

PRESENT: Brenda Colberg-DiMarco Chairperson, Terrance Wansley, Tanmay Gajjar and Margo Miller

CONTENT: John Nilsen (Use Variance), and Minutes.

Chairperson Colberg-DiMarco opened the meeting at 7:08 p.m. and then led the salute to the flag

JOHN NILSEN

Use Variances 2020-02

374 Route 292

Holmes, NY 12531

Grid Number: 134089-6855-02-777823, 779813

Mr. John Nilsen and Mr. Daniel Nilsen were present.

Chairperson Colberg-DiMarco said the property is located at 374 NYS Route 292 in the Hamlet Business (HA) Zoning District. Chairperson Colberg-DiMarco read the response from Dutchess County Planning, which indicated this application is 239 GML exempt from 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 20, 2020, with Chairperson Colberg-DiMarco, Tanmay Gajjar, and Margaux Miller and on May 26, 2020, with Chairperson Colberg-DiMarco and Terrance Wansley.

Mr. John Nilsen explained that they are seeking to divide an adjacent vacant lot (779813) to merge into the existing garage lot (777823). The pre-existing vacant lot is unbuildable due to limited acreage, and it is not possible to install a septic system and/or well meeting today's standards as required by Dutchess County Board of Health. The area would be utilized for equipment and storage of gravel and other materials.

Mr. Gajjar asked the applicant if the proposed driveway to be built around the back of the building would be asphalt or gravel.

Mr. Daniel Nilsen responded that the driveway is proposed to be gravel.

Chairperson Colberg-DiMarco stated for the records that no letter or emails were received for this application.

Chairperson Colberg-DiMarco opened the meeting to the Public.

There were no comments from the audience.

Chairperson Colberg-DiMarco closed the meeting to the Public.

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

Mrs. Miller read the first question; the applicant cannot realize a reasonable return, provided the lack of return is substantial as demonstrated by competent financial evidence.

Chairperson Colberg-DiMarco said the landowner could not make a reasonable return on the vacant lot, as it is an unbuildable lot and, therefore, cannot achieve a financial return on the parcel. The unbuildable lot size does not permit any uses within the Code of the Town of Pawling, and while the variance allows the expansion of a non-conforming, use that is not incompatible with the surrounding uses.

The Board members concurred.

Mrs. Miller read the second question that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

Mrs. Miller said the situation is unique. The use of the vacant lot does not apply to a larger portion of the Hamlet District.

Chairperson Colberg-DiMarco said the alleged hardship relating to the property is unique as the landowner cannot lawfully build due to lack of acreage.

Mrs. Miller read the third question, that the requested use variance, if granted, will not alter the essential character of the neighborhood.

Chairperson Colberg-DiMarco agreed that the use variance would not alter the essential character of the neighborhood.

Mr. Gajjar said the landowner plans on addressing all environmental issues relating to stormwater and erosion control; therefore, enhancing the property and surrounding neighborhood.

The Board members concurred

Mrs. Miller read the fourth question that the alleged hardship has not been self-created.

Mr. Wansley said the hardship was not self-created as the lot was unbuildable, therefore creating a benefit to the neighborhood, by enhancing the surrounding neighborhood aesthetics. Additionally, the property could not lawfully be used for any of the permitted uses in the Zoning District.

Following discussion, weighing all the factors, the consensus of the Board agreed to move forward with granting of the "Use Variance."

Chairperson Colberg-DiMarco read into the record Zoning Board of Appeals Resolution # 1 of 2020 for John Nilsen's , Use Variance located at 374 NYS Route 2929 Holmes, NY., Tax map #134089-6855-07-779813, 134089-6855-07-777823 (copy in file).

Motion made by Mr. Wansley.

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

Roll call:

Chairperson Colberg-DiMarco, aye.

Terrance Wansley, aye.

Tanmay Gajjar, aye.

Margaux Miller, aye.

MINUTES:

Motion by Mrs. Miller to approve the Minutes of February 24, 2020 as read.

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

All were in favor and the Motion carried.

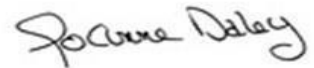
NEW BUSINESS:

There was no new business this evening.

ADJOURNMENT

On a Motion by M. Wansley and seconded by Mr. Gajjar to adjourn the meeting at 8:00 p.m. All were in favor, and the meeting was adjourned.

Respectfully submitted

A handwritten signature in cursive script that reads "JoAnne Daley".

JoAnne Daley
Recording Secretary

non - approved minutes