

Board of Appeals
Wednesday, July 23, 2014

Members Present: Alison Varley, Chairperson
Richard Ubert, Vice Chairperson
Kirk Hurme
Bill Ordon

Absent: Todd Brice
Tracey Cullen, Alternate

Also Present: Diane Ortiz, Secretary to the ZBA

Meeting called to order at 7:19 p.m.

Chairperson Varley welcomed everyone to the July 23, 2014 meeting of the Zoning Board of Appeals, and introduced all the members. Chairperson Varley 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.

After the executive session and corrections were made to the June 19, 2014 meeting minutes, Chairperson Varley called for a motion to approve the minutes of the June 19, 2014 meeting of the Board of Appeals as amended and discussed with members present, copies of which were sent to all members of the Board. Richard Ubert so moved; Bill Ordon seconded.

Vote on the Motion	Mr. Ubert	-aye
	Mr. Ordon	-aye
	Mr. Hurme	-aye
	Ms. Varley	-aye

Motion Carried: 4 ayes 0 nays

Application of **Winsome and Vernon Cooke** (14-07-24). Applicant seeks a special exception to erect a six (6) foot PVC fence with associated gates on the south side of their property from the front line of the house to the rear lot line pursuant to Section 183-139 A. (2) of the Village Code. Premises located on the East side of Grand Central Avenue approximately 200' S/o Griffing Ave. in a Residential "A" District k/a 192 Grand Central Avenue a/k/a SCTM #101-12-4-39

Findings:

1. Applicant had a permit for a 5 ft. fence and fence company installed a 6 ft. fence by mistake and is now existing on the premises
2. Returns are 5 ft. with 1 ft. see-through lattice, the south fence is 6ft solid fence
3. Seeking variance for 6 ft. fence for privacy for children and pets
4. There is a fence and hedges that were there when applicant moved in, hedge is over 6ft and there is a 4 ft. chainlink fence
5. On the north side on one side there is a 4 ft. picket fence that the neighbors installed and 15 ft. hedges
6. Gates on returns are the only ones with see-through portions
7. No one spoke for or against the application

There being no further comment, the application was closed and motion made to reserve decision by Mr. Ordon, seconded by Mr. Ubert

Executive Session: Motion was made by Mr. Ubert, and seconded by Mr. Ordon to approve the application, pursuant to NY Village law §7-725(b)(3), with the following stipulations:

1. Applicant is to have no additional 6 ft. fence on the property, fence must remain as per the survey and plans submitted
2. The fence must be securely anchored and adequately maintained
3. Applicant must have completed fence inspected by the Building Department
4. All fencing must be installed with the "good side" facing out (towards the neighbor)
5. The top 1 ft. of fence returns must be see-through
6. Applicant must abide by all applicable Federal, State and Local Codes
7. Applicant must obtain all necessary permits

Vote on the Motion	Mr. Ubert	-aye
	Mr. Ordon	-aye
	Mr. Hurme	-aye
	Ms. Varley	-aye

Motion Carried:	4 ayes	0 nays
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Application of **Raymond M. Calamari** Architect as agent for owner David Ramroop (14-07-25). Applicant seeks area variances from required lot coverage; front yard setback; side yard setback and aggregate and rear yard setback pursuant to the rising of the existing one family dwelling to comply with F.E.M.A. requirements and the addition of a front deck and stairway; front outdoor balcony and rear screened porch pursuant to Sections 183-49; 183-50; 183-51 and 183-54 of the Village Code. Premises located on the North side of Shore Road approximately 60' W/of Central Ave., in a Residential "B" District k/a 67 Shore Road a/k/a SCTM #101-13-1-2

Findings:

