphones for this meeting ****

Mr. Morey - ...Warrensburg Zoning Board of Appeals to order. Let the record reflect that all members are present, with the exception of Chair Cooper. First order of business is approval of the previous meeting minutes of May 10, 2012. Did Mr. Cooper forward any changes or anything?

Mrs. Corlew - No, he did not.

Mr. Morey - Does anyone else have any changes?

Mr. Hall - Yes, I have one. (Mr. Hall proceeded to look through his copy of Minutes). (Inaudible) can't find it. It's nothing really important. It was just a grammatical error.

Mr. Morey - (Inaudible) are approved by consensus. First order of business is ZBA 2013-1. Mr. Belden, will you tell us how this comes before us?

Mr. Belden - Sure. Mrs. Baker is here today. She is, she's... There are three parcels that she either owns or co-owns. Two, two that are on... One, one's on Milton Avenue; one's on Theresa-James, and one of them is off of Library Avenue. The reason she's here today is because the, the parcel on, on 30 Milton Avenue, she'd like to do a lot line adjustment and take off approximately six thousand, it's like 6,117 square feet, give that to her parcel on Library Avenue, leaving a remaining 10,000 square feet to the parcel on Milton Avenue. However, our zoning ordinance now requires that parcels in that zoning district have a minimum square footage of 20,000 square feet. So her par, the parcel on Milton Avenue is currently non-conforming and she's asking to make it more, more non-conforming. So she would need to obtain an area variance.

Mr. Morey - What's the square footage of the parcel right now?

Mr. Belden - Yeah, we, ya know, using the data from the Assessor's records, I approximated it would be about 16,117 square feet.

Mr. Morey - Mrs. Baker, we're going to be asking you a few questions (inaudible). (Inaudible) get started, so if you'll raise your right hand. Do you solemnly swear to (inaudible) truth, the whole truth and nothing but the truth?

Mrs. Baker - I do.

Mr. Morey - You... On this (inaudible) map.

Mr. Belden - Yes.

Mr. Morey - (Inaudible).

Mrs. Corlew - Right here.

Mr. Belden - Oh, she is owner or co-owner of 21.1, .2 and .3. The parcels... But 21.3 is kind of negligible in this whole matter. It's really between 21.2 and 21.1 that the boundary line adjustment and the conveyances (inaudible).

Mr. Morey - And which parcel is the one that (inaudible) by your brother?

Mrs. Baker - Well, the one parcel is my sister (inaudible) and I have an option to buy it.

Mr. Morey - Which parcel is that?

Mrs. Baker - Well, I don't know the number.

Mrs. Corlew - Come on over.

Mrs. Baker - (Inaudible).

Mrs. Winslow - Come on up 'cause I don't understand this. (Tape inaudible).

Mrs. Baker - How is this set up though? This is, this is Milton Avenue...

Mr. Belden - Yes.

Mrs. Baker - (Tape inaudible). Is this Theresa James? And this is, okay.

Mrs. Winslow - So is this, is this 21.3?

(Tape inaudible).

Mrs. Baker - This is my Library Avenue lot and this particular lot on Theresa James is in my brother's and my (inaudible) name. And I have an option to buy this, and it has a garage, but eventually what I'd like to do is, is have that (inaudible) so that we can put an additional garage there for my husband's dump truck (inaudible). But right now, I wanted to put a big garden there, and I wanted to (inaudible) back part of this lot (inaudible), leaving this lot size 100 x 100. (Inaudible) for a septic and (inaudible) part of the lot (inaudible) Library Avenue lot

(inaudible) if I even sell this (inaudible) and I want this back area here to put an additional driveway (inaudible).

Mr. Morey - You'll need access...

Mrs. Baker - Yes.

Mr. Morey - ...through there because (inaudible).

Mrs. Baker - Yeah, (inaudible).

Mr. Morey - And who owns (inaudible).

Mrs. Baker - (Inaudible) Jim Coughlin.

(Tape inaudible).

Mrs. Winslow - I think I understand. I don't know... I'm confused.

Mrs. Corlew - Do you want Chris to explain it to you?

Mrs. Winslow - So you're taking away from 21...

Mrs. Corlew - 2.

Mrs. Winslow - ...2.

Mrs. Corlew - Giving it to 21.1.

Mrs. Winslow - And putting it here?

Mr. Belden - Yes.

Mrs. Winslow - So this is going to be...

Mr. Belden - This right here, this is, this is (inaudible).

Mrs. Winslow - Oh, I see, okay.

Mr. Belden - Okay, and I just...

Mrs. Winslow - This is the... Is this the house that's got a for sale sign on it?

Mrs. Baker - (Inaudible).

Mrs. Winslow - So it's adding to this (inaudible)? So the house is for sale?

Mrs. Baker - Well, I don't know. We're, we're, we're really... My house in Thurman's also on the market, for sale. We've been not quite sure what we're doing yet. We may sell our house and fix that up and rent. We may, ya know, (inaudible). But I wanted that other access to that back lot because that would be the house that my husband and I would be living in (inaudible).

