

March 31, 2016
Zoning Board of Appeals
Minutes

Members Present:

Tracey Cullen, Chairperson
Bill Ordon, Member
Todd Brice, Member

Also Present:

Thomas Whalen, Code Enforcement
Katie DeGraff, Administrative Assistant
Chuck Vinciulla (Alternate)

Absent:

Richard Ubert, Vice Chair
Kirk Hurme, Member

Meeting called to order at 7:05 pm

Ms. Cullen welcomed everyone to the March 31, 2016 meeting of the Zoning Board of Appeals, and introduced all the members. Ms. Cullen stated applicants are hereby notified that any/all agreed concessions, promises, pledges, assurances or declarations given by them or their duly appointed agents, during their hearing process shall become stipulations to any approvals given by this Board.

Ms. Cullen asked the Board for a motion to approve the minutes from the February 25th, 2016 meeting. A motion was made by Mr. Vinciulla and seconded by Mr. Brice

Vote on the motion: Ms. Cullen aye
 Mr. Vinciulla aye
 Mr. Brice aye
 Mr. Ordon aye

4-0

A motion to approval a six month extension to Steve Riordan, 14 New Point Place due to delays with New York Rising was made by Mr. Ordon and seconded Mr. Brice

Vote on the motion: Ms. Cullen aye
 Mr. Vinciulla aye
 Mr. Brice aye
 Mr. Ordon aye

4-0

A motion to approve a six month extension to Christopher Weiler, 235 Grand Central Ave. due to delays with New York Rising was made by Mr. Ordon and seconded by Mr. Brice

Vote on the motion: Ms. Cullen aye
Mr. Vinciulla aye
Mr. Brice aye
Mr. Ordon aye

4-0

Continuation of the application of Carole A. and Edy Bichotte. Applicant seeks renewal of a previously approved by Special Exception owner occupied two family dwelling, approved prior to March 3, 2010 with no change of ownership pursuant to Section 183-43 C. (6) of the Village Code. Premises located on the north side of Locust Dr. approx. 108 feet west of Broadway "in part Business 2 and in part Residential B" district k/a 15 Locust Dr. a/k/a SCTM# 101-1-1-69

No one appeared before the Board for the continuation of this application

A motion to deny the application was made by Mr. Brice and seconded by Mr. Ordon

Vote on the motion: Ms. Cullen aye
Mr. Vinciulla aye
Mr. Brice aye
Mr. Ordon aye

4-0

Application of Jesse Viola. Applicant seeks a Special Exception pursuant to the proposed erection of a six (6) foot high fence within the front, sides, and rear yards of his remises pursuant to Section 183-139 of the Village Code. Premises located on the east side of Grand Central Ave. approx. 125 feet north of Griffing Ave. in a "Residential A" district k/a 164 Grand Central Ave. a/k/a SCTM# 101-12-4-46

Mr. Viola, 164 Grand Central Ave. spoke on behalf of himself.

Findings:

1. Has lived in the home for 1 year
2. He stated that he wants the fence for privacy and his current fences need to be replaced.
3. He is asking for a six foot solid white vinyl fence
4. Applicant is replacing fence that is already there
5. Applicant has two small children
6. Applicant shares rear and south side fence with his neighbors and the neighbor to the south side agreed to take his fence down and have the new fence act as his own
7. A letter from a neighbor whose property abuts the applicants in the rear property is opposed to a six foot fence and asked for a five foot fence instead
8. No one else spoke for or against the application

A motion to approve the application with the following stipulations was made by Mr. Brice and seconded by Mr. Vinciulla

Stipulations:

1. Applicant must abide by all state and local codes
2. Applicant must secure a fence permit from the Building Department
3. Fence will be erected as diagramed/amended on the plot survey submitted
4. Fence must be securely anchored with the good side facing out (neighbor's property)
5. Applicant will not be allowed to place barbed wire on top of the fence
6. Applicant cannot place razor ribbon on the top of the fence
7. Applicant must maintain the fence
8. The side and rear yard fence cannot be higher than six (6) feet
9. Front yard fence is to be replaced as per existing fence

Vote on the motion: Ms. Cullen aye
Mr. Vinciulla aye
Mr. Brice aye
Mr. Ordon aye

4-0

Application of Jonathan Pesce and Ariel Zachow. Applicant seeks a Special Exception for an owner occupied two family dwelling, that was approved for the previous owners prior to March 3, 2010. Premises located on the north side of Oak Street approx. 51 feet east of Lake Street in a "Residential B" district k/a 122 Oak Street a/k/a SCTM# 101-4-4-25

The applicants spoke on their own behalf.

