TOWN OF STANFORD

ZONING BOARD OF APPEALS

MEETING OF JULY 12, 2023

PRESENT: Kathy Zeyher, Chair

James Myers

Patrick Tierney

Steve Mosher

Benjamin Rathjen

OTHERS PRESENT: Wendy Burton, Town Board Liaison

Ms. Zeyher called the meeting to order at 7:30 PM.

MINUTES: Minutes of May 10, 2023 and June 14, 2023 were reviewed. Mr. Myers made the motion to accept the minutes with correctIons. Seconded by Mr. Mosher. All in favor: Unanimous.

PUBLIC HEARING:

THOMAS SOUTHERN SIDE VARIANCE OF 8 FEET: Mr. Southern of 25 Trestle Lane is requesting an 8 foot variance to construct a detached garage. Motion to open the public hearing was made by James Myers and seconded by Pat Tierney. All in favor: Unanimous. There being no comments from the public, James Myers made the motion to close the public hearing and Patrick Tierney seconded All in favor: Unanimous. Mr. Myers made the motion to approve the request for an 8 foot side variance. Seconded by Mr. Mosher. All in favor: Unanimous.

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RESOLUTION FOR GRANTING THOMAS SOUTHERN VARIANCE

**WHEREAS** the requested variance will not be detrimental to nearby properties as it is consistent with neighboring properties and

**WHEREAS** no undesirable change will occur in the character of the neighborhood as the garage will be added to the existing home and

**WHEREAS** there are no alternative (feasible) methods available to the applicant

as the driveway and house are existing and

**WHEREAS** the requested variance is substantial and

**WHEREAS** there are no effects and/or impacts the variance will cause to the physical and/or environmental conditions existing in the locality as the proposed garage is located on an existing driveway and

**WHEREAS** the requested variance is not a result of a “self-created hardship” as it is an existing driveway.

Takin into consideration the “benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such a grant”, do the five factors when considered together, balance in favor of granting the variance? Mr. Myers made the motion to approve the variance and Mr. Rathjen seconded the motion. All in favor: Unanimous. Variance approved.

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PUBLIC HEARING:

Ms. Zeyher made the motion to open the public hearing. Seconded by Mr. Myers.

Benjamin Rathjen 158 CharwIll Drive, Clinton Corners, NY. Changing the identification of his property from Contractor’s Yard to Nursery and Horticulture use. Mr. Rathjen recused himself from the Board.

Ms. Zeyher gave a brief review regarding Mr. Rathjen’s request for property use determination and is as follows.

On May 10, 2023 Mr. Rathjen appeared to the ZBA with concerns of an enforcement visit by Don Smith, ZEO to his property at 158 CharwIll Drive, Clinton Corners, NY regarding violations of guidelines placed on the property as per a letter dated March 23 2023, from Don Smith, ZEO. These guidelines are not included in the Stanford Zoning code, the ZEO only has the power to enforce zoning law as written.

On June 14, 2023, Mr. Rathjen appeared before ZBA with the request for a property use determination of 158 CharwIll Drive questioning a “contractor yard” versus “nursery and horticultural use”. Request was based on a letter dated May 31, 2023 from Don Smith, ZEO, rescinding guidelines on the property with a notice violation for an unpermitted contractor yard. Mr. Rathjen presented documentation of the property for ZBA review and a public hearing was set for 7-12-2023. Site visits to be made individually by ZBA members.

Ms. Zeyher invited Mr. Rathjen to speak. SEE ATTACHED

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Ms. Zeyher invited the public to speak.

Mr. Jacob Angel of 682 Willowbrook Road, just down the road from 158 Charwill Drive. Mr. Angel stated that he has called Stanfordville his home his entire life and worked hard to build a business in Stanfordville. In this day and age we are told the American dream is not achievable anymore. What I can tell you from experience and what I witnessed being a neighbor to 158 Charwill is that through hard work you can still provide that dream and provide a living for a family in this town. Ben is not only providing for his family and other families in this community but some of you don’t also realize that he and his wife are providing for a child in need and are providing this child with a home and shelter and love as the government decides this child’s fate. As a community we need to work to build each other up and support one another. He stated he is happy to call Ben a neighbor and he has his full support to operate his business in this town.

