



***Zoning Board of Appeals  
9 Memorial Avenue  
Pawling, NY 12564***

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**Michael Keupp  
Chair**

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**Wednesday, February 22, 2023 @ 7:00 P. M.  
Village Hall at 9 Memorial Avenue**

## **AGENDA**

- 1. Opening of Meeting, Roll Call and Pledge of Allegiance**
- 2. Approval of Minutes**
- 3. 28 Walnut Street (Brian & Jean Senno)**
- 4. Adjournment**

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**Meeting Date:** February 22, 2023

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

APPROVED BY  
  
VILLAGE OF PAWLING  
ZONING BOARD OF APPEALS

**Also Present:** Brian & Jean Senno, Applicants  
Jordan Strack, Applicant's Engineer

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On, *Wednesday, February 22<sup>nd</sup>, 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 Mike Keupp, Chairman and began with Roll Call as indicated above and The Pledge of Allegiance.

*Chairman Keupp motioned to approve minutes from December 14, 2022. The motion was seconded by Member Vorolieff and the motion passed with all present members in favor.*

**Brian & Jean Senno**  
**28 Walnut Street**  
**Grid#: 6957-20-971145/R3 Zoning District**

**Discussion:** This application is in connection to an application for minor subdivision currently in front of the Village of Pawling Planning Board. The applicant is seeking an area variance from Village Code §98-29 Substandard Road Frontage. Minimum frontage for R3 is 100 feet. Applicant is seeking an area variance of 70 feet.

Mr. Senno explained that the purpose of the proposed subdivision is to build a new primary residence on the new lot for him and his growing family while retaining ownership of the two family residence to house his in laws. He further explained the current two family residence is Lot 1 will retain the 28 Walnut Street address. Lot 1 meets all R3 zoning requirements; therefore, not requiring any variances. The issue is with road frontage of Lot 2. The thirty feet of road frontage would give access to the larger part of the proposed new lot in the back that would open up to 132 feet. Currently on the proposed Lot 2, there is a detached garage which will require demolition. In place of the garage, a single family structure will be constructed keeping the amount of structures on the street remaining the same. Essentially, even though it's a two family house, yes it's an investment property; however, it's really going to be two parcels that are occupied by one family.

Chairman Keupp said I think a concern that the members of the Board might have is that this is something you might be doing for profit that you're going to subdivide and then you've got two properties that you could sell.

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Mr. Senno replied this is not for investment purposes. This is so we can remain residents of this Village and so that we can have our family close to us. I did quite extensive research. Out of 31 properties that make up Walnut Street/Union Street and Elm Street, 21 of those properties have road frontage and/or full lot width of 75 feet or less. That keeps up with the character of our two lots being above average to average size as well as the house placement for lot 2. It keeps up with the linear pattern of houses going up and down the street. Without looking at the site plan or a survey, you honestly would never be able to tell that lot 2 or 1 has any difference in road frontage or is any different from any other house on the street then what currently exists.

Member Zarecki pointed out his concern with parking and drainage from the proposed parking area in front of the existing dwelling. How would drainage impact the new access/driveway for the new structure and what is the adequate number of parking spaces so that it conforms to building codes for storm water. That helps you with water entering the house or the neighbors or next lot.

Mr. Senno provided a copy of a rough sketch of the parking area to the Board. Mr. Strack said that most of the water drains back to the street.

After Chairman Keupp reviewed the five criteria noted in the application, Mr. Senno said he researched a number of properties that were granted variances in the past that look similar to what he is requesting. His research findings are as follows: There are currently two flag lots in the Village; there are two properties in the Village with zero road frontage. There's three properties with road frontage of 24 feet to 30 feet; there are forty new residential construction single family home projects that were granted multiple variances after the rezoning in 1995 as well as one residential rezoned property to a business for an added extension and three commercial projects that required multiple variances in the past 8 years.

Member Vorolieff said you mentioned that there are two properties that have zero road frontage could you tell me where those happen to be. Mr. Senno replied one is 2 Walnut Street, it has zero road frontage and shared driveway access with his neighbor. The other is 80 Main Street, a product of a subdivision from 78 East Main Street in the early 90s. It is a stack lot directly behind 78 and 82 East Main. It has zero road frontage and the only access is a dirt path that drives through 78 East Main Street property so the houses are directly behind each other.

