

Minutes of the Zoning Board of Appeals Meeting held on February 8, 2023, at 7:30 PM

Present: Karen Ungerer, Chairwoman
Craig Brady, Rachel Bruce, Edward DeJesus Jr.

Absent:

Also Present: Attorney Kelly Naughton

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

1. Executive Session:

2. Approval and Acceptance of Previous Minutes:

Motion was offered by C. Brady, seconded by R. Bruce, to approve and accept the minutes of the meeting held on January 8, 2023. 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	

3. New Business: N/A

4. Action on Decisions: N/A

5. Public Hearings –

A. Woodbury Townhouses –

Continuation of Public Hearing requesting a variance for the construction of twelve (12) townhouse units with less than the required acreage and containing parking in the front yard. Whereas pursuant to Section 310-49(C), the required lot area is 6,000 square feet per unit, requiring 72,000 square feet, where 59,045 square feet are proposed. And whereas pursuant to Section 310-40(E), off-street parking in the front yard is prohibited, and parking within the front yard is proposed. Said property is in the HB Zoning District along Falkirk Avenue in Central Valley and is known on the Village of Woodbury Tax Maps as Section 231, Block 3, Lots 6.1, 6.2 and 7.

Chairwoman Ungerer stated that the applicant submitted a request for a postponement until the April 12th meeting due to awaiting SEQRA determination from the Planning Board. Motion was offered by E. De Jesus Jr., seconded by R. Bruce, to carry over the public hearing until April 12, 2023. 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	

B. Achdus Unit 3B –

Continuation of 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.

Mr. Larry Hartman stated at the request of the Board he resubmitted new plans with clearer dimensions. The board also asked for a proposed footprint on top of what is already existing which he submitted as well.

Chairwoman Ungerer stated that due to nothing changing and the bulk of the discussion on this property was had a previous meeting she asked if the board had any questions. With no further comments from the board a motion was made by R. Bruce, seconded by E. De Jesus Jr. to open the public hearing to the public. 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	

With no comments from the public a motion was made by R. Bruce, seconded by E. De Jesus Jr. to close 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	

C. 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.

Mr. Larry Hartman stated they would like to add a second story but they don't have required acreage and the house already has a basement. Chairwoman Ungerer asked if it was a duplex since it has two kitchens. She then asked why there were eight bathrooms in a single family dwelling. Mr. Hartman stated that there are two bathrooms in the basement and then every bedroom except for one has a bathroom. Chairwoman Ungerer asked if the house was on a well and septic. Mr. Hartman stated he believes that they are on Village water and sewer. The board then requested Mr. Hartman to look into that and requested projected water and sewer demand on the property. They also suggested that he go in front of the Village Board and request a hardship waiver because that is possibly needed if on Village water and sewer.

A motion was made by R. Bruce, seconded by E. De Jesus Jr. to open the public hearing to the public. 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	

Mr. Tom Powel stated he lives on Oakland Avenue and just wanted clarification that it was a single-family residence or a double. Chairwoman Ungerer stated it is an existing summer duplex that they are requesting it be turned into a single family home.

With no comments from the public a motion was made by R. Bruce, seconded by E. De Jesus Jr. to carry over the public hearing to the March 8th 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	

D. 50 Smith Clove LLC –

Public Hearing for the conversion of an existing laundromat to residential apartments. Whereas pursuant to Sections 310-6(F) and 310-7, the proposed conversion requires 22,000 square feet of lot area, where 11,753.3 square feet are provided, and whereas pursuant to Sections 310-6 and 310-42(A), ten (10) parking spaces are required for both uses, where six (6) are provided. And whereas pursuant to Section 310-40, no off-street parking shall be permitted within a required front yard in any district, and parking is proposed within the front yard. And whereas pursuant to Section 310-42(E)(2), for parking areas with ten (10) spaces or fewer, driveways are required to be ten (10) feet wide per lane, and whereas a total of 10.8-feet is provided. Said property is located in the HB Zoning District along Smith Clove Road in Central Valley and is known on the Village of Woodbury Tax Maps as Section 231, Block 3, Lot 3.

Mr. David Niemotko, the architect on the project stated the project proposes the removal of the existing ground floor laundromat and conversion to two apartment units within the easterly building on the property. The project was determined by the planning board to require variances and/or interpretations by the Zoning Board of Appeals. Two variances are being requested one for lot area and the second for off street parking for 6 parking spaces. Chairwoman Ungerer asked if there would be any demolition on the exterior or would everything be in the interior. Mr. Niemotko stated everything would be inside, he also stated there are several pre-existing nonconforming conditions on the property, however no change in the building footprint is proposed. The board discussed the parking and location in great detail and declared that the biggest concern is the driveway. The board then asked the applicant to resubmit and clarify the minimum lot area, the ten foot driveway and the curb cut going around the house and the 6 parking spaces.