Mr. Morey - We'll go through the application. The first one is whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. You, you say no. "We cleaned the property up and all neighbors are happy.." Most of those... "Most of those lots in that area are smaller than that lot". I noticed that from the (inaudible) maps. And actually most of those lots are, half the (inaudible). Your neighbors (inaudible)?

Mrs. Baker - No, they're very, very happy (inaudible).

They all came over and told us about it.

Mrs. Winslow - It looks a lot different.

Mr. Hall - They have been notified by mail, then right, of the hearing?

Mrs. Corlew - Yes, they have.

Mr. Morey - 2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance. You answer, no. "We want access to Theresa James property and the river lot from Library Avenue to finish cleaning that all up rather than rely on access from 97 Library Avenue Extension, my brother's lot". (Inaudible).

Mrs. Baker - He's right across the street from me.

Mr. Morey - Oh.

Mrs. Baker - (Inaudible). If you read that again, maybe I'll figure out what that...

Mrs. Corlew - What you're trying to say.

(Laughter).

Mrs. Baker - Oh dear.

Mr. Morey - The, the access to that, to the back portion (inaudible). I can see where you can't (inaudible). In the past, (inaudible) because of the way the land lies there and drops off (inaudible).

(Tape inaudible).

Mrs. Winslow - I noticed a road (inaudible)

Mrs. Baker - Yes, that's an old logging road.

Mrs. Winslow - Is that yours?

Mrs. Baker - Yes, that's mine.

Mrs. Winslow - Okay. Then I understand.

Mrs. Baker - Yes. That goes down to the river, the (inaudible).

Mr. Moffitt - That's what I wondered, because I saw (inaudible).

Mr. Morey - 3. Whether the requested area variance is substantial. "I'm asking for 50% on only one of our lots and that is just what we need to make our plans for a family garden."

Mrs. Baker - (Inaudible) plans would be to put an additional garage on there (inaudible).

Mr. Morey - Did you calculate that percentage (inaudible)?

Mr. Belden - Well, I think we just... Well, she was in the office when she was filling out some of this application and, I mean, I think, I think that 50% was based on she wants to have a 10,000 square foot lot and the requirement is 20,000 so.

Mr. Morey - Well, it's already a non-conforming lot.

Mr. Belden - Right.

(Tape inaudible).

Mr. Belden - Well, yeah, I guess the, I guess the variance request is (inaudible). I guess the variance request is less than 50%, but I guess the resulting, I mean, the resulting request is 50% of what's required in that zoning district.

Mr. Morey - (Inaudible) non-conforming lot (inaudible). It would be 50% out of compliance with the new (inaudible).

Mr. Belden - Yes.

Mr. Morey - But not (inaudible).

Mr. Belden - Right.

Mr. Hall - Part of this they want a second garage on the lot. If I read this right, they already have one on it. Are our laws, do that, do they allow for two accessory garages on the same lot?

Mr. Belden - Yes.

(Tape inaudible).

Mr. Belden - No. He's asking...

Mr. Hall - You say in the future you want to put a garage on it.

Mrs. Baker - It wouldn't be on that lot (inaudible).

That's on Theresa James.

Mr. Hall - Okay. It's on the second, separate lot. I misunderstood.

Mr. Belden - Just so I understand, the garage would be on your Library Avenue lot?

Mrs. Baker - Yes. Right behind (inaudible).

Mr. Belden - Which would be a separate issue too. I mean, typically acc, I mean, an accessory structure/garage would is, is typically only permissible in that zoning district if there was a principal structure by, by definition. So I don't know if there's plans for a house in the future on that lot or...

(Tape inaudible).

Mr. Belden - So, yeah.

(Tape inaudible).

Mr. Morey - ...back and see us again.

(Tape inaudible).

Mr. Morey - Question #4, whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. You answer, no. "In fact it will have a much better effect as it is maintained and groomed and flowers planted and garden." I think that refers more to whether or not (inaudible).

(Tape inaudible).

Mr. Morey - #5, whether the alleged difficulty was self-created, which consideration shall be relevant to the

decision of the Zoning Board of Appeals, but shall not necessarily preclude the grant of the area variance. You answer, no. "We want that back access because we would like my step-father easy access to put a vegetable garden there and keep separate in case we rent 30 Milton" (inaudible). The back portion of the larger lot is almost the same as Jim Coughlin's lot (inaudible). Access to that is pretty limited (inaudible).

(Tape inaudible).

Mr. Belden - Can I ask a question? (Inaudible).

(Tape inaudible).

Mrs. Baker - ...and Jeremy (inaudible).

Mr. Morey - And they have town water so that's (inaudible).

Mr. Belden - Yeah. (Inaudible).

Mr. Morey - Did this have to go to the County Planning Board?

Mr. Belden - It did meet the requirement to be referred to the County. The County had no county impact (inaudible) of a local nature (inaudible).

Mr. Morey - At this time, I'll motion (inaudible) SEQRA.

Do I have a second?

Mr. Hall - Second.

(Tape inaudible).

