

**Town of Wawayanda ZONING BOARD OF APPEALS – Meeting Minutes
August 11, 2022 / 7:00 P.M.**

Members Present:

Richard Onorati, Chairman

James Beuerman - Absent

Daniel Post

Jeffery Soons

Ray Spiak

David Bavoso – Legal Consultant

Recording Secretary –Stacey Daly Wilkins

The August 11, 2022 Town of Wawayanda Zoning Board of Appeals meeting was called to order at 7:00 P.M. by Chairman Richard Onorati.

I. Public Hearing

Sullivan / SBL # 8-6-1 / Ryerson Road / SR Zone

Applicant is applying for an area variance of 195-17 A (3) (b) Shall be no closer to the street than any principal structure on the lot.

The Certified Return Receipts were collected and recorded. Reading of the Legal Notice was waived as it had been posted in the Times Herald Record the minimum 10 days prior to the Public Hearing, as well as being made available for public viewing in both the Zoning Office and on the Town of Wawayanda website and was mailed to all neighbors within 500' ft of the parcel.

Comments from the Orange County Planning 239 Review dated July 20, 2022 were read into the record by Chairman Onorati.

“The Planning Department has reviewed the submitted materials regarding the appeal for an area variance. While the Zoning Board of Appeals must weigh the local issues in balancing the needs of the appellant with the potential impacts on the surrounding area, it does not appear that intermunicipal or countywide impacts would result if the board finds that granting relief is warranted in this matter.”

Chairman Onorati asked who is presenting. Ashley Sullivan, the property owner, stepped forward and explained the she and her husband own a corner parcel and would like to install an above the ground swimming pool, 12' X 20'. To do so she needs to put it alongside street side of the home so that it does not interfere with the septic field in the rear of the home. The pool will be within the 10ft allowed setback. There is already an existing fence within that setback. They would like to put the pool approximately 2ft from the property line.

Chairman Onorati asked if there were any questions from the board.

Atty Bavoso clarified there is a preexisting fence. Ms. Sullivan confirmed.

Chairman Onorati opened the Public Hearing by asking for any question's comments or concerns from the public. There were none.

Chairman Onorati closed the Public Hearing and asked for a motion.

Motion by Jeffrey Soons, seconded by Daniel Post to grant the area variance to allow the above ground pool within the 10ft setback.

VOTE UPON ROLL CALL

Daniel Post	AYE
Jeffrey Soons	AYE
Raymond Spiak	AYE
Richard Onorati	AYE

AYE 4 NAY 0 Abstentions 0

Chairman Onorati declared the MOTION CARRIED.

Rose / SBL # 9.2.2.1 / Co. Rt. 12 / H

Let the record show that Jeffery Soons has stepped down from the dais and recused himself in this matter.

Applicant is applying for an AREA variance on an existing accessory apartment of 195-22 which requires a lot size to be a minimum of 2 acres.

Comments from the Orange County Planning 239 Review dated July 20, 2022 were read into the record by Chairman Onorati.

"The Planning Department has reviewed the submitted materials regarding the appeal for an area variance. While the Zoning Board of Appeals must weigh the local issues in balancing the needs of the appellant with the potential impacts on the surrounding area, it does not appear that intermunicipal or countywide impacts would result if the board finds that granting relief is warranted in this matter."

The Certified Return Receipts were collected and recorded. Reading of the Legal Notice was waived as it had been posted in the Times Herald Record the minimum 10 days prior to the Public Hearing, as well as being made available for public viewing in both the Zoning Office and on the Town of Wawayanda website and was mailed to all neighbors within 500' ft of the parcel.

Chairman Onorati asked who is presenting. Anne Rose, the property owner, stepped forward and requested an area variance for an existing accessory apartment. The parcel is only 1.2- acres and the town code requires 2-acres.

Ray Spiak, asked how long the apartment had been there and if permits were issued.

Ms. Rose responded the it had been there approximated thirty-years and did not receive permits when it was constructed.

Chairman Onorati explained that in similar situations this board has allowed the variance to run with the owner, meaning Ms. Rose could continue to have the accessory apartment, but the variance would expire when she ceased to own it. The Chairmen asked if that was something Ms. Rose would be interested in.

Ms. Rose responded, "Yes."

Chairman Onorati asked the board if anyone had any other questions. Ray Spiak noted this was reasonable to him.

Chairman Onorati opened the Public Hearing by asking for any question's comments or concerns from the public.

Mr. Christopher Tuthill addressed the board and stated that he was previously before the Zoning Board, approximately 2 ½ years ago, for a similar accessory in apartment and the ZBA denied his request.

Chairman Onorati responded that the circumstances of Tuthill's application were very different from the case being presented for this parcel.

A brief discussion was held regarding the Tuthill application from October 2019 and the current application.

Another man (no name provided) asked if Mr. Tuthill can appeal the previous decision.

Chairman Onorati stated that he may not.

Chairman Onorati asked if there were any other questions from the public. There were none.

Chairman Onorati closed the Public Hearing and asked for a motion.

Motion by Raymond Spiak, seconded Daniel Post to grant the area variance with the condition that the variance become void when Ms. Rose ceases to own the property.

VOTE UPON ROLL CALL

Daniel Post	AYE
Raymond Spiak	AYE
Richard Onorati	AYE

AYE 3 NAY 0 Abstentions 0

Motion Carried

Leonard / SBL # 23-1-102 / Kings Lane / AR Zone

Applicant is applying for an area variance of 195-17 A (3) (b) Shall be no closer to the street than any principal structure on the lot.

Let the record show that Jeffery Soons has returned to the dais.

Comments from the Orange County Planning 239 Review dated July 20, 2022 were read into the record by Chairman Onorati.

