

Minutes of the Zoning Board of Appeals Meeting held on September 9, 2020 at 7:30PM

Present: Karen Ungerer, Chairwoman
Kevin Abrams, Craig Brady, Joseph DeVenuto, Andrew Zoumas
Absent: None
Also Present: Attorney Robert Dickover

Chairwoman Ungerer, opened the meeting with the pledge of allegiance, introduced the board and stated that the next meeting will be held on October 14, 2020.

1. Executive Session: N/A

2. Approval and Acceptance of Previous Minutes:

Motion was offered by K. Abrams, seconded by A. Zoumas, to approve and accept the minutes of the meeting held on August 12, 2020. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED BY ROLL CALL AS FOLLOWS:

Chairman Ungerer:	AYE
Board Member Abrams:	AYE
Board Member Brady:	AYE
Board Member DeVenuto:	AYE
Board Member Zoumas:	AYE

3. New Business – N/A

4. Action on Decisions –

A. Garay -

Chairwoman Ungerer, read in the decision to grant the area variance to permit the use of an above ground pool (12x24) placed in a side yard. Property is located R1A Zoning District at 270 Skyline Drive, HM SBL 208-2-15.12.

In employing the balancing tests set forth in Village Law Section 7-712-b (c), the Board hereby grants the variance as requested.

ADOPTED BY ROLL CALL AS FOLLOWS:

Chairman Ungerer:	AYE
Board Member Abrams:	AYE
Board Member Brady:	AYE
Board Member DeVenuto:	AYE
Board Member Zoumas:	AYE

B. Luding –

Chairwoman Ungerer, read in the decision to grant the area variance to the applicant permitting the installation of a 5 ft. high chain link fence in a side yard. Property is located R2A Zoning District at 43 DeSanctis Drive, HM SBL 218-2-30.3.

In employing the balancing tests set forth in Village Law Section 7-712-b (c) and taking into consideration the Board's findings as set forth herein, the Board hereby determines to grant the variance as requested.

ADOPTED BY ROLL CALL AS FOLLOWS:

Chairman Ungerer:	AYE
Board Member Abrams:	AYE
Board Member Brady:	AYE
Board Member DeVenuto:	AYE
Board Member Zoumas:	AYE

5. Public Hearings -

A. Woodbury Manor B&B –

Continuation of Public Hearing for an area variance to permit a proposed Bed and Breakfast. Where-as said use requires a lot area of 3 acres and a rear yard setback of 50 feet pursuant to Section 310-6(B) and 310-7 Bulk Table. Said property has a lot area of .738 acres and a rear yard setback of 44.2 feet. Furthermore, the applicant proposed parking in a front yard (Gregory Lane) and pursuant to Section 310-40(e) no parking is permitted in a front yard. Said property is located in the CR Zoning District at 191 Route 32 in Central Valley and is known on the Village of Woodbury Tax Maps as Section 228 Block 10 Lot 7.

Chairwoman Ungerer, stated that a letter was sent to the Building Department this afternoon from the applicant’s lawyer stating they are withdrawing their application without prejudice to refile in the future. Chairwoman Ungerer, then stated there was nothing further to discuss.

B. Martinez –

Public Hearing for an area variance, per denial of building permit, to permit the construction of an 18’ x 36’ in ground pool (accessory structure) in a side yard. Whereas, pursuant to Section 310-11(c), an accessory structure is only permitted in the rear yard. Said property is located in the R1A Zoning District at 8 Clinton Alley in Central Valley with a mailing address of 8 Clinton Alley Monroe, NY 10950 and is known on the Village of Woodbury Tax Maps as Section 254 Block 2 Lot 67.2

Chairwoman Ungerer, stated the applicant’s reasons for this request which include the following; the backyard retains water from the slope that exists right behind the home which has also caused damage to the property on prior occasions when the slope caused a collapse of the current smaller retaining wall that was put in by the developer. The cost of attempting to grade and place retaining walls at least 1.5 to 2 stories high for the entire length of the pool to hold back the current topography. They would need a trench to provide drainage due to all the water that comes down the slope, and the overall cost, removal and demolition of the current slope as well as part of the slope not being on his property would be a problem. If the pool were to be built in the backyard it would require a variance for a 20-foot lot line separation. Chairwoman Ungerer then stated that the board received two letters from neighbors stating that the Martinez’s are wonderful neighbors and neither one has issues with the installation of the pool and that they have their full support.

Chairwoman Ungerer asked if there was a mini mesh fence. Applicant stated yes it will be a four-foot metal bar fence, with no added fabric or material, he also stated that it is required with an inground pool and is also allowed by their HOA. K. Abrams stated he went up and looked at the property and has no problem granting the variance. A. Zoumas stated it was big and flat and that the side yard would be a good location for the pool.

Mr. Jacob as well as Mr. Kallman voiced support for their neighbor, Mr. Martinez and agreed that the backyard is not a viable option and putting the pool in the side yard would not hinder anyone else in the neighborhood.

C. Brady made a motion to close the public hearing, seconded by K. Abrams all voted aye Motion was offered by C. Brady, seconded by K. Abrams, to close the public hearing. Chairman Ungerer, conducted a roll call of the Board which resulted in the motion being:

ADOPTED BY ROLL CALL AS FOLLOWS:

Chairman Ungerer:	AYE
Board Member Abrams:	AYE
Board Member Brady:	AYE
Board Member DeVenuto:	AYE
Board Member Zoumas:	AYE

6. Building Inspectors Report: N/A

7. Deliberations on closed Public Hearings

The following responses were provided in the “Statement of Ownership and Interest” provided by the applicant for a use variance and the Boards decision on each question follows:

1. *Will the granting of this variance produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties?* The applicant stated, granting of this variance will not produce any type of undesirable change to the neighborhood or any of the nearby properties and it will enhance the look of the property. The Board Agreed and stated the neighbors agreed as well.
2. *Can the benefit you seek be achieved by some other feasible method other than variance?* The applicant stated, there are no other means feasible for this project to move on other than a variance. The Board Agreed.
3. *How substantial is the variance that you are requesting?* The applicant stated the variance he is requesting is not substantial at all. He is requesting a side yard usage for an inground pool. The Board Agreed.
4. *Will the granting of the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?* The applicant stated, if the variance is approved it will not have an adverse effect or impact on the neighborhood or district. The Board Agreed.
5. *Is the alleged difficulty self-created?* The applicant stated this difficulty is not self-created as the existing lot causes the problem. He attached pictures of his property as well. The Board Disagreed however they stated that by disagreeing with the one question it would not change the outcome of their decision.

K. Abrams, made a motion, seconded by A. Zoumas, to declare the Zoning Board of Appeals lead agency, label this application a type 2 action under SEQRA, with no further environmental action required. The board then directed council to prepare a positive decision consistent with the findings of the board this evening granting the applicant the variance requested. Chairman Ungerer, conducted a roll call of the Board which resulted in the motion being:

ADOPTED BY ROLL CALL AS FOLLOWS:

Chairman Ungerer:	AYE
Board Member Abrams:	AYE
Board Member Brady:	AYE
Board Member DeVenuto:	AYE
Board Member Zoumas:	AYE

8. Adjournment

With no further business to discuss, a motion was offered by K. Abrams, seconded by Chairwoman Ungerer, to adjourn the meeting at 7:49 PM.

ADOPTED AYES 5 Ungerer, Abrams, Brady, DeVenuto, Zoumas

Jessica McClennan, ZBA Secretary