RESOLUTION #2013-1

Motion by: Mark Morey

Seconded by: Alan Hall

RESOLVED, to deem application #2013-1 by John and Heidi Baker, for tax map #210.20-5-21.2, located at 30 Milton Avenue, to allow a lot adjustment, as a Type II listed action under SEQRA review.

DULY ADOPTED ON THIS 13TH DAY OF JUNE, 2013 BY THE FOLLOWING VOTE:

Ayes: Donne Lynn Winslow, Alan Hall, Mark Morey, Harold Moffitt

Nays: None

Mr. Morey - As is custom, I'll move the application in the affirmative.

(Tape inaudible). The Board went on to discuss and vote on the application.

Mr. Morey - When the Town Board was considering this, do you know why they would put that requirement in area that has (inaudible). They made a lot of (inaudible).

Mr. Belden - They made some non-conforming lots. I mean, there are some larger parcels in that lot; across the street, (inaudible). I mean, it is, I think (inaudible) some nonconformities, but (inaudible) in the zoning change process, we (inaudible) zoning districts.

(Tape inaudible).

Mr. Morey - A yes vote will approve the application.

Mr. Moffitt - Yes.

Mrs. Winslow - Yes.

Mr. Hall - Yes.

Mr. Morey - And I vote yes as well. (Inaudible).

RESOLUTION #2013-2

Motion by: Mark Morey

Seconded by: Donne Lynn Winslow

RESOLVED, to approve application #2013-1 by John and Heidi Baker, for tax map #210.20-5-21.2, located at 30 Milton Avenue, to allow a lot adjustment, subtracting property from this parcel to add to an adjacent parcel, thereby increasing the nonconformity, with a lot size less than the required 20,000 square feet minimum.

DULY ADOPTED ON THIS 13TH DAY OF JUNE, 2013 BY THE FOLLOWING VOTE:

Ayes: Donne Lynn Winslow, Alan Hall, Mark Morey, Harold Moffitt

Nays: None

(Tape inaudible).

The Zoning Board went on to appoint Vice Chairperson and Secretary.

RESOLUTION #2013-3

Motion by: Alan Hall

Seconded by: Harold Moffitt

RESOLVED, to appoint Mark Morey as Vice Chairperson for the Zoning Board of Appeals.

DULY ADOPTED ON THIS 13TH DAY OF JUNE, 2013 BY THE FOLLOWING VOTE:

Ayes: Donne Lynn Winslow, Alan Hall, Mark Morey, Harold Moffitt

Nays: None

RESOLUTION #2013-4

Motion by: Mark Morey
Seconded by: Harold Moffitt

RESOLVED, to appoint Donne Lynn Winslow as Secretary for the Zoning Board of Appeals.

DULY ADOPTED ON THIS 13TH DAY OF JUNE, 2013 BY THE FOLLOWING VOTE:

Ayes: Donne Lynn Winslow, Alan Hall, Mark Morey, Harold Moffitt
Nays: None

The Zoning Board of Appeals meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Patti Corlew
Recording Secretary

Zb06132013

RESOLUTION #2013-1

Motion by: Mark Morey
 Seconded by: Alan Hall

RESOLVED, to deem application #2013-1 by John and Heidi Baker, for tax map #210.20-5-21.2, located at 30 Milton Avenue, to allow a lot adjustment, as a Type II listed action under SEQRA review.

DULY ADOPTED ON THIS 13TH DAY OF JUNE, 2013 BY THE FOLLOWING VOTE:

Ayes: Donne Lynn Winslow, Alan Hall, Mark Morey, Harold Moffitt
 Nays: None

RESOLUTION #2013-2

Motion by: Mark Morey
 Seconded by: Donne Lynn Winslow

RESOLVED, to approve application #2013-1 by John and Heidi Baker, for tax map #210.20-5-21.2, located at 30 Milton Avenue, to allow a lot adjustment, subtracting property from this parcel to add to an adjacent parcel, thereby increasing the nonconformity, with a lot size less than the required 20,000 square feet minimum.

DULY ADOPTED ON THIS 13TH DAY OF JUNE, 2013 BY THE FOLLOWING VOTE:

Ayes: Donne Lynn Winslow, Alan Hall, Mark Morey, Harold Moffitt
 Nays: None

RESOLUTION #2013-3

Motion by: Alan Hall
 Seconded by: Harold Moffitt

RESOLVED, to appoint Mark Morey as Vice Chairperson for the Zoning Board of Appeals.

DULY ADOPTED ON THIS 13TH DAY OF JUNE, 2013 BY THE FOLLOWING VOTE:

Ayes: Donne Lynn Winslow, Alan Hall, Mark Morey, Harold Moffitt
 Nays: None

RESOLUTION #2013-4

Motion by: Mark Morey
Seconded by: Harold Moffitt

RESOLVED, to appoint Donne Lynn Winslow as Secretary for the Zoning Board of Appeals.

DULY ADOPTED ON THIS 13TH DAY OF JUNE, 2013 BY THE FOLLOWING VOTE:

Ayes: Donne Lynn Winslow, Alan Hall, Mark Morey, Harold Moffitt

Nays: None