

UNION VALE ZONING BOARD OF APPEALS
Minutes of the Regular Meeting

February 3, 2016

Members Present: Chairperson Jane Smith, Alain Natchev, Dan Tuohy and Jeff Wimmer

Members Absent: none

CALL TO ORDER / DETERMINATION OF QUORUM

Chairperson Jane Smith determined that there was a quorum and called the meeting to order at 7:30 p.m.

CONFIRMATION OF THE AGENDA

Chairperson Jane Smith confirmed the Agenda would stand as published.

REVIEW / APPROVAL OF MINUTES

Chairperson Jane Smith called for a motion to defer the acceptance of the January 6, 2016 regular meeting minutes, seconded by Board member Alain Natchev; motion passed by unanimous vote.

OTHER BUSINESS

None.

REGULAR SESSION / PUBLIC HEARING(S)

None.

**REGULAR SESSION/OLD BUSINESS/DISCUSSION RE REHEARING
DECISION ON APPLICATION OF RAVEN STRANGE:**

STRANGE, RAVEN, 448 Camby Road, Verbank, NY 12585. Requested a 724 square foot area variance (maximum square footage allowed 600) for the new construction of a Guest Cottage in the RD-10 District, an unlisted action under SEQRA. That variance was granted after public hearing on January 6, 2016.

Chairperson Jane Smith told the Board that, in a memorandum to the Planning Board dated January 4, 2016, the Town Planning Consultant, Art Brod, provided advice regarding the Strange application that he had not provided to the Zoning Board prior to the January 6 public hearing. Specifically, Mr. Brod advised the

Planning Board that, because of the intended use of the structure, the Planning Board could not grant a special use permit for a “Guest Cottage”: under the Code, a “Guest Cottage” may be used only for temporary occupancy; the definitional section (210-86) provides not only that it not contain kitchen facilities, but also, it be used for “temporary occupancy”. The term “temporary” is defined as “a period of not more than 30 calendar days.”

Chairperson Jane Smith commented that, given the stated intentions of the applicant’s mother (who represented the applicant at the public hearing) that she planned to reside in the structure, it appeared that the variance for a “Guest Cottage” was improvidently granted. Chairperson Jane Smith suggested that the Board reopen the public hearing and re-hear the applicant’s position on the intended usage of the “Guest cottage”.

Board member Jeff Wimmer asked if the property could be subdivided, so that the two dwellings could reside on separate parcels. Board member Dan Tuohy agreed, suggesting the parcel could be subdivided with one parcel 10 acres and the other the difference. Board member Alain Natchev stated that would create one non-complying lot, considering the minimal acreage to construct a single family dwelling would have to be 10 acres in the RD10 district.

Board member Jeff Wimmer asked about the meaning of “30 calendar days”, is it 30 calendars days in a year, a month, and do they have to be consecutive? Chairperson Jane Smith agreed that there is ambiguity in the code. Board member Alain Natchev agreed there is a need for clarification.

Chairperson Jane Smith proposed an informal meeting between the applicant and the Code Enforcement Officer, and possibly one ZBA member and one Planning board member prior to the March 2, 2016 meeting to discuss what avenue is most acceptable to the Town and agreeable for the applicant to pursue.

After continued discussion between the Board members present, Chairperson Jane Smith asked for a motion to re-open the Public hearing to rehear the decision from the January 6, 2016 meeting, and advised the clerk to notify the applicant and the adjacent landowners will be re-noticed for the March 2, 2016 regular meeting; the motion was seconded by Board member Jeff Wimmer and accepted by unanimous vote of the Board members present.

REGULAR SESSION/NEW BUSINESS:

None.

OTHER BUSINESS

None.

NEXT MEETING

The next regular meeting of the Zoning Board of Appeals is scheduled for **WEDNESDAY, March 2, 2016 at 7:30 p.m.**

The agenda will close on **February 17, 2016 at 12: 00 NOON**. Items for consideration at the **March meeting** must be received by that date.

ADJOURNMENT

As there was no further business to come before the Board, a motion was made by Board member Alain Natchev, seconded by Board Member Dan Tuohy and unanimously accepted by the Board Members present to adjourn the meeting at 8:45p.m.

Respectfully submitted,

Joan E. Miller

ZONING BOARD OF APPEALS CLERK