

**Town of Dover
Zoning Board of Appeals**

Monday, December 9, 2024, 7:00 p.m.

126 East Duncan Hill Road

Dover Plains, NY

Members

Chairwoman Debra Kaufman

Member Joseph Tchorzyk

Member Jacob Troupe

Member Joanne Yager

Secretary Marilyn Van Millon

-
1. **Called to Order/Pledge of Allegiance**
 2. **Approve the Minutes of the September 6, 2024 Meeting**
 3. **Public Hearing**
 - a. **42 Midfield Lane - Warehouse**
Parcel: 7063-00-580688

Plans Prepared by: Raymond Nelson, A/A- Earthwise Architecture

Property location: 42 Midfield Lane, Dover Plains, NY 12522

Application for: Use Variance
 4. **Future Scheduled Meetings**
 5. **Adjournment**



TOWN OF DOVER ZONING BOARD OF APPEALS MEETING

Monday, September 9, 2024

The Town of Zoning Board of Appeals held a regular meeting at 7:00 pm on September 9, 2024 with the following members present:

Debra Kaufman Joanne Yager
Joseph Tchorzyk Jacob Troupe

In attendance: ZBA Secretary, Marilyn Van Millon

Call Meeting to Order/Pledge of Allegiance at 7:04 PM

Minutes

Chairwoman Kaufman motion to Accept the March 1, 2023 Meeting Minutes; second by Member Yager; all in favor.

Chairwoman Kaufman welcomed Joseph Tchorzyk and Jacob Troupe, the newly appointed members to the Zoning Board of Appeals

Chairwoman Kaufman thanks the retiring members Patrick Orlando and Gregory Mendenhall for their service

Future Scheduled Meetings

Revised 2024 Meeting and Deadline Schedule

The following is the revised list of the Town of Dover Zoning Board of Appeals deadlines and meetings. This schedule was created by use of the guidelines the ZBA has in place. This schedule can be changed only at a formal ZBA meeting by way of a motion being made and a vote of the membership on record.

As of September 1, 2024 the **Zoning Board of Appeals meetings are scheduled for the 2nd Monday** of each Month at 7:00pm at the Town Hall and the deadline for any and all submissions is before **Noon on the Deadline Dates listed below.** To make these deadlines, submissions must be received or be emailed to the LandUse@DoverNY.us.

| MEETING DATE | DEADLINE DATE |
|---|----------------------|
| September 09, 2024 | August 19, 2024 |
| October 14, 2024 (No Meeting – Columbus Day) | |
| November 06, 2024 (No Meeting – Veteran’s Day) | |
| December 05, 2024 | November 18, 2024 |

* All meeting dates are subject to change. Please call the Town of Dover Zoning Board of Appeals Office (845) 832-6111 ext 100 to confirm monthly dates or go to www.DoverNY.us

Member Yager motioned to approve the 2024 Revised Meeting and Deadline Schedule; seconded by **Member Tchorzyk**; all in favor.

Meeting and Deadline Schedule for 2025

The following is the list of the Town of Dover Zoning Board of Appeals deadlines and meetings. This schedule was created by use of the guidelines the ZBA has in place. This schedule can be changed only at a formal ZBA meeting by way of a motion being made and a vote of the membership on record.

The **Zoning Board of Appeals meetings are scheduled for the 2nd Monday** of each Month at 7:00pm at the Town Hall and the deadline for any and all submissions is before **Noon on the Deadline Dates listed below. To make these deadlines, submissions must be received or be emailed to the LandUse@DoverNY.us.**

| <u>MEETING DATE</u> | <u>DEADLINE DATE</u> |
|-----------------------------|----------------------|
| January 13, 2025 | December 23, 2024 |
| February 10, 2025 | January 21, 2025 |
| March 10, 2025 | February 18, 2025 |
| April 14, 2025 | March 24, 2025 |
| May 12, 2025 | April 21, 2025 |
| June 9, 2025 | May 19, 2025 |
| July 14, 2025 | June 23, 2025 |
| August 11, 2025 | July 21, 2025 |
| September 08, 2025 | August 18, 2025 |
| October 13, 2025 | |
| (No Meeting – Columbus Day) | |
| November 10, 2025 | October 20, 2025 |
| December 08, 2025 | November 17, 2025 |

