

**Minutes**  
**Zoning Board of Appeals**  
**May 14, 2020**

**Board Members Present:** Mark Morey, Matt Kennedy (Alternate), Alan Hall, Sr.

**Board Members Absent:** Theresa Coughlin, William Oehler, Harold Moffitt

**Others Present:** Don Putney, Patti Corlew (Zoning Administrator)

**Meeting Commenced at 7:00 p.m.**

Mr. Morey - This is the May 17<sup>th</sup>, no May 14<sup>th</sup> meeting of the Warrensburg Zoning Board of Appeals. Let the record reflect the members present are Alan Hall, Matthew Kennedy and myself. First order of business is approval of the minutes of...

Mrs. Corlew - Wait a second. I have to make this statement first.

Mr. Morey - Okay. Go ahead.

Mrs. Corlew - It's regarding the COVID pandemic. 'As per Governor Cuomo's Executive Order 202.1: "Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed". Which they always are.

Mr. Morey - Okay. Thank you. It didn't take me long to forget that request. Okay. Approval of the minutes of the previous meetings. There's only two of us that were at those meetings. I guess we can still approve them but we won't have a... Did you review the minutes, Matthew?

Mr. Kennedy - I didn't get them.

Mr. Morey - Okay.

Mrs. Corlew - You can hold off.

Mr. Morey - I think we'll put that over to the next meeting, if that's alright with you, Mr. Hall and Mr. Kennedy?

Mr. Morey - Okay.

Mrs. Corlew - You might want to do the organization next time too then.

Mr. Morey - There's nobody here.

Mrs. Corlew - I'm sorry for jumping ahead, but yeah.

Mr. Morey - That's fine. I was hoping somebody would vote against me. Okay, new business. Area variance ZBA 2020-1.

Patti, can you tell us how this came before us?

Mrs. Corlew - Yes. Don approached me about replacing an existing shed with a newer, larger shed and because it's larger, I couldn't just let him replace it where it was. He wants... The minimum requirement is 25 feet and he's going to be 11 feet from the front property line. So that's why he's before you tonight, to get a variance so that he can put it 11 feet from the property line.

Mr. Morey - That's... I mean, I know (inaudible) I viewed the property and talked to Mr. Putney. The line sets behind this. It's actually... It's a front line by definition.

Mrs. Corlew - It's a front line, and he owns the property in front of it.

Mr. Morey - But it doesn't actually front on a street.

Mrs. Corlew - Right.

Mr. Morey - Normally we'd have a minimum of 100 feet of road frontage.

Mrs. Corlew - Hm hm. That's correct.

Mr. Kennedy - No one's going to see this garage or no one's going to see this shed from the road, are they?

Mrs. Corlew - Maybe a little bit, from an angle, but he's got the mobile home on the property in the front of that so you're not going to see it... It's not going to be obvious.

Mr. Putney - Only if you're in the corner of Hometown Oil.

Mrs. Corlew - Yeah.

Mr. Morey - Mr. Putney, we, we're going to get real formal with you now. We swear witnesses... Apparently, we're one of the only ones that do it, but...

Mrs. Corlew - Oh yeah. I don't know if you want me to address that now, but the attorney, in our last meeting...

Mr. Morey - Schachner, yes.

Mrs. Corlew - He said you don't, it's not necessary for you to do that.

Mr. Morey - Yeah, I would just as soon dispense with that.

Mrs. Corlew - Yeah. He, he asked me, "why do they do that?" And I told him, and so he said that it's really not, it's not necessary, so I said I will relay that to Mark and he can do with it what he wants.

Mr. Morey - And I am in favor of not doing that.

Mrs. Corlew - Okay.

Mr. Morey - Mr. Hall?

Mr. Hall - In favor.

Mr. Morey - Okay. Well, then we don't have to get real formal. So your last statement was you'll only be able to see it from the corner of Hometown Oil.

Mr. Putney - Well, my preacher next door could look out behind the house and see it.

