

Zoning Board of Appeals Minutes

Meeting Date: December 27, 2023

Present: Nicholas Vorolieff, Chairman
Ann Hardeman, Member
Fred DiVitto, Member
Tom Zarecki, Member

APPROVED BY
VILLAGE OF PAWLING
ZONING BOARD OF
APPEALS

Also Present: Caren LoBrutto (Village Planner)
Joseph Eriole (Village Attorney)/via conference call

On *Wednesday, December 27th, 2023 at 7:00 PM*, the **Zoning Board of Appeals** met in the meeting room at the Village Hall on 9 Memorial Avenue, Pawling, NY. The Meeting was called to order by Nicholas Vorolieff, Chairman, and began with Roll Call as indicated above and The Pledge of Allegiance.

Project Name: 95 East Main Street Area Variance
Owners: Brian Durkin
Location: 95 East Main Street
Parcel ID/Zoning District: 7056-05-150860/R-2

The applicant is seeking an area variance of 7.7 feet for the aggregating side yard setback as well as an area variance of 15 inches for the south side yard setback.

Chairman Vorolieff explained that a public hearing for this application was held on November 29th. He said this project is classified as a Type II action under SEQR, which means the project has minimal environmental impact. During the November 29th ZBA meeting, it was brought to the attention of the Board that the property falls within 500 feet of a farm operation in an agricultural district, triggering General Law 239m, which would require this application to be referred to the County's Planning Department. Ms. LoBrutto furnished the Board with a copy of the agreement with Dutchess County authorizing the exemption of Area Variances for residential uses (see attached exemption agreement), which eliminates the requirement for the 239m referral process for this application.

Member Zarecki made a motion to grant an area variance of 7.7 feet for the aggregating side yard setback. Member Hardeman seconded the motion. The motion passed with all present members in favor.

Member Fred DiVitto made a motion to grant the 15-inch south-side yard setback. Member Zarecki seconded the motion. The motion passed with all present members in favor.

Project Name: 28 Walnut Street Major Subdivision
Owners: Brian & Jean Senno
Location: 28 Walnut Street
Parcel ID/Zoning District: 6957-20-971145/R-3

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Area Variances Applied

Bulk Regulation for Minimum Lot Road Frontage - 100 feet required (Lot 2), a minimum lot frontage: 30 feet is proposed, and an area variance of 70 feet is requested.

Schedule B/Urban Regulations - Mandatory Garden Wall/Fence (Lots 1 and 2).

Schedule B/Urban Regulations - Type III Infill House 50% Minimum Frontage Buildout: *(Lot 1-existing house) requires a minimum of 51 feet in width, currently 34.68 feet in width, which equals a 34% minimum frontage buildout. The applicant is requesting an area variance of 16% for minimum frontage buildout for Lot 1(existing house.)*

The Applicants, Brian & Jean Senno, decided to withdraw their application for the 12/27/23 ZBA agenda and will most likely submit an application for the next ZBA meeting scheduled for January 24, 2024, ZBA meeting.

Village Attorney Joseph Eriole clarified that he's been in touch with Mr. & Mrs. Senno and their attorney. The Applicants are considering other options but haven't committed to any potential changes. They could come back to the ZBA with the same plan, or they could come back with some proposed changes.

Approval of Minutes

Member DiVitto made a motion to approve the minutes from the Wednesday, November 29th, 2023, ZBA meeting. Member Zarecki seconded the motion. The Motion passed with all present members in favor.

Other Business

No "Other Business" to discuss.

Adjournment

Member Hardeman made a motion to adjourn the meeting to the Wednesday, January 24th, 2024 ZBA meeting. The motion was seconded by Chairman Vorolieff. The motion passed with all present members in favor.

Submitted by:



Vivian Nikolatos, Secretary

All submission applications, documents, and consultant reports can be found on file at the Village Hall.

AGREEMENT

THIS AGREEMENT, bearing the date set forth on the signature page, by and between the COUNTY OF DUTCHESS, a municipal corporation with offices at 22 Market Street, Poughkeepsie, New York 12601 (hereinafter referred to as the "COUNTY") and VILLAGE OF PAWLING, a municipality within Dutchess County, whose address is 9 Memorial Avenue, Pawling, New York 12564, (hereinafter referred to as the "MUNICIPALITY").

