

**UNION VALE ZONING BOARD OF APPEALS**  
**Minutes of the Special Meeting**

**June 15, 2016**

Members Present: Chairperson Jane Smith, Jeff Wimmer, James D. Layton, and Ilana Nilsen

Member Absent: Dan Tuohy

Also Present: George Kolb, Code Enforcement Officer, Town of Union Vale

**CALL TO ORDER / DETERMINATION OF QUORUM**

Chairperson Jane Smith determined that there was a quorum and called the meeting to order at 7:15 p.m.

**SPECIAL BUSINESS**

Code Enforcement Officer George Kolb addressed the Board to introduce himself to members he did not know and to explain his role in relation to the business of the Zoning Board of Appeals. He emphasized that he takes no position on whether a variance application should be granted or denied; he evaluates applications for building permits in light of his interpretation of the Town's Code, and, if he determines that the proposed building does not comport with applicable the zoning regulations, he denies the application and refers the applicant to the ZBA to either apply for a variance or (if the applicant disagrees with his interpretation) an interpretation of the Code. He also advised that, in order to facilitate the ZBA's determination whether a variance should be granted and the ZBA's assessment of the various factors that must be taken into consideration in making that determination, he can be called upon to provide the ZBA with relevant information from the Town's records relating to buildings in the neighborhood and on nearby properties.

At 7:30 p.m., after Mr. Kolb concluded his presentation, Chairperson Jane Smith moved to conduct an executive session pursuant to Section 105 1.d. of New York Open Meeting Law to discuss proposed, pending or current litigation. Jeff Wimmer seconded the motion and it was unanimously approved. The Board Members present moved to the conference room in the Town Hall to conduct the executive session; only ZBA Board members were present. No action was taken by formal vote at the session, and, accordingly, pursuant to Open Meeting Law Section 106 2., no minutes were taken.

At 8:10 p.m., the Board Members returned to the open meeting. Chairperson Jane Smith raised the issue of whether the Richwine variance application, 22 On-the-Green, Verbank, NY 12585, had been improvidently granted. Pointing to the applicant's lack of specificity as to the size and precise location of the proposed garage (in both his application and presentation to the Board) and a similar lack of specificity in the public

hearing notice, to statements made by the applicant and his son regarding their intended use of the garage, and to the particular zoning restrictions in the Hamlet District, Board members discussed whether correct weight had been given to the various factors the Board considered in granting the variance, and whether granting a variance without any conditions was appropriate.

Thereupon, noting that (under New York Town Law Section 267-a 12. and Union Vale Code Section 210-80 C.) the ZBA has the discretion to hold a rehearing to review any determination of the Board not previously reviewed and, upon such rehearing, the ZBA has the power to affirm, modify, reverse or annul its previous determination, Chairperson Jane Smith moved to hold a rehearing at the next scheduled meeting of the Board on July 5, 2016, at 7:55 p.m., to review the Board's determination on June 1, 2016, granting the Richwine variance. The motion was seconded by James Layton and approved unanimously by all members present.

### **ADJOURNMENT**

As there was no further business, a motion was made by Board Member Jeff Wimmer, seconded by Board Member James Layton and unanimously accepted by the Board, to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

*Joan E. Miller*

ZONING BOARD OF APPEALS CLERK