

UNION VALE ZONING BOARD OF APPEALS

Minutes of the Regular Meeting

7:30 pm

April 4th 2023

Members Present: Chairperson Jane Smith and Board members Dennis Dunning, Michael McPartland, Ilana Nilsen & 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 for February 7th 2023.

PUBLIC HEARING

None

REGULAR SESSION / NEW BUSINESS

PROJECT

LOT # 1, 2, 3 & 4

Deer Pond Area Variance

Applicant: Rocco Buerti & Joan Deconne
Owner: Rocco Buerti & Joan Deconne
Address: Deer Pond Road Verbank NY 12585
Parcel #: 6763-00-551084
Meeting # 1

PROJECT DETAILS

Map correction to address surveying metes and bounds issues as shown on the original filed map #5396. This project is currently in front of the Planning Board for approval of the required revisions. A total of 17 variances for 4 parcels is requested.

Chairperson Smith invited the applicant to give a detailed history of the subdivision. Mr. Brian Stokosa, of Day & Stokosa Engineering discussed the history of the property. He stated that the subdivision was originally created in the 1970's, and, at the time, met minimum lot size requirements. Mr. Stokosa explained, however, that at the time of the original subdivision, the survey was not correct: many portions of the parcels are in the right of way of the road, and several of the lot lines are incorrect. Executors of the estate Ms. Joan Deconne & her brother Ralph explained how they came to acquire the property, stating it was left to them from their late father's estate, this all came to light when the applicants sought Board of Health approval in anticipation of selling the 4 vacant lots.

Chairperson Smith noted that after a subsequent zoning change (up zoning), the original subdivided parcels became non-conforming; under NYS Town Law Section 265a, they were exempt from the new restrictions (i.e., “grandfathered”) for only 3 years. That period has expired, and, therefore, the applicants must obtain area variances in order to build. Chairperson Smith expressed concern after Mr. Stokosa explained that the variances sought were not based on actual construction plans but, rather, on hypothetical building sites, and that the extent of the sought-after variances was calculated by the applicants' engineers, not the Code Enforcement Officer. She indicated that the requests for a total of 17 variances among the 4 lots were substantial, and noted that in situations such as exist here where the applicants own contiguous lots that can aggregated, she understood the Town Code to encourage such aggregation in order to eliminate the number of variances. After further discussion, Chairperson Smith urged the applicant to consult again with the Code Enforcement Officer and to reconsider the number of variances requested. The applicants agreed to do so, and the matter was adjourned without the Board accepting the application.

OTHER BUSINESS

None

ADJOURNMENT

As there was no further business, a motion was made by the Chairperson Smith, seconded by John Hughes, and unanimously accepted by the Board, to adjourn the meeting at 8:55 PM.

The next regular/public meeting of the Zoning Board of Appeals is scheduled for **Tuesday May 2nd 2023, at 7:30 PM.** The agenda will close on **April 18th 2023 at 12:00 Noon.** Items for consideration at the **April** meeting must be received by that date.

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