Board of Appeals June 19, 2014

Members Present: Alison Varley, Chairperson

Richard Ubert, Vice Chairman

Bill Ordon Todd Brice Kirk Hurme

Tracey Cullen, Alternate

Also Present: Tom Whalen, Code Enforcement

Diane Ortiz, Secretary to the ZBA

Meeting called to order at 7:00 p.m.

Chairperson Varley welcomed everyone to the June 19, 2014 meeting of the Zoning Board of Appeals, and introduced all the members. Chairman Varley welcomed alternate Tracey Cullen to the Board and congratulated her on the birth of her son.

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.

Chairperson Varley called for a motion to approve the minutes of the May 15, 2014 meeting of the Board of Appeals, copies of which were sent to all members of the Board, with no corrections. Todd Brice so moved; Kirk Hurme seconded the motion.

Vote on the Motion Mr. Ubert -aye

Mr. Ordon -aye
Mr. Hurme -aye
Mr. Brice -aye
Ms. Varley -aye

Motion Carried: 5 ayes 0 nays

Chairperson Varley said the Legals were not printed in the local newspaper, but according to a ruling of Village Attorney Richard Handler it is not a jurisdictional issue and the meeting could be held. There being no comments from the Board or the public, the meeting continued.

Application of **Julian Singh Pestano** (14-05-22). Applicant seeks to exceed the permitted maximum fence height pursuant to the erection of a six foot fence pursuant to Section 183-139 of the Village Code. Premises located on the East side of Bayview Avenue approximately 314' S/o Oak Street in a Residential "B" District k/a 261 Bayview Avenue a/k/a SCTM #101-6-3-71

Findinas:

- 1. House was purchased by applicant February 2014
- 2. Applicant has two children, 2 and 4 –years old and has concerns for their safety without a fence; applicant's mother also lives in the home
- 3. Applicant removed the chain link fence that had fallen on the damaged pool, which was also removed, at the request of the bank inspector when purchasing the home

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- 4. Applicant 's existing fence is on the rear and left side of the property
- 5. The north side of the property currently has a stockade fence, owned by the neighbor
- 6. No one spoke for or against the application

Motion was made by Mr. Brice, and seconded by Mr. Hurme to approve the application, pursuant to NY Village law §183-139, in that the benefit to the applicant outweighed any detriment to the health, safety and welfare to the neighborhood, with the following stipulations:

- 1. Applicant have no additional 6 ft. fence on the property
- 2. Applicant must have top foot of fence returns see-through per local law enforcement observations requirements
- 3. Applicant must abide by all applicable Federal, State and Local Codes
- 4. Applicant must obtain all necessary permits

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

Motion Carried: 5 ayes 0 nays

Application of **Irving and Diane Apgar** (14-05-23). Applicant seeks to maintain the existing non-conforming side yard and aggregate pursuant to the erection of a rear deck and the enclosure of an existing roofed over rear porch pursuant to Section 183-51 of the Village Code. Premises located on the West side of Shore Road approximately 100 ' W/of Swartout Place, in a Residential "B" District k/a 81 Shore Road a/k/a SCTM #101-11-13-43

Findings:

- 1. House was purchased in 1968; additions made in 1970 and 1994
- 2. Applicant submitted photo of the back of the home showing existing patio blocks
- 3. Applicant has a side yard setback of 5'; new addition will not encroach any further
- 4. Applicant is extending home 5' with deck to accommodate a new laundry room area
- 5. No one spoke for or against the application

Motion was made by Mr. Ordon, and seconded by Chairperson Varley to approve the application, pursuant to NY Village law §183-51, in that the benefit to the applicant outweighed any detriment to the health, safety and welfare to the neighborhood, with the following stipulations:

- 1. Applicant not enclose rear deck
- 2. Applicant must abide by submitted plans and existing side yard setback
- 3. No air conditioning units within 12' of property line.
- 4. Applicant must abide by all applicable Federal, State and Local Codes
- 5. Applicant must obtain all Village required permits and inspections.

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Vote on the Motion	Mr. Ubert	-aye
	Mr. Brice	-aye
	Mr. Ordon	-aye
	Mr. Hurme	-aye
	Ms. Varley	-aye
Motion Carried:	5 ayes	0 nays

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

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

Motion Carried: 5 ayes 0 nays

Meeting was declared adjourned at 7:46 p.m.

Diane C. Sheridan, Administrator/Clerk