

UNION VALE ZONING BOARD OF APPEALS

Minutes of the Regular Meeting

7:30 pm

July 11th 2023

Members Present: Chairperson Jane Smith and Board members Dennis Dunning, Michael McPartland, Ilana Nilsen
Member Absent: John Hughes

CALL TO ORDER / DETERMINATION OF QUORUM

Chairperson Jane Smith determined that there was a quorum for the Zoning Board of Appeals (“the Board”) to conduct business and called the meeting to order.

CORRESPONDENCE

None

BUSINESS SESSION

Reviewed the agenda & unanimously approved meeting minutes from April 4th 2023.

PUBLIC HEARING

None

REGULAR SESSION / NEW BUSINESS

PROJECT

Tharu Fence Area Variance

Applicant/Owner: Khim Tharu
Address: 85 O’Brien Hill Road Verbank NY 12585
Parcel #: 6662-01-389886
Meeting # 1

PROJECT DETAILS

Application for an area variance for an 88’L x ‘6 H stockage fencing in the front yard, maximum front height allowance is 4’. A 2’ height variance is requested.

Chairperson Smith welcomed the applicant Mr. Khim Tharu to give a background on his application. Mr. Tharu stated that he installed the fence shortly after purchasing the home in March 2023. After the fence was completed, Mr. Tharu received a violation notice from the Code Enforcement Officer that the fence violated the Town Code, as fences above 4’ in height are not permitted in the front of the property. He was informed that he needed to apply for an area variance to get approval for the additional 2’ height.

Chairperson Smith asked the applicant if the fence that has been installed thus far is completed or if additional fencing would be installed; Mr. Tharu stated that the fence has been installed in its entirety, and he does not wish to install any additional fencing. There was a discussion regarding the location of the fence, which is 6’ along the entire front property line and along the sides; the area variance requested is for the portion of the fence along the front property line. Mr. Tharu explained that he installed the 6’ fence along the front as he has a trailer and vehicles that he wished to block from the front view of the property.

With regard to the photos submitted with the application, member Dunning explained to Mr. Tharu that, on the application, Mr. Tharu should indicate which photo is relevant to which question on the application. There was a discussion regarding where the right-of-way the bordering roads are, and what the required distance is from that road. Mr. Tharu commented that there is 23’ from the end of the road pavement to the fence.

The Board discussed whether the footage of the fence along the front is accurate, as the applicant does not have a certified survey. Moreover, Dutchess parcel access shows road frontage along Route 82 as 75 feet whereas, according to Mr. Tharu, the fence along Route 82 is 80 feet long. Member Nilsen suggested the applicant contact Dutchess County to see if they have a survey that might portray a more accurate detail of the front line of the property.

The Board requested the applicant to re-submit the application with a clearer detail so that the Board can ensure if they

grant the variance, there will be no issues that the fence is located on the applicant's property and has not been installed too close to the rights-of-way of the town and state roads.

The Board also noted that several portions of both the application as well as the Short Form Environmental Assessment form were left blank or were incomplete or incorrect. (For example, the application did not have proper citation to the applicable provisions in the code from which a variance was sought.) The Board also advised that the applicant needs to clarify how many feet of fencing is in the front yard, as the determination letter states 88' of front yard fencing but the front property line is only 75' according to the information provided.

Member McPartland commented that the applicant should have submitted the application for building permit which could help clarify some of the questions being discussed which was not submitted with the variance application. The Board requested the applicant submit a copy of the permit that was given to the building department for review.

Chairperson Smith made a motion to holdover the application until the next meeting and advised the applicant to resubmit with the additional information discussed. The matter was adjourned.

PROJECT

Camaj Garage Area Variance

Applicant/Owner: Prentas & Saq Camaj
Address: 686 Waterbury Hill Road Lagrangeville NY
12540
Parcel #: 6762-00-150194
Meeting # 1

PROJECT DETAILS

Application for side area variance of 10' for proposed 22' x 24' attached garage.

Mr. Camaj began by discussing his application. He intends to build a garage on the right side of his existing dwelling. The existing porch will be removed from the dwelling and the garage will adjoin directly to the side of the house and be the same length as the side of the home. There was a discussion regarding the correct size of the proposed structure. The applicant advised that the garage he is proposing is actually 22' x 27'—which is larger than that stated in either his building permit application (22' x 26'), or in the Code Enforcement Officer's determination letter (22' x 24'). In addition, the applicant pointed out that the outline of the garage drawn on the survey submitted with his variance application (noted in red ink) was not accurate; according to the applicant, the longer side of the proposed garage (27') would extend across the entire side of the house that faces the side line, and the shorter side would then extend 22 feet from the house toward the side line.

The Board tried to roughly calculate whether these changes would affect the size of the variance that was required. Ultimately, however, because it was not clear to the Board how the requirement for a 10' area variance had been calculated and it was not clear from the survey how the angle of the house related to the side property line, the Board determined that the most prudent course was to (1) have the applicant submit both a revised building permit application that sets forth the correct dimensions of the proposed garage as well as an updated survey showing the precise location of the proposed garage on the property; and then (2) have the Code Enforcement Officer issue a revised determination letter setting forth the size the variance required. Member Nilsen also suggested Mr. Camaj submit a plan that shows the exterior of the proposed garage including the height.

Accordingly, Chairperson Smith advised the applicant to correct the application with the items discussed and resubmit a building permit to the building inspection for review and modification of determination letter. The matter was adjourned until the next meeting.

OTHER BUSINESS

None

ADJOURNMENT

As there was no further business, a motion was made by the Chairperson Smith, seconded by Member Dunning and unanimously accepted by the Board, to adjourn the meeting at 9:16 PM.

The next regular/public meeting of the Zoning Board of Appeals is scheduled for **Tuesday August 1st 2023, at 7:30 PM.** The agenda will close on **July 18th 2023 at 12:00 Noon.** Items for consideration at the **August** meeting must be received by that date.