

ZONING BOARD OF APPEALS

REGULAR MEETING

AUGUST 13, 2024 – 5:00PM (VIA ZOOM)

1. Call to Order. The meeting was called to order at 5:05pm.
2. Seating of Members & Alternates. Present: Stacie Weiner, Lee Greenhouse, M.E. Freeman, Peter Menikoff, Harding Bancroft (Alternate), Abby Conroy (Land Use Director), Miles Todaro (Land Use Tech Specialist and Georgia Petry (Recording Secretary). Absent: Roxanne Belter
3. **Approval of Agenda. So Moved** by P. Menikoff, seconded by M.E. Freeman and unanimously **Approved.**
4. Minutes of November 28, 2023. Previously Approved. **Minutes of January 9, 2024. A Motion to Approve the Minutes of January 9, 2024** was made by M.E. Freeman, seconded by S. Weiner and unanimously **Approved.**
5. Public Comment – None

Public Hearing

6. **#2024-0254 / Feredjian / 264 Taconic Road / Request for Variance from Required Setback to Wetland – Section 305.1 / Map 23 / Lot 50 / DOR: 08/13/2024**
The **Public Hearing was opened.** L. Greenhouse read the Legal Notice. S. Weiner invited the applicants to discuss the application. Arek Feredjian and Elina Tunyan, owners, were present to describe the application and answer questions. They are planning on adding an addition to the main house; a small part of the construction would be within the 75' URA of a Wetlands/Watercourse, in this case, a culvert on the property. S. Weiner asked for the exact amount of encroachment of the addition; the answer was 103 sq. ft. P. Menikoff asked what is being protected; the answer was a man-made culvert, about 3' wide. A. Conroy read an email from a neighbor, whose concerns had since been addressed by the owners. A. Conroy pointed out that the culvert is defined as a Watercourse; the 75' setback comes from the Zoning Regulations and noted that they will have to get a permit from the IWWC. If this Variance is approved, they will also have to get approval from the TAHD, dependent on the design and construction details; application to the IWWC would be next, Zoning and Building permits would follow. There were no further questions. A **Motion to Close the Public Hearing** was made by L. Greenhouse, seconded by P. Menikoff, **With All in Favor.** Commission discussion: P. Menikoff would like to walk the property, but is OK with the application if there is no more than a 6' incursion at the maximum. L. Greenhouse did not need to visit the site and commented that

this is a reasonable approach. M.E. Freeman agreed with P. Menikoff and added that the encroachment is deminimis, in this case. A. Conroy noted the following considerations: historic nature of the structures; the Zoning setback of 75' from a Watercourse; the topography of the site; the Historic District Commission approval; the applicant is looking for a total of 103sq.ft. of encroachment area and no more than 6' maximum of encroachment into the required 75' setback from a Watercourse. A. Conroy recommended having an "As-Built" survey for the foundation/footing, as a Condition of Approval. A **Motion to Approve This Application, Subject to Restriction of the Encroachment to no more than 4' at one end and to 6' Maximum at the other end of the Addition, Along with a Foundation "As-Built" Survey**, was made by L. Greenhouse, seconded by S. Weiner and unanimously **Approved by Roll Call**. All needed paperwork for the Variance will be filed so the applicant can move on to TAHD.

Adjournment. So Moved by S. Weiner, seconded by L. Greenhouse and unanimously **Approved**.