Mr. Morey - They're... We did learn a little bit at the last couple of meetings and in the past we've made a, a motion before we took any input or anything that, to approve the appeal, but Mr. Schachner said no. That once we make that motion, that we can proceed to discussion but we can't take anymore... We have to close the public hearing, which I open at this time at 7:06. And that's the way it's supposed to be done, so if you have questions, fire away.

Mr. Hall - Yeah. It looks to me like somebody needs a new tape measure, figuring that from Main Street to the proposed building is a heck of a lot longer than...

Mrs. Corlew - But that's a different property, Al. That property in the front is a separate lot.

Mr. Hall - Under zoning, if you had two properties, they combined to one, because I lost one across the street.

Mrs. Corlew - Yeah, but this, they aren't combined though. And there is a mobile home on that property. They can't be automatically combined. I think that's just with vacant property, but this situation, that is a vacant lot, that is a separate lot, I mean.

Mr. Kennedy - Does he receive two, two, two land tax bills?

Mrs. Corlew - I'm sure he does.

Mr. Putney - Yes.

Mrs. Corlew - They're totally different tax map numbers; totally different addresses.

Mr. Putney - That was sold off and then I bought it back.

Mrs. Corlew - One's 3994 and one's 3998, I think.

Mr. Putney - 8, I think, yeah.

Mr. Kennedy - Thank you.

Mr. Morey - Now this new building that was going to be, what, two feet wider? Or...

Mr. Putney - Yeah.

Mr. Morey - 6 feet long. No higher?

Mr. Putney - I don't think so.

Mr. Morey - Still, it's single story, right?

Mr. Putney - Yep.

Mrs. Corlew - And as far as the public hearing goes, I did post it in the paper and asked people to mail in letters to my office if they had any comments.

Mr. Morey - Hm hm.

Mrs. Corlew - I did not receive any.

Mr. Morey - Did this go to the County?

Mrs. Corlew - Yes, it did. No county impact.

Mr. Morey - No county impact. Any other questions? Mr. Hall, you understand that... He owns the separate lot, the front that the mobile home sets on.

Mr. Hall - (Inaudible).

Mr. Morey - And that's what I was talking about with the, even though that line behind the mobile is technically a front line on his property, it's a long ways from the road. By definition, it's the front line, but by...

Mrs. Corlew - Visual.

Mr. Morey - ...looking at it, it doesn't appear that way. Mr. Kennedy?

Mr. Kennedy - No.

Mr. Morey - Okay. At this time, I'll make a motion to approve ZBA 2020-1. Is there a second?

Mr. Kennedy - I second.

Mr. Morey - So we'll proceed, going down through the application. And the public hearing is closed, so we can't take any more information, although I don't know, does that include the applicant? Patti, if we have a, if we go through this, if we have a question on one of his answers, it would stand to reason we'd be able to ask.

Mrs. Corlew - Oh yeah. You certainly can.

Mr. Morey - And so you understand, Mr. Putney, the, with an area variance, you don't have, we, we don't have to, you don't have to have all five of these conditions approved, just the majority of them. So it's quite a lot easier of a variance to get than a use variance.

Mr. Putney - How's that again?

Mr. Morey - You've got five questions here. If this was a... We only, we only need to be satisfied that three of them are adequate to, so it's an easier, it's a lower bar to meet for the area variance. If you'd applied for a use variance, a change of use of the lot, then you have to convince the Board that all, I believe it's four of your reasons or no... You don't really need to know that, but... Okay. Question 1, whether an undesirable change will be, will be produced in the neighbor, in the character of the neighborhood or a detriment to nearby

properties will be created by granting the area variance. You answer, "no. This building will occupy the same space as where the present building, which is barely visible to any neighbor". We discussed that and that's what I saw when I visited the property. Question #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, "I have no other suitable place". I can add to that, that I viewed the property and talked with Mr. Putney and we discussed where else it could be with really nowhere else without moving something else or putting it right on top of a, your septic system, I believe you mentioned. It might be on sewer right now, right?

Mr. Putney - I'm on sewer now, yeah.

Mr. Morey - Any questions?

