

Minutes
Zoning Board of Appeals
May 13, 2021

Board Members Present: Mark Morey, Theresa Coughlin, Matthew Kennedy, Matthew Oliver

Board Member Absent: William Oehler

Others Present: Chantal Brean, Dani Oliver, Patti Corlew
(Zoning Administrator)

Meeting Commenced at 7:00 p.m.

Mr. Morey - Okay, this is the May 13, 2021 meeting of the Town of Warrensburg Zoning Board of Appeals. Let the record reflect that members present are Matt Oliver, new member, Matthew Kennedy, Theresa Coughlin and myself. The first business on the agenda is the approval of the meeting, minutes of the previous meeting, but the minutes were incomplete, so I, I would make a motion we put that over until the next meeting.

Ms. Coughlin - Second.

Mr. Morey - You don't have page 82, do you, Theresa? In the minutes?

Mrs. Coughlin - No. I don't believe so.

Mr. Morey - I didn't know if maybe you might have gotten them. Just mine.

(Tape inaudible).

Ms. Coughlin - No. I noticed it was like (inaudible).

Mrs. Corlew - Yeah, I don't know what happened, so.

Mrs. Coughlin - That's okay.

Mrs. Corlew - That was 7 months ago maybe.

(Laughter).

Mr. Morey - Next item is ZBA 2021-1. Patti can you tell us how this comes before us?

Mrs. Corlew - Sure. The Bond 1786 would like to install a fence around the property and they would like to install a 6 foot height fence in the front yard and only... The requirement in the code is maximum of 4 feet in the front yard. Therefore, they need to get a variance from you to be able to get a permit for the six foot. And tonight representing The Bond 1786 is Chantal Brean.

Mr. Morey - She's got, she signed the form that's required to do that.

Mrs. Corlew - Well, she works for the corporation so she's okay.

Mr. Morey - Okay, at this time, I'll open the public hearing on ZBA 2021-1 and any of the board members have any questions or?

Ms. Coughlin - I do. How, how... The fence that was there originally...

Ms. Brean - This one?

Mrs. Corlew - Years ago?

Ms. Coughlin - Yes. How tall is that?

Ms. Brean - 6 foot.

Ms. Coughlin - It was 6 foot. How many years ago was it taken down.

Mrs. Corlew - Many.

Ms. Coughlin - Was it many years ago?

Mrs. Corlew - Yeah. When the Flanagan's bought it, they took it down. That was the first thing they did.

Ms. Brean - In 2006, it might've been then when the Flanagan's bought it?

(Tape inaudible).

Mrs. Corlew - It doesn't matter 'cause it's been...

Mrs. Coughlin - It's been awhile but there was something that was there... It already existed, is what I'm trying to say.

Mrs. Corlew - Yes.

Ms. Brean - Yes.

Mr. Morey - Yeah. It was there from when I was a child and that was a few years ago.

Mrs. Corlew - Hm hm.

Mr. Morey - It's been there a lot longer than it's been gone.

Mrs. Corlew - Right.

Mr. Kennedy - Why did the Planning Board want it down?

Mrs. Corlew - They didn't. The owner wanted it down. She didn't like it. She wanted to, people to see the, the beautiful building.

Mr. Kennedy - So (inaudible) fence there, how soon would they, how soon would it they had to put the fence back up without it going through us?

Mrs. Corlew - Right away. If they wanted to replace it, they could have back then. But, because... At least within a year, I would think, that would be the, the very latest.

Ms. Coughlin - So that wouldn't carry over from like the... Okay, so the original owners, so they took it down and they wanted to put it back up, the would still have to come before us is what you're saying, if it was today? If it was the same owner? Something that existed would be...

Mrs. Corlew - If there was a 6 foot fence there yesterday and they wanted to replace it, I would let them, if there was one there. But it has been gone for many years.

Ms. Coughlin - Many years, okay.

Mrs. Corlew - Yeah.

Mr. Morey - I've got a question for you, Patti. If this gets approved, it still has to go to the Planning Board for them to decide? It doesn't go to the Planning Board?

Mrs. Corlew - Um hm, nope.

Mr. Morey - Do you have something you'd like to add?

Ms. Brean - I just brought some examples, like this was the original fence that was at, with Merrill Magee back in, a couple years ago and I just brought some examples of what we would like to do. It's just so that when the guests are sitting outside and enjoying their dinner, they can actually block out some of the sounds. That way when the traffic is going through, they're not having to get distracted from the traffic. It is very noisy and as you guys know, that is a four way intersection (inaudible) traffic to get up to the exit or 28 and Chestertown.

Mr. Kennedy - So you're looking at a fence that people cannot see through?

Ms. Brean - Yes. Yep, and it's just going to be in the front of the, the parking lot area.

