

Town of Dover Zoning Board of Appeals

Monday, April 14, 2025, 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 Allegience
- 2. Acceptance of the December 9, 2024 Meeting Minutes
- 3. Public Hearing
 - a. Wenglowski Subdivision

Parcel: 7261-00-002513

Plans Prepared by: Zarecki & Associates, LLC

Property location: 246-252 SE Mountain Road, Wingdale, NY

Application for: Two area Variances

- 4. Future Scheduled Meetings
 - a. Future Scheduled Meetings
- 5. Adjournment



TOWN OF DOVER ZONING BOARD OF APPEALS MEETING Monday, December 9, 2024

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

Debra Kaufman, Chair Joseph Tchorzyk Jacob Troupe Joanne Yager

In attendance: Zoning Board of Appeals Attorney Brendan Liberati, ZBA Secretary Marilyn Van Millon

Call Meeting to Order/Pledge of Allegiance at 7:00 PM

Acceptance of the September 9, 2024 Meeting Minutes

Member Tchorzyk motioned to accept the September 9, 2024 Minutes; Second by

Member Troupe; all in favor

Member Yager motion of Open the Public Hearing; Second by Member Tchorzyk; all in favor

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

Mr, Nelson was unable to attend. Chair Kaufman acknowledged a letter received from Mr. Nelson before the meeting this evening. With no questions from public, the Board or Counsel; Chairwoman Kaufman stated that because of the operation of SEQRA, the Zoning Board would want to have a negative declaration first adopted by the Planning Board for the project before we can vote. The Zoning Board can advise the applicant that while it can't vote.

Motion to continue the Public Hearing Open was made by Member Yager; second by Member Troupe; all in favor.

Member Tchorzyk motion to adjourn at 7:05 PM; second by Member Yager; all in favor.

Respectfully Submitted Marilyn Van Millon, Secretary Zoning Board of Appeals ZBA 2023 LandUse@DoverNY.us

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

Dear Applicant:

Attached is an application to the Zoning Board of Appeals (ZBA). Please submit <u>all applicable information</u> 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 1_{st} 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.

Name (please print)

Signature

3/17/25

Date

Appeal / Variance Checklist

Eight copies (<u>supplied by the applicant</u>) 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.

X	Appeals / Variance Application		
	Disclosure of Interest Form		
	Cover letter describing the project in detail including any hardships involved		
	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)		
X	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		
<u>FEES:</u> - - -	150.00 Application \$150.00 300.00 Variance \$150.00 (each variance) Interpretation \$150.00 Reversal of Decision by Code Enforcement Officer - \$150.00 TOTAL (checks payable to Town of Dover)		
	300.00 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



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APPEAL / VARIANCE APPLICATION

Project Name: Wenglowski Su	ubdivision
Application Number: (to be determined by ZBA Clerk)	Grid Number: <u>132600-7261-00-0025</u> 13
Type of Application: (check all that apply) X Area Variance Use Variance Interpretation	Reversal or Modification of:Decision of CEO of Zoning Text or Map
Property Address: 146-252 SE Mountain Road	Property Information: Land Use District: _ RC
Current Use(s): Residential Proposed Use(s) and/or Structure(s): 3-Lot Residential Subdivision	Overlay Districts (if any): Upland Aquifer Lot Area: 40.1 Acres
Primary Contact Person: Gary Wenglowski Brief Description of Proposed Use/Activity 3-Lot Residential Subdivision	
(attach additional sheets, if necessary): Address: 28 Partridge Ridge Road Katonah, NY 10536	Provisions(s) of the Zoning Law relating to this application, and variance(s) from zoning sought, if any LOT AREA
Phone Number: 845-590-5777 E-mail: gmwnonuk@verizion.net	LOT REQ'D PROVIDED VARIANCE REQUESTED 3 10 acres 8.78 acres 1.22 acres (Rear Lot) ROAD FRONTAGE
Name of Property Owner: Gary Wenglowski	LOT REQ'D PROVIDED VARIANCE REQUESTED 2 250 feet 77.19 feet 172.81 feet
Address: 28 Partridge Ridge Road Katonah, NY 10536 Phone Number: 845-590-5777	Is there an existing Special Permit, Variance, and/or Site Plan approval for the property?
E-mail:gmwnonuk@verizion.net	[] yes, granted on [X] no
Name of Applicant: (if different) Address:	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
Phone Number:E-mail:	boundary within 500 feet of a farm operation located in an agricultural district?
Relationship of Applicant to Owner (e.g., contract vendee, option holder, lessee):	[] yes [X] no [] not applicable

