

Zoning Board of Appeals Minutes

Meeting Date: May 03, 2023

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

APPROVED

VILLAGE OF PAWLING
ZONING BOARD OF APPEALS

Also Present: Curt Johnson (Representing Applicant's – 24 Walnut Street/53 Fairway Drive)
Adam Muroski (53 Fairway Drive)
Fausto Villatoro (24 Walnut Street)
Lauri Taylor (Village of Pawling Mayor)

On **Tuesday, May 3rd, 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.

Escrow

53 Fairway Drive: Escrow was set at \$1,800.00
24 Walnut Street: Escrow was set at \$1,800.00

Chairman Vorolieff said escrow is established to cover the costs the Village incurs for legal and consultant fees and agrees that the set amount is fair and reasonable based on their current costs for billing. The amount may change based on the complexity of the projects and any unused portion of escrow will be refunded back to the Applicant's upon completion of the ZBAs review.

Member DiVitto made a motion to approve the set escrow amounts of \$1,800.00 for each Applicant. The motion was seconded by Member Hardeman and passed with all present members in favor.

Adam Muroski
53 Fairway Drive
Grid#: 7056-05-029881/R1/R2 Zoning District

Proposed Project: *Demolition of an existing one-car garage and attached shed. Construction of a new 16' wide x 28' deep one-car garage in the same general area of existing shed.*

Curt Johnson said this property is a little bit interesting in terms of the zoning map. The front 50 feet of the property and the rear 50 feet of the property are in R2 Zoning District and the majority of the rest of the property, which where the development is, is in R1 Zoning District. It's a one-family house on a pre-existing non-conforming lot in terms of size where 40,000 square feet is required for this zoning district and the lot is actually only 16,000 square feet and change; it's narrow and long. For the frontage on that you need 150 feet, it's only 50 feet right now so we're constrained in terms of setbacks on this property. It's a one story house with a driveway that comes out on the north side of the house and accesses a one-car garage 12 wide x 20 feet long. There's an 8 foot shed to rear of that which is down a half a level in the rear of that building. The garage is in poor condition, the foundation is crumbling and

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it's really unusable for car storage. The applicant is proposing to demolish that garage and build a new garage in essentially the same footprint which is 12' x 28' on the north, east and west sides of the property then expand it in width to the south by 4 feet so it will be 16 feet wide instead of 12 feet. The north side of the garage is 3.8 feet from the property line and the applicant is proposing to actually hold that line and then build from there. I've been working with Village Planner Caren LoBrutto of LaBella on this also. The setback for an accessory structure is only 5 feet here so we actually are diminishing the need for that variance. We will now need a variance to allow construction within that 5 foot side yard setback holding that line to 3.8 feet so it will be a 1.2 foot variance. Also, for the overall lot coverage of impervious surfaces, we're allowed up to 15% in this zone. Currently it's 20%; with the increase in the garage, it will actually go up to 21% so we will need a 6% variance on that.

Chairman Vorolieff commented that Mr. Johnson covered all of his questions during the site visit and asked if any of the other Board Members had any questions or comments. Member Hardeman said her questions were addressed during the site visit as well and Member DiVitto mentioned he visited the site on his own and has no questions.

Chairman Vorolieff asked for a motion to declare Lead Agency for SEQRA and explained that there's a 30 day waiting period on that for involved agencies to respond with consent. For this project, the involved agency is New York State Department of Environmental Conservation (NYSDEC) District 3. Mr. Johnson mentioned that the DEC came out and flagged the site for wetlands and she is looking forward to our application. She didn't see a problem with it but it basically has to go through the motions with the DEC.

Member Zarecki made a motion to declare the ZBA Lead Agency. The motion was seconded by Member DiVitto and the motion passed with all present members in favor.

Chairman Vorolieff suggested postponing the review of the Long Form Environmental Application until the Board has received consent for Lead Agency from NYSDEC. The Board agreed.