Mrs. Corlew - They have a map of where it's proposed to be. (Tape inaudible).

Ms. Brean - But if you look at 66 Elm, it's going to come up to maybe 10, 15 feet up that way and then it will go right in front of... I know this is Hudson.

Mrs. Corlew - Elm?

Ms. Brean. Elm. Elm, yep. So just..

Mrs. Corlew - Yeah. Well, whatever, whatever Trish on theirs is what the variance is for.

Ms. Brean - Yes.

Mrs. Corlew - So, they have a drawing of what was asked for.

Mr. Morey - So this fence is..

Mrs. Corlew - So I guess you have to look at what they have to see if that's what you want 'cause that's what the application is for, is what they have.

Mr. Morey - Will this fence be right at the top of that low wall that sits behind the seats that they have for the bandstand, across from it.

Mrs. Corlew - Well, it has to be 2 feet from the sidewalk, so.

Mr. Morey - (Inaudible) set back a little further.

Mrs. Corlew - It has to be.

Mr. Morey - It used to be right on that (inaudible).

Mrs. Corlew - Unless you grant them a variance for that too, but they didn't ask for that.

Mr. Morey - Didn't ask for that.

Mrs. Corlew - They did not ask for that. So it has... But our code says 2 feet from the sidewalk.

Ms. Brean - Which (inaudible).

Mrs. Corlew - Yeah. I thought so.

Mrs. Coughlin - I know it's a different subject... What about the signage?

Mrs. Corlew - That is a different subject.

Ms. Brean - If we can touch base on that too after.

Mrs. Corlew - That's not for tonight.

Ms. Coughlin - That's not for... I was going to say... Yeah, okay.

Mrs. Corlew - With the sign, I think they're going to do something with the existing sign (inaudible) and they are applying for other signage.

Ms. Coughlin - Okay, perfect.

Mr. Morey - The Town didn't have to take any action on the sign part of the ordinance when they just did their revisions, what, this month or was it last month?

Mrs. Corlew - What do you mean? What part of it?

Mr. Morey - The... We've had quite a few sign... I know this is off the subject.

Mrs. Corlew - Oh yeah. I think Ash is going to want to come for a variance an additional sign, but I don't know yet. Trish is coming in tomorrow to get permits, but it's for the size of the sign. Yeah, it's for the size, but even if, even if we changed the code, it's still bigger than I think what our changes would've been. I'm not sure 'cause we didn't end up... But we weren't looking to change the projecting signs. I mean, nobody asked.

Ms. Coughlin - Right.

Mrs. Corlew - Nobody asked the Town Board to change that, so it wasn't one of the those things.

Mr. Morey - I know they're asked us every time, so.

Mrs. Corlew - Yeah. They also want more signs than what's allowed on the property too, so that was, that was...

Mr. Morey - We'll deal with that one.

Mrs. Corlew - Yeah.

Mr. Morey - ...when it comes up.

Ms. Coughlin - Okay.

Mr. Morey - Mr. Oliver, you have any questions of..?

Mr. Oliver - No, I'm good.

Mr. Morey - Okay. Do you have anything more to add?

Ms. Brean - I don't think so. I mean, it's really plain and simple. It's just right in the front. We just want to put the fence that was originally there back.

Mr. Morey - And the material, the fencing material, is that... Do you know what that'll be or..?

Ms. Brean - Most likely it'll be vinyl.

Mrs. Corlew - I just have one thing to add. Pertaining to that, and it doesn't sound like it's going to be an issue, the County Planning Board came back with their referral and it, it says, no county impact, but they would encourage a discussion with the applicant to identify a style that's to fit the character of the neighborhood.

(Tape inaudible).

Mr. Morey - And the fence that you've got the examples of you're pretty sure that's going to be the choice?

Ms. Brean - Yeah, so I'm sure you're familiar with the Grist Mill, what it has in the fencing. It's going to be the same exact fence.

Mr. Morey - Then I guess who determines whether it's in the character of the neighborhood.

Mrs. Corlew - You, I guess.

Mr. Morey - No. I'm only one man on the board.

Mrs. Corlew - No, I mean you, as a board.

Mr. Morey - Oh.

Mrs. Corlew - Not you, as... Not you as a citizen of the town. Just as, you, as the board.

Mr. Morey - Anyone else have... Mr. Oliver?

Mr. Oliver - You're going to have 8 foot.

Mrs. Corlew - 6.

Ms. Brean - 6. 6 foot.

Mr. Oliver - 6 foot PVC fencing material, same as the Grist Mill. Right?

Ms. Brean - Vinyl, yes.

Mr. Oliver - Vinyl.

Ms. Brean - Yep.

Mr. Oliver - Okay.