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

A .	NTERPRETATION of the Zoning Law is requested because:N/A	
В.	REVERSAL OR MODIFICATION of a decision by the Code Enforcement Offi because:N/A	
С.	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 by the Zoning Law because:N/A	
	The property was acquired in the year for \$ The application the property since that time, and the largest return that can be expected (most valuable use allowed by the Zoning Law) value of the property under the current Zoning Law, as determined by submitted herewith, is \$ The expected return and/or property by the Zoning Law ranges from \$ to \$ (Please attach a permit uses and their probable return and value.)	from using the property as a is \$ per year. The competent financial evidence value from other uses allowed
	(2) The hardship relating to this property is unique, and does not apply to a su portion of the district or neighborhood because: N/A	bstantial
	(3) The variance will not alter the essential character of the neighborhood becannyla	iuse:
	(4) The hardship is not self-created because: N/A	

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D. AN AREA VARIANCE is requested for these reasons:

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

The ability to create a three lot subdivision of the property that currently has two existing residences and an existing separate garage. The property has limited road frontage with the back two thirds of the property virtually land locked.

The area variance for the rear lot (lot #3) will allow the creation of a regularly shaped parcel without creating a lot line between lots #2 & #3 which would cross behind the existing dwelling on lot #2.

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

The lots for which the variances are sought is keeping with the adjoining properties as well as the surrounding properties in the neighborhood. The parcels for which relief is sought is not detrimental to nearby properties and has been referred to the ZBA by the Town of Dover Planning Board.

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

Without the frontage variance for lot #2, the existing residence could not be separated from the existing residence on lot #1. Without the lot area variance for lot #3 the new lot would have an undesirable property line separating lots #2 & #3 which would adversely affect the existing residence on lot #2. This lot #3 configuration has been reviewed by the Town of Dover Planning Board and has been referred to the ZBA for approval.

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

The proposed subdivision will separate existing structures and site improvements. There are no new site improvements proposed and will therefore, have no impact on physical or environmental conditions.

3/17/25

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

Signature of Record Owner

Date

Signature of Applicant (if different)