The Chair commented that 28 Walnut Street is one of the bigger lots. Subdivided, both lots will meet zoning requirements.

*Chairman Keupp motioned to open the meeting to public comments. Member Vorolieff seconded the motion and the motion passed with all present members in favor.*

Mike Rendich of 138 East Main Street commented that he has no objection to this project. He said, I think the notion of precedent is something that, I hope, is incumbent on this Board and any that when and if you do grant a variance like this that you're make all the particulars well known so that it doesn't just open up the opportunity for anybody to do it. It's important that everyone recognizes the special circumstances. The size, the width of the lot all of those things that make it unique I would hope that is something that's important for the Board to recognize and make known.

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Ms. Sikora of 56 Elm Street asked for clarification on what the project is. Chairman Keupp explained that the applicant's want to subdivide their property into two lots. They have enough square footage to subdivide and build a house. They would move into the new house and relatives would live in the existing two family house. The problem is that they don't have enough road frontage to meet the zoning requirements for the proposed new lot. They are here to obtain a 70 foot variance for road frontage which would expire in one year. Ms. Sikora said she is concerned about noise from construction and the possibility of that making it hard for her to sell her house if she decides puts it on the market. Discussion ensued.

Mr. Villatoro said he is in support of the project.

*Chairman Keupp motioned to close the public hearing. The motion was seconded by Member Vorolieff and the motion passed with all present members in favor.*

Chairman Keupp referred to the Board for comments. Member Vorolieff commended the applicants for their due diligence in the preparation of this application. He said, clearly this project has benefits for you that you're looking to improve things on the property for yourself. I do have some concerns, some of it has to do with precedent as well as some crowding. I happen to live on West Main. Years before I bought my home, my neighbor wanted to put up a home between two homes but there wasn't going to be enough room so they actually ended up purchasing some property from the owner of my home, as well a slice from theirs and a slice next to it to get the proper frontage and actually the house is positioned very nicely right now on the road. If it didn't have that extra room it would have seemed crowded. One of the things that these zoning regulations, in keeping a certain amount of frontage is, it keeps a certain amount of air and space around the home so that it looks less crowded. I happen to think that those things work well to keep a neighborhood kind of looking the way they do. That is a very odd lot, it doesn't appear that is really the case in the rest of the properties in the area. You mentioned your lot is oversized in the way of square footage to contain two homes but all the other homes on Walnut Street seem to be similarly spaced out as far as how many structures are on a lot and roughly about how much frontage they all have. They all kind of fit in, some are a little bit more crowded but your property doesn't seem to be that different from the other lots. This variance of 70 feet, although you mention that it's insignificant, I actually think that a 70 feet variance is quite significant because you really are supposed to have 100 feet in frontage. There are no other homes on those lots on that street that have two homes on them currently. Your home would be the first one to have a second home and there is the possibility of others claiming similar hardship by this precedent and asking for similar things. In which case, the Board would have a very difficult challenge ahead of them to deny others to prevent that neighborhood from suddenly getting very built up over the next five or ten years. I know you say that this is going to be for family now, that's wonderful in keeping family close together and living and helping each other out is great and that's actually a return to kind of an older style of family support that too often really isn't the case in our modern lives. That being said, the Board can't really say that those two lots are going to be owned by the same person from now on for the next fifty or a hundred years. Although that's you're current plan, if your situation changes and you sell the home in a few years due to unforeseen circumstances, that may not be the situation where it's all family in that one lot. It has the potential forty or fifty years from now to be a very different situation then what you're currently proposing. I understand totally why you want to do this; however, the decisions we make today doesn't just impact the present or the next few years, we really have to kind of look out further up to 40 to 50 years and what that might mean in the way of how the neighborhood would change.



