

**TOWN OF SOUTHEAST  
ZONING BOARD OF APPEALS**

**Monday, April 15, 2024**

**Town Hall, 1360 Route 22, Brewster, NY 10509**

**The Regular Meeting begins at 8 pm  
If there is a Work Session scheduled, it begins at 7:30 pm**

**Work Session:**

**Regular Meeting:**

**1. John & Katherine Emminger**

**2 Maple Lane, Tax Map ID 79.-1-40.-1**

Public Hearing to review an application for the proposed addition of a shed in the R-40 Zoning District which requires a south front setback variance of 45 ft. where 5 ft. is proposed and 50 ft. is required and an east front setback variance of 45 ft. where 5 ft. is proposed and 50 ft. is required.

**2. Salinger's Orchard**

**220 & 200-202 Guinea Road, Tax Map ID 78.-1-87**

Public Hearing to review an application for an agricultural property in the RC Zoning District for Site Plan, Conditional Use Permit, and Subdivision as referred by the Planning Board for the following variances:

**Proposed Encroachments**

Use	Required	Existing (feet)	Proposed (feet)	Variance (feet)	Agricultural Use (Y/N)
Parking	100 ft Front Yard Setback	5.5	4	96	N
	100 ft Side Yard Setback	48	23.5	76.5	N
2-story Farm Store Addition	100 ft Front Yard Setback	61.2	61.2	38.8	Y
Farm Store Vestibule	100 ft Front Yard Setback	61.2	53.5	46.5	Y
1-Story Addition to Existing Agricultural Building	100 ft Front Yard Setback	52.3	52.3	47.7	Y
Food Truck	100 ft Side Yard Setback	NA	28	72	N
	50 ft Side Conservation Buffer	NA	28	22	N

**Notes:** Salinger's Orchard is an existing agricultural use and is located in a NYS designated Agricultural District. The NYS Department of Agriculture and Markets provides guidance regarding local zoning regulations and their conformance with Agriculture and Markets Law. Their guidance notes that requiring an area variance for setbacks for agricultural buildings may be considered "unreasonably restrictive," and offers the following regarding the enforcement of setbacks:

*A farm operation's barns, storage buildings and other facilities may already be located within a required setback, or the farm operation may need to locate new facilities within the setback to meet the farm operation's needs. Also, adjoining land may consist of vacant land, woodland or farmland. The establishment of unreasonable setback distances increases the cost of doing business for farmers because the infrastructure needed to support the operation (e.g., water supply, utilities and farm roads) is often already located within, and adjacent to, the farmstead area or existing farm structures. Setbacks can also increase the cost of, or make it impracticable, to construct new structures for the farm operation, as well as reduce the amount of land in production. In summary, setback requirements may adversely affect the farm operator's ability to manage the farm operation effectively and efficiently.*

<https://agriculture.ny.gov/system/files/documents/2021/06/305-azoningguidelines.pdf>

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**3. Bayron Lima Ramirez**

**155 Carriage Hill Road, Tax Map ID 67.15-2-24**

Public Hearing to review an application for an existing fence that is greater than 3 ft. in height and located within the front yard setback in the R-60 Zoning District which requires a north front setback variance of 48 ft. where 2 ft. exists and 50 ft. is required.

**4. Lance Bisesar**

**181-183 Doansburg Road, Tax Map ID 46.-5-16**

Public Hearing to review an application in response to a Notice of Violation from the Building Inspector. The Zoning Board of Appeals granted a variance from Town Code Section 138-12.1 on August 15, 2022 for 124 trees to be felled where felling 36 trees was permitted. 125 trees in excess of the variance were felled within the Ridgeline Overlay District resulting in the violation.

**Approve Meeting Minutes from March 18, 2024**

DRAFT 3/22/24 Agenda Subject to Change