

Ancram Zoning Board of Appeals
June 21, 2011 7:00PM
Meeting Minutes

Board Members Present: Chair Leah Wilcox, Sheldon Waldorf, William Lutz (alternate), Alyson Kozlowski, Fred Schneeberger, Sue Bassin

Board Members Absent: none

Clerk: Samantha Langton

Others Present: Jerry Peele, Tom Borgeson, Wendy Borgeson, John Petrucci

Chair Wilcox opened the meeting at 7:00pm.

TRAINING

CCPB is offering a 4 hour training session at Columbia Greene Community College on 6/22/11, 5:00-9:00, Introduction to Planning and Zoning and SEQR; Chair Wilcox will be driving.

5/3/11 MINUTES

Ms. Bassin suggested some changes for clarity that were emailed to the Clerk. She recommended we explain on the first page for Mr. Baker's application that the application is specifically in reference to a Special Use Permit for a tasting room and farm store. On page 4, change the negative word "target" to something more positive, such as: "encourages new agricultural developments." On page 5, with reference to Mr. Baker's application: clarify that Thompson Finch and Herondale farms cause substantial increase in traffic with little impact on the neighborhood. In addition, add the explanation that a question about the distillery was not answered during the meeting because the distillery was not subject to the Special Use Permit as it is an already approved use. Clarify the difference between a vineyard and distillery in reference to questions posed in Mr. Bernstein's letter. On page 6, move the location of the statement "this decision was since overturned," with reference to case study *Clinton v. Summers, 1988*, to the top of the paragraph.

Ms. Bassin motioned to pass the minutes, Mr. Waldorf seconded, all approved.

NEW BUSINESS

ZBA and PB Clerk Position Opening

PB and ZBA Clerk Samantha Langton is resigning as of 7/20/2011 to begin a postdoc position at RPI. Notices for the position opening have been sent to the Columbia and Register Star papers. Please inform Chair Wilcox if you know of someone who might be interested in the position. Job descriptions are available in our office. Ms. Langton will have the opening posted to the website.

Application 11-1

Jeffrey Baker

408 Pooles Hill Road

Tax Parcel #s 213.-1-89 (barn) and 213.-1-90 (driveway)

Chair Wilcox announced that she is a board member of the Columbia Land Conservancy (CLC) and learned on 6/18/11 that the CLC assisted Mr. Baker in the Farmer-Landowner Match program to find a farmer (Walter Wesarg) to grow the grain for his distillery.

This application was presented on 4/14/11. There was a public hearing held on 5/3/11 at which time the ZBA reached a consensus to approve the application with conditions. A resolution was drafted and read by all board members. No additions, changes, or corrections were suggested. Mr. Waldorf motioned to approve the resolution, Ms. Bassin seconded, all voted individually in favor of the resolution for the Special Use Permit. The applicant, town clerk, and building inspector will be notified.

The resolution was passed with the following conditions (the complete resolution is available in the ZBA file):

- a) At least 5 off-street parking spaces including one handicap parking space shall be provided for customers as depicted in the plot plan provided by applicant, the parking area is to be constructed of pervious material such as gravel; separate parking shall be provided for employees;
- b) Ingress and egress shall be by the existing driveway on parcel #213.-1-90
- c) One sign no more than six square feet in size indicating the distillery shall be located no closer than 10 feet to any property line and not more than 10 feet above the ground.

Application 11-2

Mr. Jerry Peele, Herondale Farm Store

90 Wiltsie Bridge Road, R (3 acre) district, Columbia County Ag District 1

Tax map parcel #197.-1-21-200

Special Use Permit application for a farm store in an already existing barn. Special Use Permit applications on farms are exempt from County Planning Board approval. The town Planning Board suggested that there should be adequate space for parking. Notices for the public hearing tonight were printed in the Register Star and Columbia newspapers on June 9th. SEQR is complete. Mr. Peele paid the application fee and brought in certified mail receipts for notices sent to abutting property owners.

Chair Wilcox asked if any board members had any reason to recuse themselves. No board members had any conflicts. A denial was received from the Building Inspector stating that a Special Use Permit is required for a farm store. In addition, the barn does not meet setback requirements for a road stand

Mr. Peele approached the Board and explained his application. Herondale Farm wished to utilize the existing barn as a farm store. Its prior use was for a dairy operation, storage, and the back half was used as a run-in shed for bulls. The front part of the barn that faces the road currently contains a walk-in cooler and refrigeration and freezers to display

products from Herondale and Sol Flower farms. Herondale Farm sells meat products (chicken, pork, lamb, and beef) and baked goods from Camphill Village, while Sol Flower sells cut flowers and vegetables. The barn does not currently have an outdoor light, but plans to install one above the front door (example photo was shown to the Board).

With reference to the 5 ZBA SUP questions, Chair Wilcox stated that the Board is concerned about parking, lighting, signage, and setbacks. The existing barn is located closer to the road than the 50ft setback requirement. This does not present an undesirable change to the detriment of other properties because the barn is already in existence. The variance sought is substantial. There will be no change to the character of the neighborhood. The difficulty was self-created. The parking area in front of the barn allows for 6 parking spaces and there is additional parking across the road. The busiest day is typically Saturday and there is a CSA pickup on Tuesday. Ingress and egress are fine. Signs are 8sqft and do not exceed the required 50sqft. There is no detrimental effect of this use since it is within an agricultural district. The structures are reasonably accessible for fire and police protection. The use meets prescribed requirements for the district.