Mr. James King, 176 Charwill Drive. Mr. King handed a letter to the Board members reflecting actions he has taken over the past two years. SEE ATTACHED In reading this letter Mr. Friedman gave his three minutes for Mr. King to continue and Susan King 176 Charwill Drive also gave her three minutes for Mr. King to continue.

Ildiko Babrik, 184 Charwill Drive. Ms. Babrik submitted a copy from the Town tax roll regarding this property stating that it is being taxed as a single family dwelling. Her concerns are too many trucks, concern for children and animals.

Amy Dieterle, 89 Charwill Drive, shared her concerns regarding traffic and her children and dogs safety.

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Mr. Robert Byrnes, 186 CharwIll Drive, shared his concerns over “noise, dust, fumes, traffic and property values. SEE ATTACHED

Barbara Warren 131 Charwill Drive. Believes that this property is a contractor’s yard since it is a violation of a large scale business. She feels that it should be in a

commercial zone. Ms. Warren spoke of the comprehensive plan. Inquired about the status of the EAF. She provided documents regarding noise, traffic and environmental concerns. Ms. Shout, 92 Scenic Drive, gave Ms. Warren 3 mins.

David Warren 131 Charwill Drive gave 3 mins.

Greg Arent, 57 CharwIll Drive, read a letter from Travis Christian, 166 Charwill Drive, regarding his concerns.

SEE ATTACHED

Michael O’Dell 350 Jamison Hill Road. Stated he had a landscaping business move by him. Noisy. Has made many calls to town but no resolution. Wants to know what the law is.

Martina Deignan, 123 Shelly Hill Road. The larger issue is zoning. There is an open question regarding zoning where she lives. It is so important to enforce the codes.

Mark Burdick, 19 Burdick Way. Addressed the nursery part of discussion. In l980, the first master plan was passed in Stanfordville, indicating that the biggest activity was agriculture. In 1985, the zoning ordinance was passed and biggest activity was agriculture. Nursery and Horticulture is allowed by right in all but lake areas. Spoke regarding permits allowed in town. Mark is in favor of Mr. Rathjen’s request.

Mr. Burdick is in favor of Mr. Rathjen. Mr. Rathjen does not need a permit.

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Ms. Zeyher read a letter from Mr. Dunlop 6-14-2023. Stated he lives across from 158 Charwill. Supports Mr. Rathjen, and is in agreement with the use. SEE ATTACHED.

Ms. Zeyher read a letter from Jeanne Stalker. Jeanne Stalker supports Mr. Rathjen, stating that she has no problem with noise. She did state that there is a general increase in traffic throughout the Town. Stated that all proper permits were issued. SEE ATTACHED.

Ms. Zeyher read a letter from Elizabeth Cosgrove in which she discussed Zoning Inspector issues, and permits. Time donated to the reading: Jeff Spahn and Diane Dufuse. SEE ATTACHED

Ben Rathjen, 158 Charwill Drive. Mr. Rathjen stated that most of these or all of the complaints are about noise and traffic, both of which are not zoning issues per our zoning code.

Ms. Zeyher asked for any more comments. There being no further comments,

Mr. Myers made a motion to close the public hearing and it was seconded by Mr. Mosher. All in favor: unanimous.

Ms. Zeyher gave a brief overview of codes as per New York Zoning law and stated that this is a Type 2 action with no Environmental Impact Assessment required. It is a permitted use in all districts except for lake areas.

Mr. Myers clarified only the Town Board has the power to appoint to the ZBA not the ZBA. Mr. Myers stated ZBA cannot change zoning code nor enforce code.

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Ms. Zeyher made a motion to negate property use of contractor’s yard and declare the property use as a nursery and horticultural use . Seconded by Mr. Myers and Mr. Tierney. All in favor: Unanimous.

Respectfully submitted by\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mary Dalton

Approved by\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kathryn Zeyher, Chair