1. Applicants purchased the house in 2006; after Sandy they tried to sell the property but were unable
2. They are going before the planning board on August 7, 2014
3. Single story house; existing lot is nonconforming
4. Existing house is 1418 sq. ft. which is 25 % lot coverage; proposed inside space is 1570 sq. ft., which is 44% lot coverage as per plans submitted
5. An area variance is needed because of the raising of the house and includes new deck and stairs, for egress and ingress
6. Applicant indicated no over hang over backyard deck
7. Located in a floodplain; Elevation 7, must raise to elevation 10 for village requirements. They want to elevate higher to park underneath. They will not be inhabiting the first floor space per F.E.M.A.
8. Existing residence has a U-shaped area that is a deck; would like to maintain that function on the second floor with a 38' x 11'6" deck
9. Revised plans submitted, showing half of the deck screened in and the rest open
10. Front platform with stairs to get into the house; introducing a roof over that platform which does not encroach into the front yard setback (30') except the stair which is 26'
11. West side yard has a platform for an air conditioning unit which needs to be raised above the floodplain and needs accommodation for it being raised
12. Depth of deck as per plans submitted is 11 ft. 6 in.

13. Neighbor on east side, **Dave Richards**, 99 Central Ave., asked whether the side setbacks would be different on his side. Upon review and consultation with the Board and Mr. Ramroop, the answer was no it would not. There is also no soffit overhang. Mr. Richards stated he had no problem with the application

There being no further comment, the application was closed and motion made to reserve decision, Mr. Ubert, seconded by Mr. Ordon

Executive Session: Motion was made by Mr. Ordon, and seconded by Mr. Ubert to approve the application, pursuant to NY Village law §7-712(b) 3 (a) and (b) in that the benefit to the applicant outweighed any detriment to the health, safety and welfare to the neighborhood, with the following stipulations:

1. There is to be no overhang on outer deck
2. All plans as submitted or amended are subject to possible DEC requirements
3. Applicant is permitted to have a 11 ft. 8 in. rear setback subject to any DEC requirements and new plans must be submitted showing revised set back
4. Applicant is hereby required to put sound isolation on the side yard AC condensers
5. Applicant is granted side yard and front yard setback as per plans submitted
6. Applicant to submit new plans to the building department based on stipulation 3
7. Deck depth not to exceed 10'6"
8. Revised drawings shall be subject to building inspector's review
9. Applicant must abide by all applicable Federal, State and Local Codes
10. Applicant must obtain all necessary permits

Vote on the Motion	Mr. Ubert	-aye
	Mr. Ordon	-aye
	Mr. Hurme	-aye
	Ms. Varley	-aye
Motion Carried:	4 ayes	0 nays

Application of **Christopher Pearson** (14-07-26). Applicant seeks a use variance to convert a previously approved by special exception one family dwelling to a two family dwelling pursuant to Section 183-43 of the Village Code. Premises located on the Northeast corner of County Line Road and Cottage Place in a Residential "B" District k/a 69 County Line Road a/k/a SCTM #101-7-1-47.1

Chairperson Varley stated that it was 7:52 p.m. and that no one was present for application. In addition, applicant had failed to contact the building department for an inspection 10 days prior to the hearing. Chairperson Varley asked for a motion to table the application to next month's meeting subject to inspection by the Building Department, made by Mr. Ordon, seconded by Mr. Ubert.

Application of **Jane and Peter McDermott** (14-07-27). Applicant seeks a use variance to convert a previously approved by special exception one family dwelling to a two family dwelling pursuant to Section 183-43 of the Village Code. Premises located on the North side of Sterling Place approximately 1237' W/o Broadway in a Residential "B" District k/a 101 Sterling Place a/k/a SCTM #101-3-1-33

1. Applicant has owned the premises since January 2014
2. Did not schedule inspection 10 days prior (Chairperson Varley said the Board will hear his application; however the board may render decision subject to getting inspection by the building department)
3. Owner occupied two family residence; relative had been living in one of the apartments but recently is deceased so applicants need to rent out the apartment now
4. Upstairs – Premises has a side entrance in driveway that goes straight upstairs, where there are 2 bedrooms, a living room, and kitchen area
5. Downstairs - one bedroom, living room, dining area
6. Separate heating and electric
7. Premises has parking for four cars
8. Previously approved 2-family
9. No current tenant in upstairs apartment
10. Applicant stated that there are several two-families residences on Sterling Place