Mr. Kennedy - No.

Mr. Hall - No.

Mr. Morey - #3, whether the requested area variance is substantial. You answer, "no. I only need approximately a hundred square feet more than the present building occupies". Space-wise it's, it's not really significant. Distance-wise, it's over 50% out of compliance. It's probably 60% out of compliance, but considering the location and just the, the circumstance of the property line being so far back, it's still being called a front line, I think that's fairly relevant to this, this 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. It will occupy the same spot as the present building". It's not hooked to any utilities other than just the electric, right?

Mr. Putney - Right.

Mr. Morey - You're not going to put a bathroom in there or?

Mr. Putney - Ain't going to put nothing in there. Well, I take that back. I've (inaudible) stuff I'll put in there, but no.

Mr. Morey - You're not going to have anybody living in there?

Mr. Putney - I hope not. That is the reason for doing it. I have people living in the one that's there.

Mr. Morey - Yeah? Well...

Mr. Putney - Squirrels.

Mr. Morey- Squirrels?

Mrs. Corlew - Excuse me. Did I give you this note for this one?

Mr. Morey - No.

Mrs. Corlew - Okay.

Mr. Morey - I'll do that before we vote.

Mrs. Corlew - Right. Sorry.

Mr. Morey - Whether the alleged difficulty was self-created... That's #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 granting of the area variance. You answer, "no. The present building is decaying and needs to be replaced". That's a more valid reason that we usually get, so. Any, any questions?

Mr. Kennedy - No.

Mr. Hall - No.

Mr. Morey - I make a motion that for SEQRA, this is a, that the board finds that this is Type II listed action under the State Environmental Quality Review Act, and there are no significant environmental impacts. Is there a second?

Mr. Hall - I'll second.

Mr. Morey - Okay. All in favor, say aye.

#### **RESOLUTION #2020-1**

Motion by: Mark Morey

Second by: Alan Hall

**RESOLVED**, to deem application #2020-1 by Donald Putney, for tax map #210.8-1-9. Located at 3994 Main Street, for an area variance, as a Type II listed action under the State Environmental Quality Review Act, and there are no significant environmental impacts.

#### **DULY ADOPTED ON THIS 14<sup>TH</sup> DAY OF MAY, 2020 BY THE FOLLOWING VOTE:**

Ayes: Mark Morey, Matt Kennedy, Alan Hall

Nays: None

Mr. Morey - Well, if everybody's comfortable with that and the application, I guess we can proceed to vote. A yes vote will grant the application. Mr. Hall?

Mr. Hall - Yes.

Mr. Morey - Mr. Kennedy?

Mr. Kennedy - Yes.

Mr. Morey - And I vote yes as well. So you can build your shed or have it drawn in or whatever, however you're going to do it.

#### **RESOLUTION #2020-2**

Motion by: Mark Morey

Second by: Matthew Kennedy

**RESOLVED**, to approve application #2020-1 by Donald Putney, for tax map #210.8-1-9. Located at 3994 Main Street, for an area variance to allow placement of a shed 11 feet from the property line.

**DULY ADOPTED ON THIS 14<sup>TH</sup> DAY OF MAY, 2020 BY THE FOLLOWING VOTE:**

Ayes: Mark Morey, Matt Kennedy, Alan Hall

Nays: None

Mr. Putney - I'll order another one.

Mr. Morey - Good.

Mrs. Corlew - You lost your other one?

Mr. Putney - Huh?

Mrs. Corlew - You lost it?

Mr. Putney - Oh yeah. Yeah.

Mr. Morey - Do we have any other business?

Mrs. Corlew - No. Nothing on the horizon that I know of either everything, of course, stopped.

Mr. Morey - I'll make a motion to adjourn.

Mr. Kennedy - I second.

Mr. Morey - All those in favor.

Motion by Mark Morey, second by Matthew Kennedy and carried to adjourn the Zoning Board of Appeals meeting of May 14, 2020 at 7:16 p.m.

Respectfully submitted,

Patti Corlew  
Recording Secretary

Zb05142020