

Minutes of the Zoning Board of Appeals Meeting held on March 11, 2020 at 7:30PM

Present: Karen Ungerer, Chairwoman
Kevin Abrams, Craig Brady, Joseph DeVenuto, Gary Kestenbaum
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 April 8, 2020.

1. Executive Session: N/A

2. Approval and Acceptance of Previous Minutes:

Motion was offered by K. Abrams, seconded by, to approve and accept the minutes of the meeting held on February 12, 2020. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:
ADOPTED AYES 5 Ungerer, Abrams, Brady, DeVenuto, Kestenbaum

3. New Business: N/A

4. Action on Decisions:

A. Avalon –

Review decision for review of ruling by the Building Inspector pursuant to Section 310-49(c)(3). Whereas, Village Code Section 310-7.1(d)(5) states a hotel shall have frontage on a state or county highway or right of way, the Building Inspector has determined that the primary frontage for the proposed hotel is on a Village Road (Turner Rd.). If required, an area variance is requested to permit the construction of a 130 room 4 story hotel on a Village Road. Said property is located in the HO (Hotel Overlay) and LC (Limited Commercial) Zoning District at 140 Route 32 and 94 Turner Road, CV SBL 226 –1- 5 & 6.2.

The Board is mindful of the request contained in the referral letter from Mr. Lindsay wherein he requests that the Zoning Board consider the application "for any other relief that may be determined from a review of the plan submitted." On this request, the Zoning Board demurs in that the Board does not have jurisdiction on its own behest to identify the need for potential variances in as same must come from "a review of any decision, order or ruling made by the Code Enforcement Officer" and further, because this Decision ends with the interpretation made herein, that the Board has not undertaken a comprehensive review of the project plan which might identify the need for other variances - that being the task of the Village Planning Board.

The Board makes this Decision on interpretation based upon several facts as presented by the applicant. They are:

1. Upon division of parcel 5, that the divided parcel will be merged into parcel 6.2 and thereupon will comprise but one parcel having one tax lot number and there shall be no future subdivision of the combined parcel once so merged unless the proposed use of the merged parcel is no longer that of a hotel.
2. That upon merger of the divided parcel 5 with parcel 6, that said combined parcel will be owned by only one entity and ownership shall remain thereafter by one singular entity and shall not thereafter be divided. This factor shall not prohibit more than one owner of the merged parcel but shall prohibit different owners
3. The project as approved by the Planning Board shall include and require the proposed entranceway drive for the hotel together with the associated bus and vehicle parking on the front parcel all as

depicted on the plan submitted to the Zoning Board with this application which plan shows access via the drive to SR 32 and the front parcel with 100 feet of frontage on SR 32. This factor shall not be deemed to prohibit minor changes to the proposed site plan during the Planning Board review, but rather, require that the driveway and parking be located on the front parcel.

4. Should any of the foregoing factors not be a part of the final plan as approved by the Planning Board, this interpretation shall be deemed null and void.

The Board determines that provided the project as approved meets the conditions/factors set forth in numbered paragraphs 1 through 4 above, that the property will have the requisite "frontage" as required by § 310-7.1.D and that said frontage provides "direct access" as further required therein.

Pursuant to the determination made herein, the Board further determines that the applicant's request for an area variance as alternate relief is not required and hereby rendered moot.

By roll call a motion to adopt the decision was voted as follows:

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

Full decision on file in the Village Clerk's office.

5. Public Hearings:

A. Spezzaferro –

Continuation of Public Hearing for a Special Permit for the continued use of an existing second dwelling unit for a family member (Lucy Conde), pursuant to Section 310-35 of the Village Code. Said property is located in the R1A Zoning District at 1 Carlisle Court in Highland Mills and is known on the Tax Maps as Section 250 Block 1 Lot 36.

Mr. Spezzaferro approached the podium, Chairwoman Ungerer, stated the board had all the required information needed to issue a special permit. K. Abrams, made a motion, seconded by G. Kestenbaum to close the public hearing.

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

The board then read in the special permit and informed the applicant they must go to the building department to sign the documentation required.

B. Cad Signs/Aldi –

Public Hearing for an area variance to permit the installation of signage having 5 colors (corporate logo) located in the freestanding monument sign at the entrance to the shopping plaza known as Woodbury Centre. Whereas, pursuant to Section 310-30D(l)(e) a maximum of 3 colors are permitted. Said property is located in the IB Zoning District at Center Drive in Central Valley and is known on the Village of Woodbury Tax maps as Section 225 Block 2 Lot 1.12

Mr. John Ackman, Aldi's real estate director stated that the sign they are requesting is the five-color corporate logo sign. K. Abrams stated it is the same thing that they came in front of the board for in the past and that he has no problem giving it to them again. K. Abrams made a motion to close the public hearing. Attorney Dickover suggested that the board keep the public hearing open until they receive the 239 from the county. He then stated the applicant submitted the short form EAF, it is a type 2 action and the decision should be contingent upon the 239. C. Brady and K. Abrams requested the lawyer if he could draft both positive and negative decisions so when they receive the 239, they can vote and either approve or deny the applicant at the next meeting. Attorney Dickover said no.

A motion was made by Chairwoman Ungerer, seconded by J. DeVenuto to carry over the public hearing, while waiting for the 239 decision from the County. The vote was as follows:

AYES 4 Ungerer, Brady, DeVenuto, Kestenbaum
NOES 1 Abrams

6. Building Inspectors Report: N/A

7. Deliberations on closed Public Hearings

8. Adjournment

With no further business to discuss, a motion was offered by C. Brady, seconded by Chairwoman Ungerer, to adjourn the meeting at 7:48 PM.

ADOPTED	AYES	5	Ungerer, Abrams, Brady, DeVenuto, Kestenbaum
	NOES	0	

Jessica McClennan, ZBA Secretary