Janet Colletti, 17 Wellington Place stated that she was concerned that this may become more than a two family house. She also stated that the house is well kept and is in favor as long as it is owner occupied and that only two families live there

Findings:

1. The house is owner occupied
2. The applicants purchased the home approx. 7 months ago
3. Applicant states that he will have a one year lease on the rental unit
4. Rental apartment consist of one bedroom, living room, bathroom and kitchen and is located on the second floor
5. House has adequate off street parking
6. Two violations existed at the time of the inspection and must be addressed prior to the Special Exception and Rental Permit being granted (GFI in the kitchen, 3 feet of sheet rock to surround boiler on the ceiling)

A motion to approve the application with the following stipulations was made by Mr. Brice and seconded by Mr. Vinciulla

Stipulations:

1. The Special Exception is granted for two years or until change of ownership whichever comes first
2. Applicant must secure a rental permit as per Section 137-2 of the Village Code

3. The garage cannot be used as living space
4. Applicant is responsible for:
 - a. Maintenance of building
 - b. Maintenance of landscaping and lawn care
 - c. Insuring timely and appropriate disposal of rubbish, garbage and trash
5. Applicant must conform to all off street parking regulations
6. Applicant must adhere to all state and local codes

Vote on the motion: Ms. Cullen aye
 Mr. Vinciulla aye
 Mr. Brice aye
 Mr. Ordon aye

4-0

Application of Dennis and Deidre Richardson. Applicant seeks renewal of a previously approved by Special Exception non owner occupied two family dwelling, approved prior to March 3, 2010 with no change of ownership pursuant to Section 183-43 C. (6) of the Village Code. Premises located on the southeast corner of Austin Ave. and Lake Street in a "Residential B" district k/a 29 Lake Street a/k/a SCTM# 101-4-4-21

Mrs. Richardson spoke on her own behalf

Findings:

1. Applicant lives in Mahopac , New York
2. Applicant has owned the property since 1984
3. It is a non-owner occupied rental property and has been leased since 1986
4. Applicant has a current rental permit
5. Of the current tenants one has lived there for 25 years and the other 2 months, the tenant prior to that was there for several years
6. The second floor consists of a kitchen, living room, bedroom and bathroom and the first floor has a kitchen, sunroom, two bedrooms, and a living room
7. The driveway can accommodate up to six vehicles
8. Owner visits the home throughout the year
9. Past Special Exceptions have been granted for five years
10. The twenty five year tenant acts as the Property Manager in the owners absence

A motion to approve the application with the following stipulations was made by Mr. Ordon and seconded by Mr. Brice

Stipulations:

1. The Special Exception is granted for three years or until change of ownership whichever comes first
2. Applicant must secure a rental permit as per Section 137-2 of the Village Code
3. The garage cannot be used as living space
4. Applicant is responsible for:
 - a. Maintenance of building

- b. Maintenance of landscaping and lawn care
- c. Insuring timely and appropriate disposal of rubbish, garbage and trash
- 5. Applicant must conform to all off street parking regulations
- 6. Applicant must adhere to all state and local codes

Vote on the motion: Ms. Cullen aye
Mr. Vinciulla aye
Mr. Brice aye
Mr. Ordon aye

4-0

Application of Christopher McCarthy as agent for Dolores Conroy owner. Applicant seeks side yard and aggregate area variance pursuant to the legalization of the existing accessory building and first floor deck on the south side of the parcel pursuant to Section 183-51 of the Village Code. Premises located on the east side of Norman Ave. approx. 1140 feet south of Richmond Ave. in a "Residential A" district k/a 100 Norman Ave. a/k/a SCTM# 101-13-11-17

Mr. McCarthy spoke on behalf the applicant

Findings:

- 1. The side yard deck will now be demolished so no longer asking for relief
- 2. A small shed in the northeast corner will be moved five feet from the rear property line and two feet off the side yard
- 3. There is a masonry sidewalk below the deck that is being demolished
- 4. Applicant will conform to the side and rear yard setbacks

A motion to approve the application with the following stipulations was made by Mr. Vinciulla and seconded by Mr. Brice

Stipulations:

- 1. Applicant must appear before the Planning Board
- 2. Applicant must abide by all state and local codes
- 3. Applicant must secure all necessary permits
- 4. House must remain a one family dwelling

Vote on the motion: Ms. Cullen aye
Mr. Vinciulla aye
Mr. Brice aye
Mr. Ordon aye

4-0

Meeting adjourned at 8:30pm

Dina Shingleton, Clerk/Treasurer