

**DRAFT COPY**

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

**June 7, 2017**

Members Present: Board members Ilana Nilsen, James D. Layton and Jeff Wimmer

Member Absent: Chairperson Jane Smith, Board members Dan Tuohy and John Hughes

**CALL TO ORDER / DETERMINATION OF QUORUM**

Chairperson Jane Smith was absent, therefore Board member Ilana Nilsen made the motion to have Jeff Wimmer Chair the meeting, seconded by Board member James D. Layton.

Acting Chairperson Jeff Wimmer determined that there was a quorum and called the meeting to order at 7:38 p.m.

**CONFIRMATION OF THE AGENDA**

Acting Chairperson Jeff Wimmer reviewed and stated that the Agenda will stand as published.

**REVIEW / APPROVAL OF MINUTES**

Acting Chairperson Jeff Wimmer deferred the approval of the February 1, 2017 regular meeting minutes until the July 5, 2017 meeting, due to the absence of Chairperson Jane Smith and Board member Dan Tuohy, since a quorum of members present at said meeting, is required to approve minutes.

**CORRESPONDENCE**

None.

**DECISION ON PUBLIC HEARING**

None.

**REGULAR SESSION/ NEW BUSINESS**

**LAPE, MATTHEW – 835-837 North Clove Road, Millbrook, NY 12545.**  
Requesting a side yard area variance setback of 31' feet (75' foot side yard setback – required) for new construction of a single family house in the RD-10 District.

Mr. and Mrs. Charles Lape were present and explained that they owners of this property and are currently proposing to construct another house on their property in a different location that is flatter. Mr. Charles Lape explained that the current house they live in is in poor condition, due to a beetle problem that has impacted the “structural” stability of the current house. They have pursued fixing the current house, but the cost of the repairs are very extensive and expensive. After explaining this to the Building Inspector, they were informed that they could concurrently live in the existing house while constructing a new one, then demolish the existing house after Certificate of Occupancy is acquired with the new house.

Mr. Matthew Lape is proposing to construct a smaller house of 2275 square feet, there existing house is over 3500 square feet. The new house will be more energy efficient and would like it handicap accessible for their aging parents that live with them. Board member Ilana Nilsen asked is there is any slope to the property and are you going to use the existing driveway. Mr. Lape stated where the house is being proposed it is flat, no trees have to be removed and they will be utilizing the existing driveway. Board member James Layton asked are you going to keep all the other “outbuilding” on the property. Mr. Lape stated the greenhouse is going to stay, but the other two sheds will be removed/demolished when the existing house is demolished. Board member James Layton asked is a new septic/well going in. Mr. Lape explained that their engineer stated the existing septic will be utilized, it is in compliance with what the proposed house will require and the existing well will also be utilized.

Board member Ilana Nilsen asked if the current house is a legal mother/daughter and/or legal accessory apartment. Mr. Lape stated that it is, and there is an apartment – living space in the basement for their parents. They have intentions with the new construction, to have the same situation.

Acting Chairperson Jeff Wimmer asked if they have an application before the Planning Board for a Special Use Permit for the new house. The Lapes stated “no”, we did not know if that was required. After discussion with the clerk and the Board members present, it was determined that the clerk direct this question to the Zoning Administrator for clarification.

With no other further questions or concerns from the Board members, Acting Chairperson Jeff Wimmer read the following resolution:

Chairperson Jane Smith offered the below resolution:

***“The Town of Union Vale Zoning Board of Appeals hereby acts as follows on the Application of **Matthew Lape, 835-837 North Clove Road, Millbrook, NY 12545:*****

1. *Accepts the Application for a 31' foot side yard and an 80' foot rear yard variance.*
2. *Classifies the application as "Type II Action" under NYCRR Part 617.5 and as such, is precluded from environmental review under SEQRA.*
3. *Schedules a Public Hearing on the Application for Wednesday, August 2, 2017 at 7:35 pm and directs the secretary to provide timely notice thereof.*
4. *Advises the Applicant that all costs involved in notifying the Public shall be reimbursed to the Town of Union Vale.*
5. *Advises the Applicant that a visit to the premises may -or- may not be scheduled.*

Motion by Board member Ilana Nilsen, seconded by Board member James D. Layton to accept the above stated resolution; approved by unanimous vote of the board members present.

#### **OTHER BUSINESS**

None.

#### **NEXT MEETING**

The next regular meeting of the Zoning Board of Appeals is scheduled for **WEDNESDAY, August 2, 2017 at 7:30 p.m.**

The agenda will close on **July 19, 2017 at 12:00 NOON.** Items for consideration at the **August** meeting must be received by that date.

#### **ADJOURNMENT**

As there was no further business, a motion was made by Board Member James D. Layton, seconded by Board Member Ilana Nilsen and unanimously accepted by the Board, to adjourn the meeting at 8:20 p.m.

Respectfully submitted,

*Joan E. Miller*

ZONING BOARD OF APPEALS CLERK