A motion was made by R. Bruce, seconded by E. De Jesus Jr. to open the public hearing to the public. 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	

With no comments from the public a motion was made by C. Brady, seconded by R. Bruce, to carry over the public hearing to the March 8th 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	

E. Welner –

Public Hearing for the construction of a 10' x 16' storage shed in the front yard. Whereas pursuant to Section 310-11, accessory buildings may be permitted only in a rear yard, and whereas pursuant to Section 310-12(C)(3), any required yard shall be open space and entirely free of buildings other than a detached accessory building occupying not more than 25% of a required yard and setback from any lot line ½ the height of such accessory building, but in no case less than six feet. Said property is located in the R-0.25A Zoning District along Park Avenue in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 220, Block 3, Lot 24.

Mr. Jordan Welner stated he is looking to install a storage shed on a gravel bed in the front of his house, off of the driveway. He then stated due to the house not having much storage; the shed will provide storage that is needed to upkeep the property. The applicant stated that the shed they intend to purchase will be a 10x16 foot shed with doors that open vertically and the height of seven feet. The Board requested that the applicant submit their deed, due to the unique location of the house and the right of way that adjoins the applicant's driveway to the right of way, the board would like clarification

on the front and side yard location. Applicant stated they have the deed and will submit it as soon as possible. Chairwoman Ungerer stated the board received the 239 reviews from the County and it was up to local determination.

A motion was made by E. De Jesus Jr., seconded by R. Bruce. to open the public hearing to the public. 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	

With no comments from the public a motion was made by C. Brady, seconded by R. Bruce, to close 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	

6. Building Inspectors Report- N/A

7. Deliberations on closed Public Hearings

A. Welner -

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: Given our lot's properties – a flag lot located off the main roads- this variance will have little impact on the character of the neighborhood and minimal impact on nearby properties. The shed location faces the backyard of our closest neighbors which is also separated by trees and a stream. The shed would provide more privacy to ours and our neighbors properties. **The Board Agreed**
2. *Can the benefit you seek be achieved by some other feasible method other than variance?* The applicant stated: No, our primary residence has no garage, basement or attic for the storage we are seeking. The proposed location of the shed gives us proximity to the driveway needed for its intended use including access to snowblower, lawnmower, tools for car, bike storage, etc. **The Board Agreed.**
3. *How substantial is the variance that you are requesting?* The applicant stated: the 10'x 16' shed would be relatively insubstantial as it would rest upon a bed of gravel and therefore could be easily removed in the future. We've also chosen a shed that compliments our home and yard and feel that it will add an aesthetically pleasing update to the space. **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: No, as mentioned above, the proposed location of our shed faces the backyards of our neighbors and is located off of main roads. We have carefully chosen an aesthetically pleasing red cottage shed that compliments our property and home. The shed does not propose any danger to the natural

environment of the property and would be a charming addition to the surrounding area. **The Board Agreed.**

5. *Is the alleged difficulty self-created?* The applicant stated: No, as mentioned above, our primary residence has no basement, garage, or attic. This variance will be a great help to our general needs including storage and general upkeep of our property. **The Board stated they don't agree, and it is self-created; however it doesn't preclude the board from granting a favorable decision.**

A motion was made by R. Bruce, seconded by E. De Jesus Jr., to have Attorney Naughton draft a decision consistent with the facts and findings of the Zoning Board of Appeals. 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	

B. Achdus Unit 3B –

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: No, the whole area will benefit from rebuilding this. **The Board stated they don't know if the whole colony will benefit but the applicant will.**
2. *Can the benefit you seek be achieved by some other feasible method other than variance?* The applicant stated: No, all nonconforming's are existing. **The Board Agreed.**
3. *How substantial is the variance that you are requesting?* The applicant stated: It is not substantial at all you're asking just for a 10% extraction of the existing footprint. **The Board stated it is actually less than 10% and agreed with the applicant.**
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: No, the whole colony has those kinds of houses. **The Board Agreed.**
5. *Is the alleged difficulty self-created?* The applicant stated: No, all nonconforming are existing. **The Board stated they don't agree, and it is self-created; however, it doesn't preclude the board from granting a favorable decision.**

A motion was made by R. Bruce, seconded by Chairwoman Ungerer, to have Attorney Naughton draft a favorable decision consistent with the facts and findings of the Zoning Board of Appeals granting the applicant a special permit. 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	

8. Adjournment

With no further business to discuss, a motion was offered by R. Bruce, seconded by Chairwoman Ungerer, to adjourn the meeting at 8:44 PM.

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

Jessica McClennan, ZBA Secretary