* All meeting dates are subject to change. Please call the Town of Dover Zoning Board of Appeals Office (845) 832-6111 ext 100 to confirm monthly dates or go to www.DoverNY.us

Member Troupe motioned to approve the 2025 Meeting and Deadline Schedule; seconded by **Member Tchorzyk**; all in favor

Member Yager Motion to Adjourn the meeting at 7:07PM seconded by **Member Troupe**; all in favor

Respectfully submitted
Marilyn Van Millon
Zoning Board of Appeals Secretary

EARTHWISE
ARCHITECTURE

RECEIVED
OCT 07 2024
BY: *M. Van Millon*

October 7, 2024

To: Marilyn VanMillon
Zoning Board of Appeals
126 East Duncan Hill Road
Dover Plains, NY 12522

Regarding: 42 Midfield Lane, Tax Map Number 132600-7063-00-580688

Dear Marilyn VanMillon,

We are applying for a zoning variance for 42 Midfield Lane. The lot is divided by two zoning districts. The front half of the lot is in the CO, Commercial/Industrial/Office zone. The back half of the lot is in the HM, Hamlet Mixed Use district. The HM district is land locked by the railroad the East, the 10 Mile River and a RU Rural zoned lot to the North, and wetlands on a 17 acre parcel zoned for HM but used by a two family residence with no direct access to Market street by the train station.

Since the front half of the lot is presently used for commercial it only makes sense that the rear of the lot should be allowed to be used for the same use. We have no direct access to the Hamlet making it impossible to be an extension of that use.

Respectfully,



Raymond Nelson, AIA

Ray Nelson dba Earthwise Architecture

APPENDIX A

[Faint, illegible text, likely bleed-through from the reverse side of the page]

Town of Dover Zoning Board of Appeals

Town of Dover
126 East Duncan Hill Road
Dover Plains, NY 12522



(845) 832-6111 Ext 100
(845) 832-3188 fax

APPEAL / VARIANCE APPLICATION

RECEIVED
OCT 07 2024
BY: *Maria Pella*

Dear Applicant:

Attached is an application to the Zoning Board of Appeals (ZBA). Please submit all applicable information on the Checklist along with eight (8) copies of all information, an electronic copy (flash drive) and required fees and escrow to the Zoning Board of Appeals Office before the deadline date which is on the website or by contacting the ZBA Secretary (845.832.6111 x 100). Meetings are scheduled for the 1st Wednesday of every month at the Dover Town Hall at 7:00 pm (unless specified otherwise).

The applicant is responsible for any costs incurred for public hearing notices and review of the application by town consultants, if needed. A \$300 escrow fee is required with the application in a separate check to cover these costs.

If the matter before the Zoning Board of Appeals was canceled on the part of the applicant, there will be no refund of the application fee.

Applicants before the Board must have all of the information necessary for submittal, as they will be required to pay a new application fee if the matter cannot be heard when scheduled. If it is determined that the application is complete, the applicant will be notified when the public hearing will take place; the Poughkeepsie Journal and all contiguous neighbors will also be notified by the ZBA Secretary. Incomplete applications will not be put on the Agenda.

If an applicant decides to postpone or cancel his/her appearance, please telephone the ZBA Secretary, **AT LEAST 48 HOURS IN ADVANCE** since there are clerical functions which must take place, i.e., notifying property owners, notice in paper, etc.

Please supply a cover letter and describe the project in your own words including any hardships involved.

The applicant is responsible for adhering to Chapter 145, Sections 145-58 and 145-59 of the Town of Dover Zoning Law available online at www.ecode360.com/DO1139 (Links, Town Code) or from the Town Clerk for a fee.

By signing this letter, the applicant gives permission to all ZBA members to do a site walk on the property prior to the public hearing.

I have read the above and fully understand my responsibilities.

Raymond R. Nelson
Name (please print)

[Signature]
Signature

7/3/24
Date

Appeal / Variance Checklist

> Eight copies (supplied by the applicant) of the following items are required to apply to the Zoning Board of Appeals for a variance, an interpretation of the Town of Dover Zoning Law or a reversal of a decision by the Code Enforcement Officer. An application may not be filed until the Code Enforcement Officer has made a decision on a building or zoning permit application, except where an area variance is requested in connection with a special permit or site plan approval from the Planning Board. Incomplete applications will not be put on the Agenda.