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Mr. Senno replied, with regards to the setting of precedent, the forty new residential constructions that took place after the rezoning in 1995 actually make up the entirety of the Baxter Green major subdivision where four streets, Baxter Road, Tyrell Road, Jem Lane and Rhone Ridge Drive. This subdivision is all zoned R1 where all forty of the properties required tens of thousands of feet worth of variances. I think that's a significant precedent to set.

Member Vorolieff agreed and said that was all one development, they were all built the same way at one time so anybody interested in that at the time could have any complaints about that. My opinion on this and there's nothing personal here in any way, I feel that this is not necessarily a good change for the neighborhood. I think that there is some concern that the Board should have about precedent here and others in the neighborhood wanting to propose similar projects. I personally don't think that this is a good change to have appropriated into your neighborhood at this time.

Chairman Keupp said I understand about the precedent; however, we're not necessarily bound by that. Future similar projects don't have to be approved just because we approved this one. Situations are always different one way or another. It's a factor that we have to consider, but we don't necessarily have to.

Member Vorolieff commented as part of this project, you intend on demolishing the existing garage; that will inevitably lead to more vehicles being store outdoors. There will be many more cars parked in the lot for those three residences. Also, you'll then have no storage for any kind of lawn maintenance equipment, as well. Taking down the garage will present some possible challenges in the future.

Mr. Senno said so the garage will be taken down but a new garage will be built as part of the new house so there will be less cars that you can see parked outdoors.

Mr. Stack commented that the current garage is in very poor condition. It's not used to store cars.

Mr. Zarecki said, regarding the character and impacts on the neighbors, I don't think that this will have any type of negative change in the property street scape. The building is going to be tucked away on the back of the property. Mr. Villatoro is mostly going to feel most impact of the construction and viewing the building. It's tucked back but it's on very steep grade and so just getting the building situated there and all the engineering to get it stabilized and situated properly is not in our purview, but I don't think that it will have any bearing on the community character. With regards to the establishment of precedent, this is a big decision for the applicants. With regard to parking layout, it is important discuss the layout of parking in this driveway. These are preliminary sketches. I understand you don't want to put the money into the development of building plans until you are granted the variances and get the approval from the Planning Board, but it does concern us as the ZBA how things are going to be laid out. Like Mr. Keupp said, this is a unique lot and typically it is a substantial variance, 70 foot, we understand this community's little ins and outs. You presented your case thoroughly with a lot of information to kind of juggle around.

Member Hardeman said everybody's comments have been very interesting. I live on a street where the frontage is very narrow and when I put a slight addition on my house I had to come to the Board and get a variance for that even though it was only a total of 4 or 5 feet. We live in a somewhat quirky Village

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which is part of the charm. It isn't a development where every house is the same size and you drive down the street and you can't remember which street you're on. I'm more open to having a little bit of a quirky lot like this would be. You have enough acreage on the lot to build the new structure. You don't have to get a variance for that, it's just simply the frontage. It seems to me that you have the space. I don't think we want a cookie cutter Village where everything lines up, just my personal feeling about that.

Member DiVitto said I agree with Ms. Hardeman. The way the other homes are situated on the other lots, this lot makes this a perfect situation because the house is over to the right more than any of the other houses except the one next to them. If they take their garage down they can basically do the same. I think it's a great idea for them to go ahead with this project.

Member Vorolieff asked I imagine the plan is that you would have the one driveway that both of the homes would be served by.

Mr. Senno said no it's a separate driveway. He then described the layout of the driveway as shown in the packet then discussion ensued.

Chairman Keupp said this is in the R3 zone which means you need 10,000 sq. ft. to build a house. The Senno's have 27,878 sq. ft. If they were to divide that in half equally, they would have over 13,000 sq. ft. for each lot. There's enough there to meet the zoning code so that's not the question; the only question is the driveway.

*Chairman Keupp motioned to grant the area variance for a 70 foot driveway easement. The motion was seconded by Member Zarecki and passed 4 to 1 with Member Vorolieff abstaining.*

Member Keupp reviewed the SEQR form. There were no further comments

### Adjournment

*Chairman Keupp motioned to adjourn the meeting. The motion was seconded by Member Vorolieff and passed with all members in favor.*

Submitted by:



Vivian Nikolas, Secretary

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