

Minutes of the Zoning Board of Appeals Meeting held on January 11, 2023 at 7:30 PM

Present: Karen Ungerer, Chairwoman
Craig Brady, Rachel Bruce, Edward DeJesus Jr.
Absent: Andrew Zoumas
Also Present: Attorney Ashley Torre

Chairwoman Ungerer opened the meeting with the pledge of allegiance and stated the next meeting will be held February 8, 2023.

1. Executive Session:

2. Approval and Acceptance of Previous Minutes:

Motion was offered by E. De Jesus Jr., seconded by C. Brady, to approve and accept the minutes of the meeting held on December 14, 2022. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	3	Ungerer, Brady, DeJesus Jr.
	NOES	0	
	ABSTAIN	1	Bruce
	ABSENT	1	Zoumas

3. New Business:

4. Action on Decisions:

5. Public Hearings –

A. Simcha- 2 First Ave. –

Continuation of Public Hearing requesting a variance for modifications to an existing seasonal single-family dwelling, including the construction of a second story addition and the conversion of the dwelling to year-round use, with less than the required acreage, and which does not meet the front, side, or rear yard setbacks. Whereas pursuant to Section 310-26, the lot must meet the development standards provided for a single-family dwelling permitted in the district, and whereas pursuant to Section 310-43.2, nonconforming buildings may be remodeled or reconstructed provided that such action does not create any new noncompliance or increase in the degree of noncompliance. Said property is in the R-2A Zoning District on the corner of First Avenue and Schunnemunk Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 214, Block 6, Lot 5.

Larry Hartman stated he was there on behalf of the applicant. He stated at the previous meeting the issue of expansion of more than 10% to a nonconforming land/use has come up and the board has said that this project falls into the 10% limit and therefore cannot be expanded with more than 10%. He then stated he did research into the code and to his best determination the code makes a difference between a nonconforming use and a nonconforming land. Section 310-43.1 of Village of Woodbury Code relates to nonconforming lots and does not limit to an expansion of 10%. And section 310-43.2 of Village of Woodbury Code relates to nonconforming uses and only in this section does the code limit to an expansion of 10%. He stated that at the moment the structure is a non-conforming use because it is a seasonal dwelling, and the current zoning does not allow a seasonal home anymore. They are applying to rebuild the house into a conforming use which is going to be a year-round home and the restriction of 10% expansion will not apply to the project.

Chairwoman Ungerer asked if the dwelling would have a second story and basement. Mr. Hartman stated the dwelling currently has a basement. Mr. Hartman stated he believes that the reason so many neighboring lots were able to change to all year-round homes were due to this particular wording of the code. The board then asked the applicant to submit the site plan and lot measurements prior to the next meeting.

A motion was offered by R. Bruce, seconded by E. De Jesus Jr., to carry over this application to the February 8, 2023, meeting. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	4	Ungerer, Brady, Bruce, DeJesus Jr.
	NOES	0	
	ABSENT	1	Zoumas

B. Achdus Unit 3B –

Public Hearing requesting a variance for the construction of an addition to an existing seasonal single-family dwelling # 3B. Whereas pursuant to Section 310-43.2(C), nonconforming uses may be expanded by up to 10% of the floor area of the principal structure, subject to a special permit and certain findings of the Zoning Board of Appeals. Said property is located in the R-3A Zoning District along Schunnemunk Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 213, Block 1, Lot 1.11.

A motion was offered by C. Brady, seconded by E. De Jesus Jr., to open the public hearing. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	4	Ungerer, Brady, Bruce, DeJesus Jr.
	NOES	0	
	ABSENT	1	Zoumas

Larry Hartman stated he was there on behalf of the applicant. He stated that most of the houses in this area are nonconforming uses and will need to be expanded.

The board requested that the applicant re-submit the plans due to the current ones being blurry. They also requested that the plans include the existing structure and a diagram with the proposed changes in dotted lines over the existing structure. The board requested that those plans be submitted at least 10 days prior to the meeting. The board also stated they have yet to receive the 239 from the county.

A motion was offered by C. Brady, seconded by E. De Jesus Jr., to carry over this application to the February 8, 2023, meeting. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	4	Ungerer, Brady, Bruce, DeJesus Jr.
	NOES	0	
	ABSENT	1	Zoumas

6. Building Inspectors Report

Motion was offered by R. Bruce, seconded by E. De Jesus Jr., to accept and approve the building inspectors report which consisted of three Mother/Daughter special permits throughout the Village. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	4	Ungerer, Brady, Bruce, DeJesus Jr.
	NOES	0	
	ABSENT	1	Zoumas

7. Adjournment

With no further business to discuss, a motion was offered by R. Bruce, seconded by C. Brady, to adjourn the meeting at 7:53 PM.

ADOPTED	AYES	4	Ungerer, Brady, Bruce, DeJesus Jr.
	NOES	0	
	ABSENT	1	Zoumas

Jessica McClennan, ZBA Secretary

