

Town of Lexington
Zoning Board of Appeals
Regular Monthly Meeting

Date:	March 1, 2023
Time:	6:00pm
Place:	Main Room, Lexington Town Hall Lexington, NY

Agenda

Name	SBL	Reason
Debra Scotto		New garage variance

- 1. Meeting Called to Order at ___6:05___pm**
- 2. Pledge of Allegiance**
- 3. Roll Call**

Sarah Pellizzari, Chair (X) Present () Absent
Nancy Wyncoop-Bower (X) Present () Absent
Ron Lipton (X) Present () Absent
Kim McGalliard, Secretary (X) Present () Absent

Deb Scotto present via Zoom

Quorum of ___3___ members present

- 4. Minutes from previous meeting**
Ron made a motion to approve, Sarah seconded, all in favor.

5. Review Scotto case

All members had relevant documents provided by Deb Scotto.

1. Building Permit Application
2. Zoning Variance Application
3. Reasons for Variance typed since my handwriting is awful!

4. Survey of added parcel at issue
5. Proposed Garage sited on Survey
6. Preliminary stamped plans from architect (see * on zoning app for possible changes)

Deb has designs to build a new garage on her land that will have less than 75 ft setback from Co Rt 2. Garage will have independent solar with battery storage. She is requesting an area variance per current zoning. The location is the only place to put the garage due to slope of property to the creek in the back of the property as detailed in the hardship explanation on the application.

Zoning board needs the specific number of feet in the request for a variance. She is requesting a 13 ft variance and will update the application with the specific number of feet she is requesting.

Ron – Doesn't have a problem with the distance but asks about flooding and if the garage will be in the flood zone.

Deb – Property is not in a flood zone – the embankment is steep enough to be above the flood zone.

Nancy – The survey document shows that the garage to be build is on a separate parcel of land. The survey says line is to be removed but on paper it looks like it is still on a separate parcel. Board can't approve a secondary structure if there isn't a primary structure on the property. After purchase of the property, did you apply for the combination of the parcels?

Deb - Never applied. She only gets one tax bill, but two parcel numbers were on the application.

Nancy looks online at the tax map. The GIS tax map shows the parcels have been merged with a new tax number 108.00-1-47. Tax map number is different so application will need to be revised. Deb agreed to update the application with the new tax number.

Sarah – Besides the hardship of the flatland, the primary structure is closer to the road than the garage will be. She suggests moving on with the procedure and next steps.

Nancy - Is she in the conservation or rural zoning? Confirms that she is in rural.

Nancy - Does DEP require that any building be 200 ft from a waterway? The garage design is 197 ft from the stream, but it is unclear from the drawing if the 197ft is the front of the garage or the back of the garage.

If the DEP requires 200 ft from the stream, the board can't give a variance if she is less than 200 ft. from the BACK of the building. Sarah requests the distance shown is clarified that it is either the front or the back of the building.

Sarah has a contact at the DEP and will confirm if there is a required distance from the stream.

Sarah - When are you trying to get started on the project?

Deb - Was hoping to start construction in May.

Sarah – This issue should stay on agenda as old biz for March 22 when an approval will be decided given new information. If approved, we would set public meeting for April meeting and vote then. Notices will go out to abutters for April public meeting.

Sarah – This also has to be referred to the county per 239 m general municipal law because it is on a county road. ZB needs to send documents to the county 30 days before the next meeting, so a referral can come back by the public meeting April.

ZB also needs to get payment is \$100. Write check to the town of Lexington. She can bring the check on March 22.

6. Communications

- Summary of relevant issues raised at Town Board meeting
 - Sarah went to the Town Board in December with the new application and process for applying to the Zoning Board. All was accepted by the TB. Asked for Kim to be voting member, but this was rejected because there can't be an even number of voting members.
- Confirmed that Sarah is liaison to Carl (CEO), Nancy is planning board liaison, Kim is STR liaison.
- Summary of relevant issues raised at Planning Board meeting
 - What is the process for referring from planning board to ZBA? PB chair needs to formally inform the ZBA secretary of any issues or items that may come before the ZBA
 - Last page of building permit application is for Carl to indicate if a project requires a variance. He is needs to notify ZBA if issues need to go before ZBA.
 - Suggest the possibility of creating a one sheet for Carl or planning to give to applicants to help clarify if a project needs to come before the ZBA.
 - Gabbi Moritz came to the planning board about the Diamond Notch camping structure on the property of Lexington Arts and Science that they rent as a STR. PB referred the issue to Zoning to review. Zoning needs more information and a completed application to review. Completed application needs to include authorization from property owner for them to apply. ZB can't meet with applicants who are not owners of the property. With a notarized affidavit attached.

7. Old Business

- Status of documenting process for projects coming before the ZBA
 - Review by town board and status of approval. Town Board approved process at the meeting in December.

8. New Business

1. Carl has another applicant: Timberlake Camp wants to do a 200kw solar array. Documents will be requested to determine if the project can be added to the next meeting agenda on March 22.

9. Other Business

- Sarah presented an overview of the Zoning board class she attended.

Sarah moved to go into executive session at 7:32. Seconded by Nancy.
Executive session ended at 7:40

10. County Liaison Report

None

Nancy moved to adjourn, Ron seconded, all in favor.

11. Meeting Adjourned at ____7:56____pm