



## **TOWN OF DOVER ZONING BOARD OF APPEALS MEETING**

**Monday, May 12, 2025**

The Town of Zoning Board of Appeals held a regular meeting at 7:00 pm on May 12, 2025 with the following members present:

Debra Kaufman, Chair  
Jacob Troupe

Joseph Tchorzyk  
Joanne Yager

In attendance: Zoning Board of Appeals Attorney Brendan Liberati, ZBA Secretary, Marilyn Van Millon; Richard Zapp (Wenglowski); Evan Pendleton (198 Dog Tail Corners)

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

#### **Minutes**

**Acceptance of the April 14, 2025 Meeting Minutes**

**Motion by Member Yager; Second by Member Tchorzyk; all in favor**

**Motion of Open the Public Hearings was made by Chairwoman Kaufman; Second: Member Tchorzyk; all in favor**

#### **Public Hearing**

**Wenglowski Subdivision  
Parcel: 7261-00-002513**

**Property Location: 246-252 SE Mountain Road, Wingdale, NY  
Application for: Two Area Variances**

Chairwoman Kaufman received the document for lead agency from the Planning Board; before this board can proceed

**Chairwoman Motion to continue the public hearing to the next meeting; Second by Member Troupe; All in favor**

**198 Dog Tail Corner  
Parcel: 7160-00-927735**

**Plans Prepared by: Insite Engineering, Surveying and Landscape Architecture, PC  
Property Location: 198 Dog Tail Corners Road, Wingdale  
Applicant: Gentle Place LLC  
Application for: Area Variance**

**Mr. Pendleton** gave a brief explanation of the project, the applicant would like to construct an accessory pre-fabricated one bedroom cabin on the property for visiting family members and guest to the existing residence, they are requesting an area variance from the town code 145-11(C) from the minimum square foot of floor area of 500 square feet, the cabin has a floor area of 399 square feet. **Chairwoman Kaufman** asked why at that part of the lot and not by the garage? **Mr. Pendleton** the cabin sits below the house and gets tucked into the slope. Chairwoman Kaufman went over the criteria for the variance which will be

included in the resolution. **Attorney Liberati** stated for the record that it is in the resolution as if you read the resolution in its entirety.

**RESOLUTION GRANTING AN AREA VARIANCE FROM SECTION 145-11 (C) OF THE  
TOWN OF DOVER ZONING CODE TO ALLOW FOR AN ACCESSORY APARTMENT  
WITH ONLY 399 SQUARE FEET OF FLOOR AREA WHERE 500 SQUARE FEET OF  
FLOOR AREA IS REQUIRED**

**WHEREAS**, the Owner, Gentle Place LLC (the “Owner”), is the owner of real property located at 198 Dog Tail Corners Road, Wingdale, New York 12594, also identified as Tax Map Parcel #7160-00-927735 (the “Premises”), which is in the RU Zoning District; and

**WHEREAS**, the Owner proposes constructing a one-bedroom accessory apartment within an accessory structure (pre-fabricated cabin) on the Premises, along with a new onsite sub-surface sewage treatment system and utility connections to the existing infrastructure; and

**WHEREAS**, on March 21, 2025, the Dover Building Inspector determined that the structure in question was not a dwelling unit, as defined in the Town Code, but that as an accessory structure, it would need to be 500 square feet, or the Owner would need to request an area variance from the Dover Zoning Board of Appeals (the “ZBA”); and

**WHEREAS**, the Owner has made an application to the ZBA for an area variance for floor area of an accessory apartment; and

**WHEREAS**, § 145-11(c) of the Dover Town Code requires a minimum floor area of 500 square feet for an accessory apartment, whereas the proposed accessory apartment has 399 square feet of floor area: **the variance requested is for 101.00 square feet**; and

**WHEREAS**, a public hearing was held at the Dover Town Hall, 126 East Duncan Hill Road, Dover Plains, New York 12522, on May 12, 2025, to consider the application; and

**WHEREAS**, the ZBA has considered the facts presented in the application and at the public hearing and finds that:

(1) The proposed application **will not** produce an undesirable change in the character of the neighborhood because it is a good location for the cabin, viewsheds are protected due to its location, and the variance allows for the accessory apartment to be even smaller than what the code requires, lessening any potential undesirable change in the character of the neighborhood.

(2) The benefit sought by the applicant **cannot** be achieved by any other feasible means because of the topography of the land without drastic changes in the existing landscape.

(3) The variance requested **is not** substantial because it is a request for only a 101 square feet variance, which the ZBA views as non-substantial.

(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 property is four acres, is heavily wooded, and has ample space for this accessory apartment: thus, the neighborhood will not be adversely affected by the proposed accessory apartment.

(5) The alleged difficulty necessitating the variance **was** self-created, **but it is not** sufficient to cause a denial of the requested variance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Dover Zoning Board of Appeals hereby **grants** the application of Gentle Place LLC for an area variance allowing the proposed accessory structure to be only 399 square feet.

**Date:** May 12, 2025

**Moved By:** Member Tchorzyk

**Seconded By:** Member Yager

**Resolution Approved:**

Debra Kaufman	<u>aye</u>
Joseph Tchorzyk	<u>aye</u>
Jacob Troupe	<u>aye</u>
Joanne Yager	<u>aye</u>

**Chairwoman Kaufman motion to close the public hearing; Second Member Troupe; all in favor**

**Future Scheduled Meetings**

**June 9, 2025 (Deadline May 19, 2025)**

**July 14, 2025 (June 23, 2025)**

**Member Troupe motioned to adjourn the meeting at 7:15PM; second: Member Tchorzyk; all in favor**