"The Planning Department has reviewed the submitted materials regarding the appeal for an area variance. While the Zoning Board of Appeals must weigh the local issues in balancing the needs of the appellant with the potential impacts on the surrounding area, it does not appear that intermunicipal or countywide impacts would result if the board finds that granting relief is warranted in this matter.

However, if this project is referred to our office for site plan review by the planning board, we will

recommend that the applicant access Kings Lane, rather than directly accessing County Route 93 (Lime Kiln Road), as this reduces the access points and potential traffic conflicts along County Route 93."

The Certified Return Receipts were collected and recorded. Reading of the Legal Notice was waived as it had been posted in the Times Herald Record the minimum 10 days prior to the Public Hearing, as well as being made available for public viewing in both the Zoning Office and on the Town of Wawayanda website and was mailed to all neighbors within 500' ft of the parcel.

Chairman Onorati asked who is presenting. Douglas Leonard, the property owner, stated his request for a detached garage on his property. He has a corner lot and would like to put a prefabricated two-door garage. It is the most desirable place due to the placement of the leach field of his septic system. The proposed structure is approximately 108 ft from Kings Lane, 70 ft from Lime Kiln Rd and 10ft from the property line setback.

Chairman Onorati explained this board would have difficulty granting the variance if the garage needed to be accessed from Lime Kiln Road.

Mr. Leonard explained that this proposed garage was for storage only. He has a two-car garage attached to his home. This garage would be to store patio furniture, a trailer, motorcycle, ATV, etc. There would not be any cars parked there. Is it possible to face the garage to the County Road, but not have a driveway there to access the County Road?

Atty Bavoso clarified that the application to this board is solely for the structure. Any access to the County Road would need to be worked out with the county.

Chairman Onorati opened the Public Hearing by asking for any question's comments or concerns from the public. There were none.

Chairman Onorati recommended to the board that the variance be granted with the condition that if an exit is needed then it must access onto Kings Lane. There can be no access onto the County Road.

Jeffrey Soons questioned, "An exit if he has one?", and stated, "It is our understanding that you do not have to have an exit at all."

Mr. Leonard reiterated his understanding that if he has an exit then it must go to Kings Lane.

Chairman Onorati clarified that it is stated this way so that if an exit is ever needed then it is understood that it cannot be onto County Route 93 (Lime Kiln Road).

Chairman Onorati closed the Public Hearing and asked for a motion.

Motion by Raymond Spiak, seconded Daniel Post to grant the area variance with the condition that if an exit driveway is ever needed it must access onto Kings Lane.

VOTE UPON ROLL CALL

Daniel Post	AYE
Jeffrey Soons	AYE
Raymond Spiak	AYE
Richard Onorati	AYE

AYE 4 NAY 0 Abstentions 0

Motion Carried

Ford / SBL # 24-1-8 / Co. Rt. 12 / RH Zone – **Withdrawn Due to Applicant Request.**

Applicant is applying for two area variances of 195-17 A (6) (a) [1] Fence shall not exceed six feet in height when erected in required side or rear yards and shall not exceed four feet in height when erected in the required front yard, and 195-17 A (6) (c) Fences and walls shall be set back a minimum of 12 feet from the edge of the pavement, but must be located out of the Town's right-of-way.

II. Informal Application

Gowans / SBL # 8-4-11.21 / Dennis Drive / SR Zone

Applicant is applying multiple setback variances on existing structures of 195-17 (3) (a) Structures shall not be located less than 10 feet from any side or rear lot line.

Chairman Onorati asked who is presenting. Mr. Joseph Gowans, home owner, stepped forward and identified himself.

Chairman Onorti asked what he is requesting. Mr. Gowans has resided there for seventeen years. There are three sheds and a pool deck that require setback variances. The two rear sheds are from 1967 and are approximately 5ft from the property line. The shed on the left property line is approximately 1-2' from the Property line.

Chairman Onorati stated that we will need a survey to proceed.

Atty Bavoso provided input that it is essentially an As-Built Survey that is required, and inquired if there is an existing survey on file. Mr. Gowans There is not.

Atty Bavoso also clarified for Mr. Gowans the difference between a survey and a tax map.

Discussion amongst board members and applicants regarding the necessity for the survey to provide accurate measurements for the requested setback variances. Mr. Gowans will contact a surveyor to proceed.

Additional discussion regarding setting a public hearing date. If a completed survey is not available at the time of the Public Hearing, the Public Hearing will be adjourned at that time to a later date.

Motion by Jeffrey Soons, seconded Raymond Spiak to set a public hearing for September 15, 2022.

VOTE UPON ROLL CALL

Daniel Post	AYE
Jeffrey Soons	AYE
Raymond Spiak	AYE
Richard Onorati	AYE

AYE 4

NAY 0

Abstentions 0

Scannell – Slate Hill Commerce Center / SBL 15-1-63.21, 11-1-34.34, 11-1-34.31, 11-1-34.32, 11-1-34.33 and 11-1-41 / McBride/Hoops Road / AR & MC-1 Zones / Noise Variance – Rescheduled Due to Applicant Request

III. Other Business

Approval of Minutes for July 14, 2022

Motion by Raymond Spiak, seconded Daniel Post to approve the minutes from July 14, 2022.

VOTE UPON ROLL CALL

Daniel Post	AYE
Jeffrey Soons	AYE
Raymond Spiak	AYE
Richard Onorati	AYE

AYE 4 NAY 0 Abstentions 0

Motion Carried

The August 11, 2022 Zoning Board of Appeals meeting was adjourned at 7:25 P.M.

Respectfully submitted,

Stacey Daly Wilkins

Stacey Daly-Wilkins
Secretary to Zoning