Date

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LandUse@DoverNY.us

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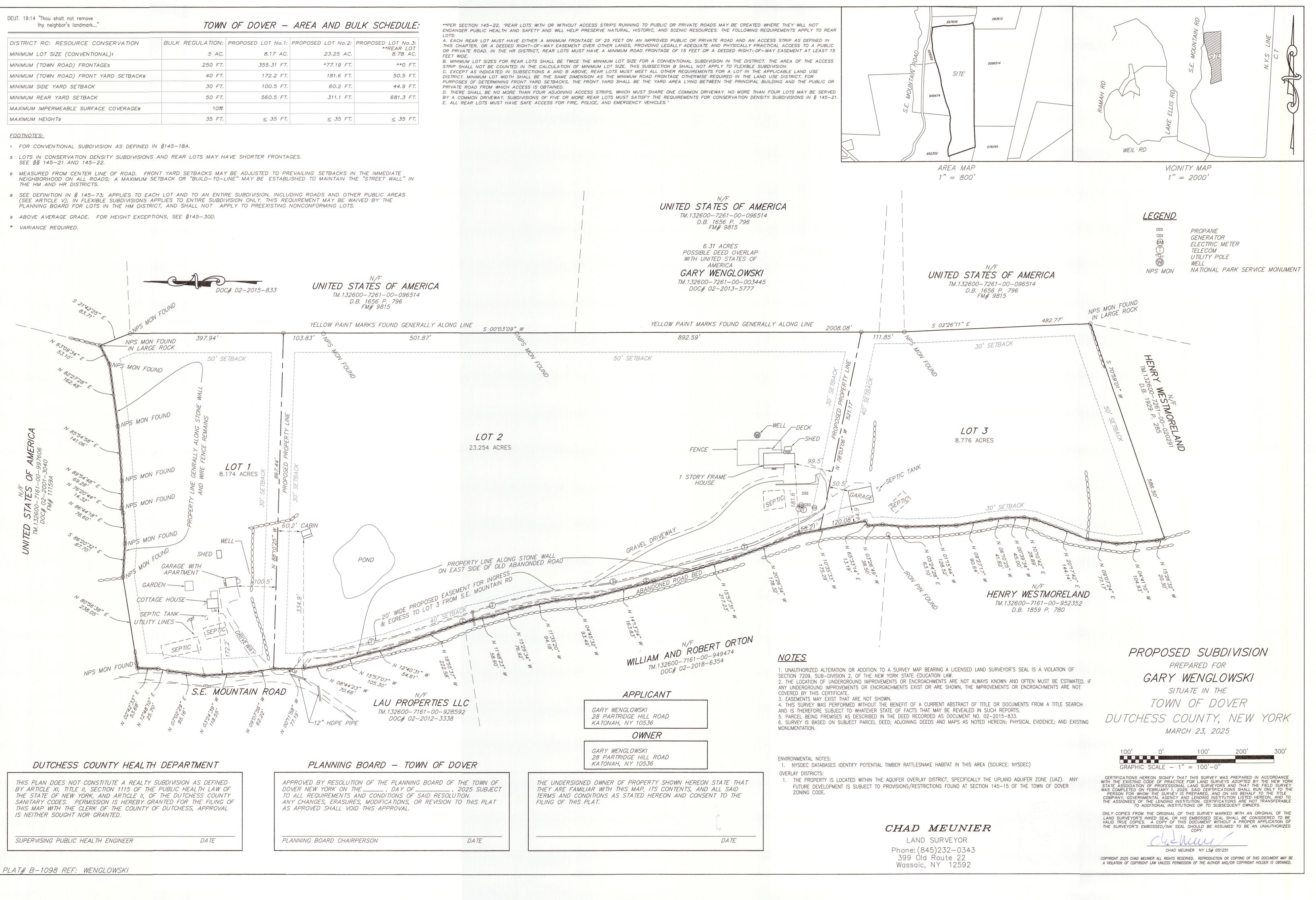
DISCLOSURE OF INTEREST FORM

Project Name: _	Wenglowski Subdivision
Application Number:	Grid Number: <u>132600-7261-00-002513</u>
Section 809 of the General Municipal Law	provides as follows:
plat, exemption from a plat or official malaw, rule, or regulation constituting the zaddress, and the nature and extent of the municipality or of a municipality of which	submitted for a variance, amendment, change of zoning, approval of a p, license, or permit, pursuant to the provisions of any ordinance, local oning and planning regulations of a municipality shall state the name, he interest of any state officer and any officer or employee of such a such municipality is a part, in the person, partnership, or association quest (hereinafter called the applicant) to the extent known to such
2. For the purpose of this section, an office he, his spouse, or their brothers, sisters, p	er or employee shall be deemed to have an interest in the applicant when arents, children, grandchildren, or the spouse of any of them.
association applicant, or (d) Is a party to an agreement with such	loyee of the applicant, or ols stock of a corporate applicant or is a member of a partnership or an applicant, express or implied, whereby he may receive any payment ces rendered, dependent or contingent upon the favorable approval of
3. Ownership of less than five percent of American Stock Exchanges shall not cons	the stock of a corporation whose stock is listed on the New York or stitute an interest for the purposes of this section.
4. A person who knowingly and intention	nally violates this section shall be guilty of a misdemeanor.
of Section 809 of the General Municipal any state officer or employee of the Town	ion or request, the undersigned hereby states, pursuant to the provision Law, the name, residence, and the nature and extent of the interest of of Dover and/or the County of Dutchess, in the person, partnership, or ion, or request (hereinafter called the "applicant"). If none, insert the
Signature of Applicant	Date

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 Nam	Wenglowski Subdivision	
Application Number:	Grid Number: <u>132600-7261-00-002513</u>	
Type of Application: Subdivision	Special Permit Site Plan Use Variance	
Please list names and addresses of of Agricultural District and within fiv proposed (use additional sheet if mor	wners of land which contain farm operations and which is located with hundred feet of the boundary line of the property upon which the property is needed):	thin an oject is
:	(5)	
(2)	(6)	
(3)	(7)	
	(8)	
Applicant must attach a tax map or operations described above.	other map showing the site of the proposed project in relation to the f	arming
My 3/17/ Signature of Applicant DA'		





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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.

MEETING DATE	DEADLINE DATE
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

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