

# City of Port Jervis, New York



Attendance

## ZONING BOARD OF APPEALS

May 5, 2015

The following Board members were present:

Hermann Barth	Michael Roberts
Tom Sexton	Dan VanKleeck
Lisa Randazzo	Earl Miller

Members absent: Tim Simmons

Also present: Council Liaison Bob Ritchie, Attorney Robert Fink, Mayor Kelly B. Decker, Building Official Dave Rivera, and Tom Vicchiariello

Public Hearing  
held—  
130 West Main St.

William Onofry 130 West Main Street SBL: 17-2-3.1 Variance for front and side setbacks, lot width, lot area per dwelling unit and lot area
--

Mr. Fink read the public hearing notice.

All necessary mailings are on file.

Mr. William Onofry, representing the applicant, stated that the owners are seeking a variance to convert a former three family to a two family. The existing dwelling does not meet the requirements for width, overall area, side setback, and lot area per unit. There is a current contract for the sale of the property, but only in the event it is considered a two family. If variances granted, the owner will rehab and remove an existing kitchen.

Mr. Fink asked the applicant how this house would relate to others in the neighborhood. Mr. Onofry replied it is a mix (single and multifamily) and would not change the characteristics. The house is almost 3,000 sq. ft. - heating alone doesn't make sense. With the front setback, it is in line with the others. There is no parking in the front but plenty in the back. In their opinion, it was not self-created. The tax lien was acquired as a three family home, property owners abandoned it, mortgage holders chose not take possession, yet all taxes continued to be paid as a three family. A two family would be a reasonable use for the property.

Mr. Roberts questioned the space for parking. Mr. Onofry responded it is a 75' x 40' space that can provide 2 plus 1 spot per dwelling.

Motion by Mr. Roberts, seconded by Mr. VanKleeck, to close the public hearing at 7:12 p.m.

AYE: 6 ABSENT: 1 ABSTAIN: 0 NAY: 0 CARRIED

Public Hearing  
held—  
140 Jersey Avenue

Hazma Warriach  
140 Jersey Avenue  
SBL: 14-10-22  
Variance for lot area, lot width, side yard setback,  
& parking spaces for a first floor office & second  
floor apartment

Mr. Fink read the public hearing notice.

All necessary mailings are on file.

Mr. David Henderson, representing John Fuller's office, stated they are seeking all variances noted in public hearing notice. The area has been zoned SC for some years and lost its use as a two family. Looking to place a business on first floor and caretaker apartment on the second floor. The property next door is the same. The only difference is we don't have any parking. Never had, never will.

Mr. Vicchiariello asked if they will be able to meet all the handicap requirements. Mr. Henderson stated the handicap ramp should fit between the sidewalk and the front porch.

Mr. Rivera questioned garbage disposal. Mr. Henderson noted garbage would have to be brought through the house.

Mr. Sexton inquired about an easement in years past. Mr. Vicchiariello mentioned it was more likely a gentlemen's agreement. Most of the houses had that in the area.

Mr. Barth asked how people get in and out without steps. Mr. Henderson replied there are rear entrances for both up and downstairs and side entrance for first floor. The second floor is accessible to the front.

Mr. Barth questioned parking. Mr. Henderson there is no parking - would use municipal parking downtown.

Mr. Rivera voiced concerns about garbage. Garbage tends to be strewn all over backyards with tenants residing on second floor apartments in that area. How often are the tenants going to pull garbage from the back to the front? The garage is not accessible.

Mr. Sexton suggested demoing the front for parking. Mr. Henderson noted handicap access would be lost.

**Public Comment**

Kathy Hylas stated she and her husband own property directly across the street. None of the businesses across from them have parking and they all end up parking in their parking lot. In addition, the mayor introduced a new law that charges landlords a fee every time they call the police. Will we be fined every time we call the police for people parking in our lots? The property does not meet any of the criteria and surprised it was brought before the board. Read a letter written by her husband, Michael Hylas which is on file.

Ms. Randazzo questioned Mrs. Hylas if there are signs designating the parking lots accordingly. Mrs. Hylas responded that she is sure there are signs stating customer parking only and if not, they will be sure to have them.

Mr. Vicchiariello asked how close the sidewalk is to the handicap ramp. Mr. Henderson replied within one to two feet and it is two-tiered.

Mr. Miller suggested the city look into alternate side parking in the business district. We don't want another empty lot.

Mr. VanKleeck suggested extending for another month.

Mr. Onofry stated if the city cannot work within its zone and any variance that comes before the board is denied, then you essentially, taken all value away from the property. It is a pre-existing non-conforming building, it will not meet the guidelines. Because it is zoned SC, they have no option but to put commercial on the first floor. This is not the only property like this in the city.

Mr. Rivera added if both parties could make Mr. Abdul a reasonable offer, it could help.

Motion by Mr. Roberts, seconded by Mr. VanKleeck, to keep the public hearing opening till June 2, 2015.

**AYE: 6 ABSENT: 1 ABSTAIN: 0 NAY: 0 CARRIED**

**Regular Meeting**

Deputy Chairman Barth 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, May 5, 2015 at 7:42 p.m.

**Minutes of 3/3/2015 and 4/7/2015 approved**

Motion by Ms. Randazzo, seconded by Mr. Sexton, to approve the March 3, 2015 and April 7, 2015 minutes.

**AYE: 6 ABSENT: 1 ABSTAIN: 0 NAY: 0 CARRIED**

**Discussion of Public Hearing held—  
130 West Main St.**

Mr. Barth noted there is big parking in the back but the house needs a lot of work. The house is huge and would be too big for a single family.

The Board reviewed the statutory criteria for the variance:

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 multifamily homes in the neighborhood.
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, a variance is necessary.
3. Is the requested variance substantial?
  - o Yes.
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, it is subject to existing zoning regulations.

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

**AYE: 6 ABSENT: 1 ABSTAIN: 0 NAY: 0 CARRIED**

**Motion by Mr. Miller, seconded by Mr. VanKleeck, to grant this application as advertised.**

**AYE: 6 ABSENT: 1 ABSTAIN: 0 NAY: 0 CARRIED**

**Pre-Submission(s)** There were no pre-submission before the Board.

**Old Business** No old business was discussed by the Board.

**New Business** No new business was discussed by the Board.

**Planning Board Report given** Nothing to report at this time.

**Code Enforcement's Report given** Nothing to report at this time.

**Council Liaison report given** The Council had a little pushback on sewer fees. First quarter billings were billed per dwelling instead of per unit. Second quarter billing was corrected but many landlords saw increases. The mayor did try getting the word out through social media. Media Solstice is creating a new municipal website. Mayor and chairman of planning and zoning boards met a few weeks ago and plan to meet quarterly to help ease communication channels. Valerie Majensky put on a Water Revitalization Seminar with 4-5 layouts for the community. Police has a new campaign to be part of the solution.

Mayor Kelly Decker stated the following

1. Mrs. Hylas brought up an issue regarding charges for police calls - it never went to code committee and it is a dead issue. It was brought up for feedback but is null and void.
2. Mr. Siegel resigned as code committee chairman.
3. Press release was done for the Water Revitalization Seminar but cannot control what is and isn't published.

**Adjournment** Motion by Mr. VanKleeck, seconded by Mr. Roberts, to adjourn the meeting at 7:56 p.m.

**AYE: 6 ABSENT: 1 ABSTAIN: 0 NAY: 0 CARRIED**

*The next meeting is scheduled for Tuesday, June 2, 2015 at 7:00 p.m.*

*Respectfully submitted,  
JoAnne Burton, Secretary*