

PRESENT: Brenda Colberg-DiMarco Chairperson, Terrance Wansley, Nancy Iankowitz and Margo Miller

CONTENTS: Louis DiLisio (Area Variance) and Minutes.

There was one (1) person in the audience.

Chairperson Colberg-DiMarco opened the meeting at 7:00 p.m. and then led the salute to the flag.

LOUIS DILISIO

Area

2019-003

1893 Route 292

Holmes NY 12531

Grid Number: 134089-11-6857-00-355341

Chairperson Colberg-DiMarco said the property is located at 1893 NYS Route 292 in an R-3 Zoning District. This application is for area variances §215-16 Bulk Regulation and §215-33(D) a non-conforming building becoming conforming. Chairperson Colberg-DiMarco read the response from Dutchess County Department of Planning & Development, which indicates this application is exempt from 239 review. This application is a Type II action according to SEQRA; therefore, no action is necessary by the Board. A site inspection was held on May 18 and May 19, 2019.

Mr. DiLisio began by explaining this residence was purchased for his son. He believed there was a deck formerly in place, which required removal due to unsafe conditions. The front of the residence has four (4) doors that are all open into the space previously occupied by a deck. The main purpose of the deck is to provide a landing and safe egress from the four (4) existing doors.

Mrs. Iankowich expressed concerns that the building plans are not stamped by an Engineer or Architect. Her main concern is plans should be stamped by an Engineer or Architect to ensure NYS Building Code requirements are met for the health, safety and welfare of the residents living in a dwelling. If not, what is the legal requirement to approve plans?

The Board suggested the building department responds with code provisions that can provide an answer to the Board members.

Chairperson Colberg-DiMarco opened the Public Hearing.

There were no comments from the audience.

Chairperson Colberg-DiMarco closed the Public Hearing.

Chairperson Colberg-DiMarco said the Zoning Board of Appeals in making its determination shall take into consideration the five factors the Board must weigh against the detriment to the health, safety and welfare of the neighborhood or community.

Mrs. Miller read the first factor, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?

The Board members concurred that no undesirable change would be created.

Mrs. Miller read the second factor, whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?

The Board concurred that no other feasible method can be achieved other than by granting of an area variance.

Mrs. Miller read the third factor, is the variance substantial?

Mrs. Miller responded no the variance is not substantial and the Board agreed.

Mrs. Miller read the fourth factor, will there be an adverse effect or impact on physical or environmental conditions in the neighborhood or district?

The Board members concurred that no adverse effect would occur to the neighborhood.

Mrs. Miller read the fifth factor, whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance?

Mrs. Miller said residence was purchased with an unsafe deck.

Mrs. Iankowitz said the alleged difficulty was not self-created, the proposed renovations are replacement and maintenance of a pre-existing condition.

Following discussion, weighing all the factors, the consensus of the Board agreed to grant the area variance.

Motion by Mrs. Iankowitz to grant an area variance to Louis DiLisio, located at 1983 NYS Route 292 in a R-3 Zoning District for: Grid Number: 134089-11-6857-00-355341.

§215-16 Bulk Regulations: The following Setback is required for a proposed deck. Front Yard setback require a minimum of 75 feet, there is 48 feet available, a variance of 27 feet was granted.

§215-33 (D) Conforming uses with dimensionally non-conforming building. A non-conforming building with a conforming use shall not be enlarged, reconstructed, or structurally altered or moved, unless such structure alterations cause the building to become conforming.

* Unless otherwise specified by the Zoning Board of Appeals the decision shall expire within 2 years, if the applicant fails to commence & substantially complete work related to the decision.

Second by Mr. Wansley. Chairperson Colberg-DiMarco asked for discussion.

All were in favor and the Motion carried.

MINUTES

Motion by Mrs. Miller to approve the Minutes of March 25, 2019 as read.

Second by Mrs. Iankowitz. Chairperson Colberg DiMarco asked for discussion.

All were in favor and the Motion carried.

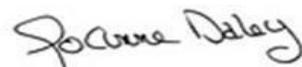
NEW BUSINESS

There was no new business this evening.

ADJOURNMENT

On a Motion by Mr. Wansley and seconded by Mrs. Iankowitz to adjourn the meeting at 7:30 p.m. All were in favor and the meeting was adjourned.

Respectfully submitted



JoAnne Daley
Recording Secretary