

UNION VALE ZONING BOARD OF APPEALS

Minutes of the Regular Meeting

7:30 pm

August 1st 2023

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

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 July 11th 2023.

PUBLIC HEARING

None

REGULAR SESSION / NEW BUSINESS

PROJECT

Miller Fence Area Variance

Applicant/Owner: Nicole & Charles Miller
Address: 270 Camby Road Verbank NY 12585
Parcel #: 6763-00-558237
Meeting # 1

PROJECT DETAILS

Application for an area variance of a 100’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 and the Board asked the applicant to describe the previously existing fence that was on the property. Mrs. Miller explained that there had been an existing 6’ fence closer to the road than currently being proposed. Mrs. Miller explained that they began removing the fence with the intention of moving it back and reinstalling when the building inspector indicated they would need a variance. Mr. Miller commented that most of the posts have been removed as they were in extremely poor condition, but about 50’ of the fence that was further from the road is still intact.

Board Member Dennis Dunning raised the possibility that the fence could be considered grandfathered as a pre-existing non-conforming structure under Code Section 210-69-A, as they are not extending the degree of the existing non-compliance. Chairperson Smith indicated the Board would seek advice as to whether this provision of the code could be deemed applicable, and, if so, whether an interpretation by the Board should be made at a public hearing along with the application for an area variance.

With no further comments, Chairperson Smith made a motion, which was unanimously accepted by the Board, to Accept the Application for a 2’ height variance for a 100’ x 6’ H stockade fence in the front yard.

1. *Classified the application as action type 2 under NYCRR Part 617.5 and as such, is precluded from environmental review under SEQRA.*
2. *Scheduled a Public Hearing on the Application for **Tuesday, September 5th 2023 @ 7:35 pm** which the **applicant will attend via zoom** and directs the secretary to provide timely notice thereof.*
3. *Advised the Applicant that all costs involved in notifying the Public shall be reimbursed to the Town of Union Vale.*
4. *Advised the Applicant that a visit to the premises may -or- may not be scheduled.*

PROJECT

Camaj Garage Area Variance

Applicant/Owner: Prentas & Saqe Camaj
Address: 686 Waterbury Hill Road Lagrangeville NY 12540
Parcel #: 6762-00-150194
Meeting # 2

PROJECT DETAILS

Application for side yard area variance of 10' for proposed 22' x 27'6" attached garage.

Mr. Camaj began by explaining that he wants to build a garage on the right side of his existing dwelling and remove the existing porch, and that the plans require a side yard area variance. There was a discussion about the exact distance needed; per the updated site map provided, the variance required is 10' 4". Mr. Camaj explained that many other homes in the neighborhood have very similar additions on their homes, and that he intends the exterior of the garage to match the existing home, so there would be no undesirable change to the character of the neighborhood.

Member Dunning asked the applicant to fill out the specific extent and correct section of the code on his application. The applicant was also asked to fill in missing answers on the Short Environmental Assessment Form. Member Hughes addressed question number 17 in regards to stormwater discharge. Mr. Camaj indicated there is existing blacktop that will lead up to proposed garage & there are curtain drains on the side line of the property between the neighbor which runs to the drainage at the street. Member Hughes asked the applicant if he can address how the run off is going to be treated on question number 17 on the Environmental Assessment Form for the public hearing. The Board suggested that, to be on the safe side, the applicant change the application to request a 10' 6" side area variance.

With no more comments, Chairperson Smith made a motion, unanimously accepted by the Board, to Accept the Application for side yard area variance of 10'6" for a proposed 22' x 27'6" attached garage.

1. *Classified the application as action type 2 under NYC RP Part 617.5 and as such, is precluded from environmental review under SEQRA.*
2. *Scheduled a Public Hearing on the Application for **Tuesday, September 5th 2023 @ 7:45 pm** and directs the secretary to provide timely notice thereof.*
3. *Advised the Applicant that all costs involved in notifying the Public shall be reimbursed to the Town of Union Vale.*
4. *Advised the Applicant that a visit to the premises may -or- may not be scheduled.*

PROJECT

Tharu Fence Area Variance

Applicant/Owner: Khim Tharu
Address: 85 O'Brien Hill Road Verbank NY 12585
Parcel #: 6662-01-389886
Meeting # 2

PROJECT DETAILS

Application for an area variance for an 88'L x '6 H stockade 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. The Board directed the applicant to fill in the extent of the variance requested on the application. Chairperson Smith reviewed the written narrative included with the application and pointed out that the questions on the application form were answered in the narrative. Chairperson Smith stated that the biggest concern for the Board was the absence of a survey of the property which made it difficult for the Board to ascertain whether the fence was installed exclusively on the applicant's property in its entirety. In particular, it was unclear whether or not the portion of the fence to the south side of the home infringed on the neighboring property. The Board urged the applicant to provide adequate documentation at the public hearing showing where the property line is. The Board suggested to the applicant that he see if the neighboring property had a survey showing that line, or if the title company they used at the purchase of their home perhaps had an older survey in possession they could provide.

With no further comments, Chairperson Smith made a motion, unanimously accepted by the Board, to Accept the Application for an area variance for an 88'L x '6 H stockade fencing in the front yard, maximum front height allowance is 4'. A 2' height variance is requested.

1. *Classified the application as action type 2 under NYCRR Part 617.5 and as such, is precluded from environmental review under SEQRA.*
2. *Scheduled a Public Hearing on the Application for **Tuesday, September 5th 2023 @ 7:55 pm** and directs the secretary to provide timely notice thereof.*
3. *Advised the Applicant that all costs involved in notifying the Public shall be reimbursed to the Town of Union Vale.*
4. *Advised the Applicant that a visit to the premises may -or- may not be scheduled.*

OTHER BUSINESS

None

ADJOURNMENT

As there was no further business, a motion was made by the Chairperson Smith, seconded by Member Hughes and unanimously accepted by the Board, to adjourn the meeting at 9:25 PM.

The next regular/public meeting of the Zoning Board of Appeals is scheduled for **Tuesday September 5th 2023, at 7:30 PM**. The agenda will close on **August 22nd 2023 at 12:00 Noon**. Items for consideration at the **September** meeting must be received by that date.