Mr. Morey - Okay, at this time, I'll close the public hearing on ZBA 2021-1 and we'll proceed to discussion. If I remember correctly, Patti, Mr. Schachner said at this time we should make the motion to approve the variance, go through the discussion and then vote on the motion?

Mrs. Corlew - Yes, make the motion, then discuss, then, yep.

Mr. Morey - So I'll make a motion that we approve ZBA 2021-1.
Is there a second?

Mr. Kennedy - I'll second.

Mr. Morey - All those in favor.

Ms. Coughlin - Aye.

Mr. Morey - For your, for your information, this board has always voted, has always made a motion in the affirmative for the applicant. Just to, I guess, just out of, it's just customary for us, but, so we haven't approved anything, but at the end, after we just through the discussion, then if it passes or fails, it depends how each one, how each one of us votes.

Mr. Oliver - Okay.

Mr. Morey - Okay. And also on the area variance, they don't have to meet all five conditions. They just have to meet a majority of the, of the conditions. On a use variance, they have to, they have to meet all the conditions. I believe there's 4, and so the area variance if there's something on here you disagree with, but it doesn't mean that you have to vote against it because it didn't agree with one of the, one of the conditions. Number one, whether an undesirable change will be produced and the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. They answer, "no. Current zoning permits 4 foot fence. We are asking for an extra 2 feet, giving the fence six feet in height that will not produce an undesirable change to neighborhood or nearby properties, as the previous property owners already had the 6 foot fence in the same place". Any of the board members have any questions? I mean, it's pretty straight forward. They did have a fence there for 50 years. Number two, whether the benefit sought by the applicant by achieved by some method feasible for the applicant to pursue, other than an area variance. The answer, "no. Current zoning only permits 4 feet. Advised by town that in order to receive 6 foot fence, we have to submit an area variance". Well, we've talked about the, a few of the advantages. I know from my own point of view having attended a few weddings on the lawn, it did give you, it gave you a sense of privacy. It separated you from... And I'm sure that it's less distraction for drivers and whatever going by too, depending on what kind of an event they've got going. Anyone have anything to add to that? Number three, whether the requested area variance is substantial. You answer, "yes. Requesting 2 extra feet for privacy purposes. Instead of current zoning that permits 4 feet"... I don't know what that word is, Patti.

Mrs. Corlew - Do you know what it is, Chantal?

Ms. Brean - Requesting 2 extra feet for privacy purposes. Instead of current zoning that permits 4 foot, requesting 6 foot in the same location that previous owners had".

Mr. Morey - Thank you. I know the young people don't read cursive, but I used to. Well, I don't know if that's substantial or not. We don't allow 6 foot front line fences. It would be 33% out of compliance, I guess. We don't have a lot of experience with this in my town on the board. I don't know if I've ever had a request like that.

Ms. Brean - The Grist Mill is 6 foot.

Mr. Morey - Questions from the board members? And how high is that little wall that we sit on top of, that's about two feet probably?

Mr. Oliver - I'd go with 2 feet. It's close.

Mrs. Corlew - How much?

Mr. Oliver - About 2 feet probably. In the ballpark range.

Mr. Morey - I don't if that's relevant. I mean, it's... The thing they're trying to screen is on the top level with that. We'll proceed to number four. Whether the proposed variance will have an adverse effect or impact on physical or environmental conditions in the neighborhood or district. "No. An extra 2 feet of height will not have an adverse effect/impact on the environmental conditions". I don't see where I can disagree with that unless it blows over into the road. Mr. Kennedy?

Mr. Kennedy - Nope.

Mr. Morey - Okay. I thought I... I thought you were ready to give me a question. We'll go to number five. 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 granting of the area variance. You answer, "no. The alleged difficulty was not self-created. Town officials advised us in order to get a permit for a 6 foot fence in height, we need an area variance". Would anybody like to give an opinion on whether..?

Mr. Kennedy - I think think this is self-created because you want a fence now where I guess six foot fence, so I think that maybe number 5 should be, answered maybe yes because you're, you're asking for, for a fence that's never, that's been there, but people have been able to see through.

Ms. Brean - Okay.

Mr. Kennedy - So I think, so I think with you fence, I think you're self-created.

Ms. Brean - We're just trying to establish another 6 foot fence that was similar to what was already put there. But now the variance is only four feet, was, but last, what three years it was 6 foot originally? And now it changed to 4 four, so we're just asking for...

Mrs. Corlew - Oh you mean the one that was there was 6 foot, yeah.

Ms. Brean - Yeah. And then the variance has changed in the last three years, is that correct?

Mrs. Corlew - No, it's always been 4 feet in the front.

Ms. Brean - Okay.

Mrs. Corlew - Since we've had zoning in 1988, it's been 4 foot in the front.