Fausto Villatoro
24 Walnut Street
Grid#: 6957-20-969133/R3 Zoning District

Proposed Project: *Square-off the southeast corner of the existing 2-family residence to create a one-story addition. It is also proposed to extend the existing accessory garage structure. It is also proposed to repair/enhance the existing porch to the front of the residence.*

Mr. Johnson said the addition will be approximately 12' x 14' which is within the front yard setback of the required 25 feet, the Applicant is proposing 16 feet. Working with Ms. LoBrutto, the garage structure actually falls within zoning requirements so we don't need a variance for that. Chairman Vorolieff said it's good to know because at the site visit we thought there was a fraction of a square foot corner that was going to be over. Mr. Johnson replied, yes, we were working with a 15 foot setback but with the 5 feet we're clear on that so that eliminates that variance and it also affects aggregate because it's only for the primary structure so we comply with the aggregate side yard setbacks on this as well. On this one, we're only really talking about the front yard setback. Just for clarity, the applicant is proposing to do some repair work on the existing covered porch which is actually closer to the front

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property line. The Applicant plans to replace decking, railing and column enclosures on that so its repair work within the setback. I don't know if it needs a variance or not in terms of the footprint that is there already, we're not encroaching anymore. Member Vorolieff said it's my understanding just from something I had done myself in my own place that generally repairs don't have to go through the ZBA. However, because these repairs are wrapped up in this whole project, maybe we do need to look at it more closely. At some point, we'll check on that. Mr. Johnson said usually it does not but... Member Zarecki asked if the applicant will be pouring new footings. Mr. Johnson replied, no, not at all. It's just decking, railing and the column enclosures. Member Vorolieff said it probably won't be needed. Moving on, Mr. Johnson said this would be just a one story addition keeping in line with the existing roof line that's on the south side of the structure so just extending that towards the front. Chairman Vorolieff confirmed, essentially just squaring off kind of a hollow in that one area. Mr. Johnson replied the site is somewhat unique. The property line is actually about twenty feet back from the edge of the pavement and there are stairs a good amount into the property that goes up to a higher level. That's actually in the right of way. Chairman Vorolieff said I was somewhat amused on Saturday because we looked at the first property. We had three different zones within his property one R-1 and two R-2s and then looking at this one where we see the property line is way up into his front yard. This is just some of the things that have been grandfathered in. He then commented that SEQRA has to be evaluated for this project and asked for a motion to declare ZBA as Lead Agency.

Member Zarecki made a motion to declare the ZBA as Lead Agency. The motion was seconded by Member DiVitto and the motion passed with all present members in favor.

Mr. Johnson asked if there were any other involved agencies. Chairman Vorolieff said I don't believe there are and commented one of the things that I discussed earlier with Village Planner, Caren LoBrutto since this is the case and there aren't any other involved agencies, if we still have to wait the 30 days since we're not waiting on a response. She didn't think so. The Chair suggested not reviewing SEQRA or making any other determinations until the application has been updated to reflect the change regarding the Accessory Structure. He said we really can't move forward until the whole plan has been updated to show that what is being proposed meets the required setbacks. I apologize because I was hoping that we could move things forward today if possible. Member DiVitto asked if the setback in question is the one from 15 to 5. Mr. Johnson replied, yes. Chairman Vorolieff reiterated because this whole thing is wrapped up in one plan, Ms. LoBrutto needs a fully updated plan before we can move forward.

Chairman Vorolieff said often we have time for the public comment but because both of these have been put on hold procedurally, I think it makes more sense to hold public comment when we have more details at the next meeting. Discussion ensued. It was decided to open the public hearing and leave it open for continuation at the next ZBA meeting.

Member Hardeman made a motion to open the public hearing. Member DiVitto seconded the motion. The motion passed with all present members in favor.

Chairman Vorolieff asked the remaining public if there are any questions regarding both projects presented earlier. There were no questions or comments. The Chair stated that the public hearing will be adjourned until the next ZBA meeting schedule for Wednesday, May 25th.

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Other Business

Chairman Vorolieff asked for a motion to change the ZBA application submission deadline from two weeks before the ZBA meeting to four weeks before the ZBA meeting. He explained that the Poughkeepsie Journal changed their publication submission deadlines which has made it challenging for the Secretary to get the public notice turned around and submitted to the Poughkeepsie Journal for publication on time to meet open meeting law requirements. With the current ZBA submission deadline being two weeks before the ZBA meeting, it only gives Ms. Nikolatos approximately 36 hours between receiving the ZBA submission from applicants and getting the public notice submitted to the Poughkeepsie Journal on time for publication. If there was any delays or legal questions, then it wasn't going to make it.

Member Zarecki made a motion to approve the ZBA deadline change from two weeks before the ZBA meeting to four weeks before the ZBA meeting. The motion was seconded by Member DiVitto and passed with all present members in favor.

Approval of Minutes

Member DiVitto made a motion to approve minutes from Wednesday, March 21, 2023 ZBA meeting. The motion was seconded by Member Zarecki and passed with all present members in favor.

Adjournment

Member Zarecki made a motion to adjourn to the Wednesday, May 25th ZBA meeting. The motion was seconded by Member Hardeman and 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.