

City of Port Jervis, New York



ZONING BOARD OF APPEALS

December 3, 2013

The following Board members were present:

Tim Simmons, Chairman
Allie Acoveno
Hermann Barth
Lisa Randazzo
Robert Fink, Attorney

Members absent: Earl Miller, Tom Sexton, Dan VanKleeck

Also present: Council Liaison Carl Hendrick, Mayor-elect Kelly Decker, Building Official Wayne Kidney and Planning Board Chairman Tom Vicchiariello

Public Hearing—
100 Kingston
Avenue
SBL: 3-5-7

Joseph and Patricia Rennish
100 Kingston Avenue
SBL: 3-5-7

Area Variance—Install six foot (6') high fence in the front setback of the property

Mr. Simmons read the public hearing notice.

All mailings are on file.

Mr. Rennish explained that he had installed a six foot (6') fence to provide privacy and to accommodate the electric service for his pool. The fence affords greater safety while operating the pool and does not interfere or hinder motorists' line-of-sight. Mr. Rennish commented that his neighbors support the location of the fence.

Mr. Decker noted that he had viewed the fence and feels it is suitable for the location.

Motion by Ms. Randazzo, seconded by Mr. Acoveno, to close the public hearing at 7:04 p.m.

AYE: 4 ABSENT: 3 (MILLER, SEXTON, VANKLEECK) ABSTAIN: 0
NAY: 0 CARRIED

Public Hearing—
9-9½ West Main St
SBL: 8-3-10

Laurie Cortes
9 -9½ West Main Street
SBL: 8-3-10

Sign in front yard of building with zero foot (0') setback from property line

Mr. Simmons read the public hearing notice.

All mailings are on file.

Ms. Williams, an employee of Sign Here Sign Co. and representing the applicant, requested the Board approve Ms. Cortes' application for a permanent sign to be installed in front of the property. The sign will be a monument type to advertise the business.

Mr. Simmons stated that the agency was advised to install the sign, and Mr. Kidney noted its size.

Mr. Fink asked if the sign could be placed any further back. Mr. Kidney commented that the sign is two-sided and placing it further back would obscure the view of one side.

Motion by Mr. Barth, seconded by Mr. Acoveno, to close the public hearing at 7:09 p.m.

**AYE: 4 ABSENT: 3 (MILLER, SEXTON, VANKLEECK) ABSTAIN: 0
NAY: 0 CARRIED**

Regular Meeting Chairman Simmons called the regular meeting of the Zoning Board of Appeals (ZBA) to order in the Council Chambers, 20 Hammond Street, Port Jervis, New York on Tuesday, December 3, 2013 at 7:11 p.m.

Minutes of 8/16/2013 approved The motion to approve the November 5, 2013 minutes was postponed due to the lack of a quorum of members present at that meeting.

**Discussion of Public Hearing—
100 Kingston Avenue** Mr. Simmons stated that due to the location of the septic system on the property and potential flooding issues, the fence must be in its present location.

The Board reviewed the criteria:

1. Will an undesirable change be produced in the character of the neighborhood and a detriment to nearby properties be created by the granting of the variance?
 - o No, there are existing fences in the area and similar variances have been granted
2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than the variance?
 - o No
3. Is the requested variance substantial?
 - o No, not numerically
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
 - o No
5. Is the alleged difficulty self-created?
 - o Yes

Motion by Ms. Randazzo, seconded by Mr. Barth, to declare the Port Jervis Zoning Board of Appeals lead agency and the application constitutes a Type II unlisted action under SEQR with no adverse environmental impact.

**AYE: 4 ABSENT: 3 (MILLER, SEXTON, VANKLEECK) ABSTAIN: 0
NAY: 0 CARRIED**

Motion by Mr. Acoveno, seconded by Mr. Barth, to grant the variance and approve the application as advertised.

**AYE: 4 ABSENT: 3 (MILLER, SEXTON, VANKLEECK) ABSTAIN: 0
NAY: 0 CARRIED**

Discussion of
Public Hearing—
9-9½ West Main St

The Board reviewed the criteria:

1. Will an undesirable change be produced in the character of the neighborhood and a detriment to nearby properties be created by the granting of the variance?
 - No, this is a commercial area
2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than the variance?
 - No
3. Is the requested variance substantial?
 - Yes, numerically
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
 - No
5. Is the alleged difficulty self-created?
 - Yes, it is subject to zoning regulations

Motion by Ms. Randazzo, seconded by Mr. Barth, to declare the Port Jervis Zoning Board of Appeals lead agency and the application constitutes a Type II unlisted action under SEQR with no adverse environmental impact.

AYE: 4 ABSENT: 3 (MILLER, SEXTON, VANKLEECK) ABSTAIN: 0
NAY: 0 CARRIED

Motion by Mr. Barth, seconded by Mr. Acoveno, to approve the application with the condition that the existing banner be removed upon installation of the sign.

AYE: 4 ABSENT: 3 (MILLER, SEXTON, VANKLEECK) ABSTAIN: 0
NAY: 0 CARRIED

Pre-
Submission(s):
None

There were no pre-submissions before the Board.

Old Business

No old business was discussed by the Board.

New Business

Mr. Fink spoke about the new SEQR forms. He stated that they are more difficult to complete, adding that the ZBA can review the forms submitted by the applicant(s) and determine their completeness. He recommended the Board establish the type of action for the application at the pre-submission, review the SEQR form, and request the applicant provide additional information, if necessary, at the public hearing held at a subsequent meeting.

Planning Board
Report given

The application for Healy's Art School was approved with conditions on November 19, 2013.

The Board is still waiting for the updated site plan for the East Main Street application.

Orange and Rockland will be attending the December 17, 2013 to request an extension of the site plan approval for the substation project.

The Board approved an additional signage request by Ellicott Development for Rite-Aid. The Hammond Street intersection design is also being completed for the 100 Pike Street project.

Planning Board Attorney Mr. Krahulik has been discussing the new SEQR forms with Mr. Fink and provided the Planning Board with his recommendations.

Code Enforcement's Report given

The Rite-Aid project is moving along well.

Mr. Kidney met with the engineers for Mad Dog Liquor, an application previously approved by the Board.

Council Liaison report given

No report was given.

Adjournment

Motion by Mr. Barth, seconded by Mr. Acoveno, to adjourn the meeting at 7:26 p.m.

**AYE: 4 ABSENT: 3 (MILLER, SEXTON, VANKLEECK) ABSTAIN: 0
NAY: 0 CARRIED**

The next meeting is tentatively scheduled for Tuesday, January 7, 2013 at 7:00 p.m.

*Respectfully submitted,
Robyn Hendershot
Secretary*