

***Town of Olive***

***Zoning Board of Appeals***

**P.O. BOX 513, Shokan, New York 12481**

 William Vilkelis

 Chairman

 Members

Sandy Friedel

Frederick Perry **DRAFT**

Chet Scofield

Brian O’Rourke

 **MINUTES**

June 1, 2023

1. Opening:

# The Town of Olive Zoning Board of Appeals met on Thursday, June 1, 2023 to hold a regular meeting and Public Hearing for Matt Gillis representing Isabel Bengtson. Chairman Vilkelis brought the meeting to order at 7:30 p.m., at which time the Chairman led the Pledge of Allegiance to the flag.

1. Record of Attendance:

 William Vilkelis

Fred Perry

Sandy Friedel

Brian O’Rourke

Chet Scofield

1. Approval of Minutes:

On an Friedel/Scofield motion the Board dispensed the reading of the May 4, 2023 minutes, and accepted them as written.

1. Regular Meeting:

The clerk, Janelle Perry, advised the members that there will be a few applications for the July meeting. There is an applicant needing a variance to put up a shed on property located on Shokan Park Road, and another application is for property located on Kolb Road. The Kolb Road property has received a denial letter from the Building Department for a shed that is already on the property that violates the setback standards.

1. Public Hearing:
	1. Application 23-04 of Matt Gillis, for properties owned by Isabel Bengtson located at 189 and 201 Mill

 Road, and 139 Acorn Hill Road, Olivebridge, NY 12461 The hearing for Matt Gillis opened at 7:40

 p.m. at which time Chairman Vilkelis reviewed the rules for conducting a public hearing. The

 secretary read the legal notice appearing in the May 25, 2023 issue of the Daily Freeman announcing

 the applicants’ appeal “…for a variance of Article IV, Section 155-16/ Article X, Section 155:A1(1)

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of the zoning ordinance to permit a residential lot containing less than three acres in a R/R-3A acre zone, and an area variance of Article IV, Section 155-16/ Article X, Section 155:A1(3) of the zoning

ordinance to change the lot depth requirement from 400’ to 257.02’. Additionally, requested is a

variance of Article IV, Section 155-16/Article X, Section 155:A1(6) of the zoning ordinance to

change the rear yard setback from 75’ to 68.19’ and Section 155:A1(5) of the zoning ordinance to

change the side yard setback from 50’ to 25.62’ to allow for existing structures in order to facilitate lot

 line adjustments.”

Present at the meeting is Matt Gillis. Chairman Vilkelis asked him to briefly explain the purpose for his variance request. Mr. Gillis explained that his mother-in-law, Isabel Bengtson owns four non-conforming lots on the corner of Mill Road and Acorn Hill Road. They have owned the parcels since the 60’s when they moved out of the city. She has moved out of the main house into a one-story home in Kingston. The intent is to combine the four lots to make two lots and adjust the lot lines so the well that services the smaller house will be on the same parcel of land, it is currently located on the parcel with the main house. Parcel A with the main house, will be 3.821 acres, and Parcel B will be 1.631 acres. This will make one lot conforming in the three-acre zone and the other will be less non-conforming. The variances are needed to allow for existing structures already located on the properties.

The recording secretary, Janelle Perry, reported that letters were sent out to all of the adjoining property owners. It is noted that the ZBA has received no written comments regarding the variance request. Chairman Vilkelis asked if there was anyone in the audience who wanted to speak on the application. Present at the meeting is Mary Lou Giuliano who has property across the street on Mill Road and she has a letter from Craig Christiani, another adjoining property owner on Mill Road. Mr. Christiani is not in support of the application. Mary Lou Giuliano remarked that they weren’t aware of the reason for the request as it appears it isn’t a hardship case. Mr. Gillis explained that Mrs. Bengtson no longer lives on the property and she would like to sell it, however, the bank prefers that the well servicing the house should be on the property. Mrs. Giuliano said that the concern is if the property is sold, will there be a vacant lot left for additional construction. She said that they already have a problem with the water table and had to drill the well deeper after the last new construction in the area. Mr. Gillis pointed out all of the lot line changes that are being proposed and assured Mrs. Giuliano that there would be no additional construction. She understands the reason for the lot line changes and the need for the variances and has no problem as long as no additional construction and wells will be happening. Also present at the meeting is adjoining property owner, Ternice Winne, and she felt that the requested changes make sense.

With no further discussion to be held on the application the public hearing was closed at 8:03 p.m. on a Perry/O’Rourke motion.

1. Discussion:

After reviewing the appeal, the Board has come to the following Findings of Fact:

1. The concerns of adjoining neighbors were considered and satisfactorily resolved.
2. The lots were created before zoning and there will be no changes to the outward appearance of the properties in question. No additional structures will be added to the properties. The lot line adjustments will be changing four non-conforming lots into one conforming lot and one less non-

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conforming lot. It will also allow the well servicing the house at 139 Acorn Hill Road to be on the same parcel as the house, which is a requirement of the bank in order to sell the property.

 C) There are no adverse effects on the physical or environmental conditions of the neighborhood by

 allowing the variance request.

1. No public interest would be served by denying the applicant’s request.
2. There is no detriment to the health, safety and welfare of the community by granting this variance.

On a Perry/Friedel motion it was agreed that the Board vote on the appeal to grant a variance of Article IV, Section 155-16/ Article X, Section 155:A1(1) of the zoning ordinance to permit a residential lot containing less than three acres in a R/R-3A acre zone, and an area variance of Article IV, Section 155-16/ Article X, Section 155:A1(3) of the zoning ordinance to change the lot depth requirement from 400’ to 257.02’. Additionally, the Board agreed to grant a variance of Article IV, Section 155-16/Article X, Section 155:A1(6) of the zoning ordinance to change the rear yard setback from 75’ to 68.19’ and Section 155:A1(5) of the zoning ordinance to change the side yard setback from 50’ to 25.62’ to allow for existing structures in order to facilitate lot line adjustments.

A roll call vote was taken which resulted as follows:

 --Brian O’Rourke voted in favor of granting the variance.

 --Chet Scofield voted in favor.

 --Fred Perry voted in favor.

 --Sandy Friedel voted in favor.

 --Bill Vilkelis voted in favor.

1. Adjournment:

With no further business to discuss, the meeting was adjourned at 8:16 p.m. on a Perry/Vilkelis motion.

1. Next Meeting:

The next meeting of the Board will be held at 7:30 p.m. on Thursday, July 6, 2023.