✓ Appeals / Variance Application

✓ Disclosure of Interest Form

 Cover letter describing the project in detail including any hardships involved

NA Agricultural Data Statement (for Use Variances only) if the property is in an agricultural district and contains a farm operation, or if the property is within 500 feet of a farm operation in an agricultural district

 Building Permit Application with copies of all drawings and maps showing the proposed building(s) and site alterations with dotted lines and showing existing building(s) and other improvements with solid lines submitted to Building Department

 Building Inspector's Denial (Decision of Code Enforcement Officer)

 Site plan of the property showing adjacent or nearby villages or towns, county or state parks or other recreation areas, county or state roads or highways, county-owned or managed streams or drainage channels and state-owned lands with public buildings, all other building locations and setbacks from other buildings and property lines noted with measurements within a quarter-mile radius

 Copies of all applications, attached information, and decisions if matter is being heard by another Board

FEES:

| | | |
|-----------------|---|--------------------------|
| <u>150</u> | Application | \$150.00 |
| <u>300</u> | Variance | \$150.00 (each variance) |
| <u> </u> | Interpretation | \$150.00 |
| <u> </u> | Reversal of Decision by Code Enforcement Officer | - \$150.00 |
| <u> </u> | TOTAL (checks payable to <u>Town of Dover</u>) | |
| <u> </u> | Escrow - \$300.00 (Separate Check payable to the Town of Dover) | |

Town of Dover Zoning Board of Appeals

Town of Dover
126 East Duncan Hill Road
Dover Plains, NY 12522



(845) 832-6111 Ext 100
(845) 832-3188 fax

APPEAL / VARIANCE APPLICATION

Project Name: 42 MIDFIELD LANE WAREHOUSE

Application Number: _____
(to be determined by ZBA Clerk)

Grid Number: 580688

Type of Application: _____ Area Variance _____ Reversal or Modification of:
(check all that apply) X Use Variance _____ Decision of CEO
_____ Interpretation of Zoning Text or Map

Property Address: 42 MIDFIELD LANE
Current Use(s): Commercial
Proposed Use(s) and/or Structure(s): WAREHOUSE

Property Information:
Land Use District: CO/HM
Overlay Districts (if any): _____
Lot Area: 17.92 ACRES

Primary Contact Person: RAY NELSON
Brief Description of Proposed Use/Activity
WAREHOUSE

Provisions(s) of the Zoning Law relating to this application, and variance(s) from zoning sought, if any:

(attach additional sheets, if necessary):
Address: _____

145-10.B PERMITTED USE
145-11.B MIX FOOTPRINT

Phone Number: _____
E-mail: _____

Name of Property Owner: SAL CASCIANO

Address: 13 LACKAWANNA ROAD

Phone Number: 518-329-8503
E-mail: _____

Is there an existing Special Permit, Variance, and/or Site Plan approval for the property?

[] yes, granted on _____ [X] no

Name of Applicant: (if different)

RAY NELSON
Address: 41 BARTON ST.
MILLERTON, NY 12546

Phone Number: 845-233-1133
E-mail: earthwiseArch@gmail.com

Relationship of Applicant to Owner
(e.g., contract vendee, option holder, lessee):
ARCHITECT

Does the property contain a farm operation located within an agricultural district or is the property boundary within 500 feet of a farm operation located in an agricultural district?

[X] yes [] no [] not applicable

RECEIVED
OCT 07 2024

BY: [Signature] Page 8 of 14

REASON FOR APPEAL / VARIANCE (Complete where applicable. Use extra sheet if necessary)

A. INTERPRETATION of the Zoning Law is requested because: _____

B. REVERSAL OR MODIFICATION of a decision by the Code Enforcement Officer is requested because: _____

C. A USE VARIANCE is requested for these reasons (all blanks must be filled in):

(1) The applicant cannot realize a reasonable return from the property for any use allowed by the Zoning Law because: _____

The property was acquired in the year _____ for \$_____. The applicant has invested \$_____ in the property since that time, and the largest return that can be expected from using the property as a _____ (most valuable use allowed by the Zoning Law) is \$_____ per year. The value of the property under the current Zoning Law, as determined by competent financial evidence submitted herewith, is \$_____. The expected return and/or property value from other uses allowed by the Zoning Law ranges from \$_____ to \$_____. (Please attach a list of all permitted and special permit uses and their probable return and value.)