There being no further comment, the application was closed and motion made to reserve decision, Mr. Ubert, seconded by Mr. Ordon

Executive Session: Motion was made by Mr. Ubert, and seconded by Mr. Ordon to approve the application, pursuant to NY Village law §7-712(b)2 (a) and (b), with the following stipulations:

1. Dwelling must be owner occupied
2. This application shall be granted for a two year period, or as long as it remains owner occupied, or until ownership is transferred, whichever comes first
3. Off street parking must be provided in the rear of the premises
4. Basement shall not be habitable space
5. No off street parking will be provided or allowed on the front yard/lawn
6. Owner will be responsible for:
 - a. Maintenance of building
 - b. Maintenance of landscaping and lawn care
 - c. Insuring for the timely and appropriate disposal of all rubbish, trash and garbage
7. All approvals of the application are subject to inspection of premises by the building department and no certification shall be issued until defects, if any, are cured
8. Applicant must obtain a rental permit, if necessary
9. Applicant must abide by all applicable Federal, State and Local Codes
10. Applicant must obtain all necessary permits

Vote on the Motion	Mr. Ubert	-aye
	Mr. Ordon	-aye
	Mr. Hurme	-aye
	Ms. Varley	-aye

Motion Carried: 4 ayes 0 nays

Application of **Erik and Jillian Hansen** (14-07-28). Applicant seeks a variance to exceed the required building height pursuant to the erection of a new two story one family dwelling pursuant to Section 183-12 of the Village Code. Premises located on the West side of Grand Central Ave. approximately 250' S/o Dewey Ave. in a Residential "A" District k/a 317 Grand Central Ave. a/k/a SCTM #101-14-1-15

Findings:

1. Recommended to go 4 ft. above base flood as per new insurance industry guidelines
2. Jerry O'Neill, Le Brun Ave., distributed copies of amended site plan with 10' elevation
3. Richard Ubert recused himself because he lives close to the applicant
4. First floor of living space will be at 10 ft. elevation; will be landscaped and graded
5. Applicants are seeking 35 ft. 8 ¼ in. height, as per new plans submitted
6. Front yard setback is 50 ft., as per new plans submitted
7. The property has two zones, part of VE zone is by the bulkhead, and the house is all going to be in the AE6 zone
8. If applicant was over 50 ft. back from the curb then height would be measured from the existing average grade rather than curb
9. Applicants are aware that if bottom floor is 6 ft. from grade that NY state requires sprinkler system in dwelling, currently as per plans applicant is 5'5" on bottom floor

There being no further comment, the application was closed and motion made to reserve decision, Mr. Ordon, seconded by Chairperson Varley

Executive Session: Motion was made by Mr. Ubert, and seconded by Mr. Hurme to approve the application, pursuant to NY Village law §7-712(b) 3 (a) and (b), in that the benefit to the applicant outweighed any detriment to the health, safety and welfare to the neighborhood, with the following stipulations:

1. Applicants are seeking the requested height based on the newest flood insurance industry guideline
2. Height not to exceed 35 ft. 8 ¼ in. as per plans submitted, which is not a substantial request since Code permits 32 ft.
3. All mechanical systems have to be 16ft from the property line
4. Applicant must abide by all applicable Federal, State and Local Codes
5. Applicant must obtain all necessary permits

Vote on the Motion	Mr. Ubert	-recused
	Mr. Ordon	-aye
	Mr. Hurme	-aye
	Ms. Varley	-aye

Motion Carried: 3 ayes 0 nays

There being no further business to come before the Board of Appeals; Ms. Varley made a motion to adjourn the meeting; Mr. Hurme seconded the motion.

Vote on the Motion	Ms. Varley	-aye
	Ms. Cullen	-aye
	Mr. Hurme	-aye
	Mr. Brice	-aye
	Mr. Ubert	-aye

Motion Carried: 5 ayes 0 nays

The meeting was declared adjourned at 8:30 p.m.

Diane C. Sheridan,
Administrator/Clerk