Ms. Brean - Okay.

Mr. Morey - And 6 feet on the sidelines, 4 feet on the front, right?

Mrs. Corlew - Hm?

Mr. Morey - It's 6 feet on the sidelines?

Mrs. Corlew - Yeah, 6 on the side and the rear.

Mr. Morey - Okay.

(Tape inaudible).

Mr. Morey - Well, I've got to tell you that the board struggles with question number 5 almost every meeting. So it, it's really...

Mrs. Corlew - Tough one.

Mr. Morey - It's a little hard and it's been addressed to a few of the training sessions and never, never the same way twice.

Are members ready to vote? A yes vote will approve ZBA 2021-1.

Mrs. Oliver - I'm ready.

Mr. Morey - Okay. Ms. Coughlin?

Ms. Coughlin - Yes.

Mr. Morey - Mr. Kennedy?

Mr. Kennedy - No.

Mr. Morey - Mr. Oliver?

Mrs. Oliver - Yes.

Mr. Morey - And I vote yes as well.

RESOLUTION #2021-1

Motion by: Mark Morey

Second by: Matthew Oliver

RESOLVED, to approve application ZBA 2021-1 by Ash Anand for The Bond 1786 located at 3 Hudson Street, for an area variance, to allow installation of a 6' fence in the front yard.

DULY ADOPTED ON THIS 13TH DAY OF MAY, 2021 BY THE FOLLOWING VOTE:

Ayes: Mark Morey, Theresa Coughlin, Matthew Oliver, Matthew Kennedy

Nays: None

Mr. Morey - So you, Patti can issue your permit. I personally think that the fence was an asset on that corner.

Mrs. Corlew - You're free to go and Trish can just get the permit tomorrow when she comes and sees me.

Ms. Brean - Okay. Thank you guys for your time tonight. Thank you.

Mr. Morey - You're very welcome.

Ms. Brean - Can I walk out this side door?

Mrs. Corlew - Any door you want.

Mr. Morey - Next item on the agenda is organization of the board, which did at our last meeting, but that was quite awhile ago. So confirmation of meeting night and time. I'm pretty flexible now that I'm retired but if anyone has some other day that would be better, you better speak up.

Mrs. Corlew - Or a time. You can have it earlier, if you want. (Tape inaudible).

Mr. Morey - Okay. I'll move that meeting night and time remains the same as it has been. Is there a second?

Ms. Coughlin - Second.

Mr. Morey - All in favor.

RESOLUTION 2021-2

Mark

Theresa

Mr. Morey - Next item is appointment of Chairperson, Vice Chairperson and the Secretary. Would anyone like to be the Chairperson.

Mrs. Coughlin - I thought we voted on this already.

Mr. Morey - I didn't hear you, Theresa.

Mrs. Coughlin - I thought we voted on this already.

Mrs. Corlew - Yeah, but now this year.

Mr. Morey - We did at the last meeting.

Ms. Coughlin - Oh, for this year (inaudible).

Mrs. Corlew - Yeah.
Ms. Coughlin - Gotcha. I nominate Mark.
Mr. Kennedy - I second.
Mr. Morey - All those in favor.

RESOLUTION #2021-3

Theresa
Matthew Kennedy

Mr. Morey - Okay. Appointment of a Vice Chairperson. I suggest that we continue on with Ms. Coughlin.
Mr. Kennedy - I second.
Mr. Morey - Do you have any objections to that, Ms. Coughlin?
Ms. Coughlin - No. Thank you.
Mr. Morey - All those in favor.

RESOLUTION #2021-4

Mark Morey
Matthew Kennedy

Mr. Morey - Secretary. Mr. Oehler was our Secretary. Is he still on our board?
Mrs. Corlew - Hm hm. He is on your board.
Mr. Kennedy - Is Alan still on the board?
Mr. Hall - No.
Mr. Morey - Would anyone like to be the Secretary. There's no. There hasn't ever been any work to it, but that doesn't mean it won't change.
(Tape inaudible).
Mr. Oliver - I can do it.
Mr. Morey - You can do it?
Mr. Kennedy - I'll second.
Mr. Morey - I nominate Matt Oliver. Matthew seconds. All those in favor.

RESOLUTION #2021-5

Mark Morey
Matthew Kennedy

Mr. Morey - Okay. We don't have... Do we have any communications?

Mrs. Corlew - Just the Towns and Topics I left on your, some of your desks.

Mr. Morey - Then I make, I move that we adjourn. Is there a second.

Ms. Coughlin - Second.

Mr. Morey - All those in favor.

Motion by Mark Morey, second by Theresa Coughlin and carried to adjourn the Zoning Board meeting at 7:24 p.m.

Respectfully submitted,

Patti Corlew
Recording Secretary

Zb05132021