(2) The hardship relating to this property is unique, and does not apply to a substantial portion of the district or neighborhood because:
THE LOT IS LAND LOCKED THE HM ZONE ON THE BACK HALF OF THE LOT IS ISOLATED FROM THE REST OF THE HM ZONE

(3) The variance will not alter the essential character of the neighborhood because:
THE BULK OF THE LOT IS ALREADY CO AND USED AS SUCH.

(4) The hardship is not self-created because:
THE LOT WAS DIVIDED BY THE ZONING MAP

AGRICULTURAL DATA STATEMENT

(for Use Variances only)

if the property is in an agricultural district and contains a farm operation,
or if the property is within 500 feet of a farm operation in an agricultural district

Project Name: A2 MIDFIELD LANE

Application Number: _____ Grid Number: 580688

Type of Application: Subdivision Special Permit Site Plan Use Variance

Please list names and addresses of owners of land which contain farm operations and which is located within an Agricultural District and within five hundred feet of the boundary line of the property upon which the project is proposed (use additional sheet if more space is needed):

(1) MELVIN D. KELLER (5) _____
129 BENSON HILL ROAD _____
DOVER NY 12522 _____

(2) DOVER LIVESTOCK LLC (6) _____
P.O. BOX 1001 _____
DOVER PLAINS NY 12522 _____

(3) DOVER LIVESTOCK LLC (7) _____
P.O. BOX 1001 _____
DOVER PLAINS, NY 12522 _____

(4) _____ (8) _____

Applicant must attach a tax map or other map showing the site of the proposed project in relation to the farming operations described above.

 _____
Signature of Applicant

10/7/24
DATE

D. AN AREA VARIANCE is requested for these reasons:

(1) If the variance is granted, the applicant will have the following benefit:

- ① COHESIVE USE OF THE LOT
- ② BE ABLE TO EXPAND THE USE.

(2) There will not be an undesirable change in the character of the neighborhood or a detriment to nearby properties because:

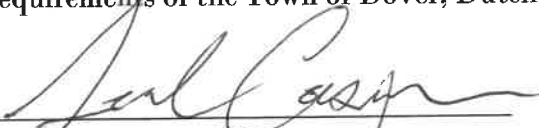
THE PROPERTY IS ISOLATED BY THE TRAIN TRACKS AND THE 10 MILE RIVER AND WET LANDS


(3) The applicant cannot attain the benefit of having the variance by any other method because:

(4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:

SEE #2

The undersigned hereby makes an application in accordance with all applicable laws and other requirements of the Town of Dover, Dutchess County, New York.

 _____ Date 7/5/24

 _____ Date 7/5/24

DISCLOSURE OF INTEREST FORM

Project Name: NEW WAREHOUSE @ 42 MIDFIELD DRIVE

Application Number: _____

Grid Number: 500623

Section 809 of the General Municipal Law provides as follows:

1. Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit, pursuant to the provisions of any ordinance, local law, rule, or regulation constituting the zoning and planning regulations of a municipality shall state the name, address, and the nature and extent of the interest of any state officer and any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership, or association making such application, petition, or request (hereinafter called the applicant) to the extent known to such applicant.

2. For the purpose of this section, an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them.

(a) Is the applicant, or

(b) Is an officer, director, partner, or employee of the applicant, or

(c) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or

(d) Is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition, or request.

3. Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

In connection with said application, petition or request, the undersigned hereby states, pursuant to the provision of Section 809 of the General Municipal Law, the name, residence, and the nature and extent of the interest of any state officer or employee of the Town of Dover and/or the County of Dutchess, in the person, partnership, or association making the application, petition, or request (hereinafter called the "applicant"). If none, insert the work "none" NONE

[Handwritten Signature]
Signature of Applicant

7/5/24
Date

Town of Dover Zoning Board of Appeals

Town of Dover
126 East Duncan Hill Road
Dover Plains, NY 12522



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Respectfully submitted,

Marilyn Van Millon

Marilyn Van Millon, Zoning Board of Appeals Secretary

Motion to Approve was made by Member Troupe;
Second by Member Tchorzyk
All in favor