WITNESSETH:

WHEREAS, New York State General Municipal Law Section 239 requires local municipalities to refer applications for certain planning and zoning actions to the Dutchess County Department of Planning & Development for review, and

WHEREAS, the New York General Municipal Law Section 239 further requires the County to assess all such applications as to whether the requested action would have a "county wide" or "inter-community" impact and comment on same, and

WHEREAS, the current referral process results in the processing of applications each year from towns, villages, and cities to the County, a portion of which have neither county-wide or inter-community impact, and

WHEREAS, New York State General Municipal Law authorizes the County to enter into agreements with local municipalities in order to determine which, if any, of the local municipal actions subject to referral may be deemed strictly matters of local determination, and therefore, not subject to the referral process, and

WHEREAS, pursuant to Resolution No. 2015246, the County Legislature authorized municipal corporation agreements for the elimination of the necessity of the County's review and comment on certain local actions pursuant to General Municipal Law Section 239, and

WHEREAS, it is hereby mutually agreed by and between the parties hereto as follows:

1. **TERM OF AGREEMENT:** This Agreement shall be effective as of January 1, 2021 and shall terminate on December 31, 2021, unless otherwise terminated as set forth herein. The term of this Agreement shall be extended automatically on an annual basis, for a total not to exceed five (5) years from the original agreement date. If either party decides to terminate this

Agreement, either party shall send a written notice of termination to the other party at least thirty (30) days before the end of any term. This Agreement shall terminate upon thirty (30) days written notice by either party to the other.

2. PAYMENT: None.

3. REFERRALS TO BE ELIMINATED: The following actions shall be eliminated from the referral and review process:

- a. administrative amendments (zoning amendments regarding fees, procedures, penalties, etc.);
- b. special use permits, use variances and area variances for residential uses; and
- c. renewals/extensions of site plans or special permits that have no changes from previous approvals.

4. REFERRALS NOT TO BE ELIMINATED: The following actions shall not be eliminated from the referral and review process:

- a. comprehensive/master plans;
- b. zoning amendments (standards, uses, definitions, district regulations, etc.);
- c. re-zonings;
- d. other proposed local laws and/or other authorizations adopted pursuant to zoning (wetlands, historic preservation, affordable housing, architectural review, etc.);
- e. site plans (all); and
- f. special permits, use variances, and area variances for all non-residential uses.

5. NOTICES: Except as otherwise provided in this Agreement, notice required to be given pursuant to this Agreement shall be made in writing and addressed to the following or such other person as the parties may designate:

Commissioner of Planning & Development
Dutchess County Dept. of Planning & Development
85 Civic Center Plaza, Suite 107
Poughkeepsie, NY 12601

Village of Pawling
Attn: Mayor
9 Memorial Avenue
Pawling, NY 12564

6. COUNTERPARTS: SIGNATURES TRANSMITTED BY ELECTRONIC MEANS: This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one agreement, and any of the parties hereto may execute this Agreement by signing any such counterpart. A facsimile or signature transmitted by electronic means applied hereto or to any other document shall have the same force and effect as a manually signed original. This provision contemplates giving legal force and effect to copies of signatures. This provision does not contemplate the use of "electronic signatures" as regulated by New York State Technology Law Article 3, "Electronic Signatures and Records Act."

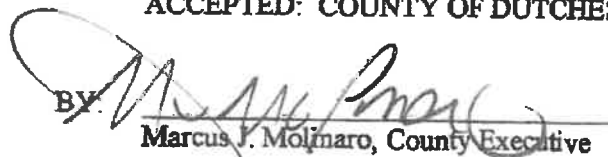
7. ENTIRE AGREEMENT: The term of this Agreement, including any attachments, represent the final intent of the parties. Any modifications, rescission or waiver of the terms of this Agreement must be in writing and executed and acknowledged by the parties with the same formalities accorded in this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement made this 10th day of November, 2020.

APPROVED AS TO FORM:


County Attorney's Office

ACCEPTED: COUNTY OF DUTCHESS

BY: 
Marcus J. Molinaro, County Executive

APPROVED AS TO CONTENT:


Eoin Wrafter, Commissioner
Dept. of Planning & Development

VILLAGE OF PAWLING:

BY: 
Robert Liffland
Mayor