Chair Wilcox opened the public hearing. There were no questions. Ms. Bassin commented that this is a great addition to the town and another step in helping our agricultural businesses meet the consumers more directly.

Chair Wilcox closed the public hearing.

Mr. Schneeberger motioned to approve the Area Variance. Ms. Bassin seconded the motion. All board members voted individually and unanimously approved the Area Variance.

Mr. Waldorf motioned to approve the Special Use Permit. Ms. Bassin seconded the motion. All board members voted individually and unanimously approved the Special Use Permit.

The decision will be sent to the town clerk, supervisor, and building inspector. The Special Use Permit is not a building permit, which must be submitted to the county.

Application 11-3

Mr. Thomas and Mrs. Wendy Borgeson Area Variance, represented by Mr. John Petrucci
Tax Parcel Map #219.-1-37
554 Hall Hill Road, R (3-acre) rural residential district

An Area Variance was requested to build an addition closer to the road than allowed by current zoning. A denial was received from the building inspector stating that the plans do not meet front yard set back requirements. A letter from Mr. and Mrs. Borgeson was given to the ZBA to allow Mr. Petrucci to represent them. This application is exempt

from County Planning Board approval. The Planning Board reviewed the application and denied the front porch addition, but approved the other additions and stated, "Site plan needs to be more detailed including second floor. Setback for addition will improve and be more compliant. However, front porch (new) will interfere with roadscape. Might want to make sure septic will be adequate for number of bedrooms. Good to stay near road to save land." Chair Wilcox pointed out that the porch would not extend further than the existing patio. The Planning Board did not have a letter that explained that the porch would only be added for aesthetic purposes.

Notices for the public hearing appeared in the Register Star and the Columbia Paper on Thursday, June 9th, 2011. A letter was sent to the Town of Gallatin (abutting property) on June 8th, 2011. Notices to abutting property owners were sent by June 10th, 2011. Mr. Petrucci sent the certified mail receipts to the ZBA after the meeting and were received on Wed., 6/29. Parcel # 219.-1-28 on the Ancram tax map was not in the tax map records and the assessor did not have records of the property owners for this parcel. The application and SEQR are complete. An affidavit was signed by Mr. Petrucci and dated 6/10/2011 for notifications.

Mr. Petrucci brought a model and additional plans and explained that the addition to the original house was to accommodate Mr. and Mrs. Borgeson's move to Ancram as full-time residents. The footprint of the porch will not exceed the existing footprint of the patio. Mrs. Borgeson explained that they would like to keep the existing house because it has been in her family for 4 generations and was built in 1892. Mr. Petrucci explained that the additions could not be set back further. A new entry and foyer will be added further back from the porch. The upstairs will contain a master bedroom suite. A true breezeway will be built to a 2 car garage with open area above. The extended eave on the existing house will be added to keep it in perspective with the new addition. The addition will be 2,600sqft, added to the existing 21 x 22 ft house.

Mr. Waldorf and Chair Wilcox visited the location. Chair Wilcox said that the patio is close to the road, but the curvature of the road at the location appears to ease any problem. Chair Wilcox asked Mr. Petrucci how cars would back out of the garage. Mr. Petrucci said that it would not change from the current situation. The entrance could not be located behind the garage because of an existing shed. It is not in a dangerous location on Hall Hill road. Mr. Lutz added that he recalls a screened-in porch on the house at the location of the patio at some time in the past.

The ZBA considered the following 5 questions pertaining to area variances:

1. 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 ZBA feels that the character will not be altered.

2. whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance:

The current design was settled to maintain the current entrance and exit, the same non-conformable issue would result no matter where the addition would be built. There is no

feasible alternative in order to retain the existing house. The remaining land will stay open as the addition will be close to the road without building out. Ms. Bassin asked Mrs. Borgeson of her plans for land use. Mrs. Borgeson answered that she only plans to possibly keep chickens and a garden. Ms. Bassin added that this keeps the rural character of the houses on the road.

3. whether the requested area variance is substantial;

The new addition would be substantial because the porch would be 11ft from the road and the new addition would be 21ft from the road.

4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

There are no physical environmental issues and no adverse impacts on the neighborhood or district.

5. whether an alleged difficulty is self-created.

Since the existing house was in Mrs. Borgeson's family for 4 generations, the variance was not self-created. However, the variance was self-created because of the new addition.

The ZBA asked the applicants if they know their neighbors well and how long they have been visiting Ancram. Mrs. Borgeson answered that she knows her neighbors well and has been visiting Ancram her whole life either in this house or another house in the area. They have been coming up as a couple for 10 years.

Chair Wilcox opened the public hearing. Mr. Schneeberger asked if the roof line will be changed to the existing house on the porch. Mr. Petrucci said the line will be changed to conform to the addition. No further questions were asked.

Chair Wilcox closed the public hearing.

Ms. Bassin motioned to approve the Area Variance. Mr. Schneeberger seconded the motion. An individual vote was taken and the variance was unanimously approved. The variance will be filed with the building inspector and Town Clerk. This is not a building permit, the Area Variance will need to be filed with the town and county to acquire other necessary permits.

Mr. Waldorf motioned to end the meeting, Ms. Bassin seconded, the meeting was adjourned at 7:56pm.