

City of Port Jervis, New York



ZONING BOARD OF APPEALS

October 1, 2013

Attendance

The following Board members were present:

Tim Simmons, Chairman
Allie Acoveno
Hermann Barth
Earl Miller
Lisa Randazzo
Tom Sexton
Dan VanKleeck
Robert Fink, Attorney

Members absent: None

Also present: Councilman Liaison Carl Hendrick, Building Official Wayne Kidney, and Planning Board Chairman Tom Vicchiariello

Public Hearing(s)

No public hearings were held.

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, October 1, 2013 at 7:04 p.m.

Minutes of 8/16/2013 approved

Motion by Ms. Randazzo, seconded by Mr. Sexton, to approve the minutes of the August 13, 2013 meeting.

AYE: 6 ABSENT: 0 ABSTAIN: 1 (VANKLEECK) NAY: 0 CARRIED

Pre-Submission: 21 East Main St SBL: 8-13-5

Julia Healy
21 East Main Street
SBL: 8-13-5

Use variance for home occupation of an art school with up to eight (8) students at a time

Mr. Kidney stated that, after a discussion with Mr. Fink and a review of the definition for home occupation, he has determined that an application before the ZBA is not necessary and recommended a reimbursement of fees paid. Mr. Fink will draft a letter to the Council requesting a reimbursement of the application fee. Ms. Healy's application before the Planning Board, however, is necessary and will be on the agenda as a pre-submission for the October 17, 2013 meeting.

Motion by Mr. Sexton, seconded by Mr. VanKleeck, to accept the withdrawal of this application and request the Council approve a reimbursement of the application fee.

AYE: 7 ABSENT: 0 ABSTAIN: 0 NAY: 0 CARRIED

**Pre-Submission:
24 Erie St
SBL: 11-10-1**

**Donald Lee Cranston
24 Erie Street
SBL: 11-10-1
6' fence in front yard setback**

Mr. Cranston requested a variance for a six foot (6') section of fence on the Grand Street side of his property. Mr. Simmons asked if there was an existing fence. Mr. Cranston stated that there was a four foot (4') vinyl fence. Mr. Cranston commented on recent vandalism to his property. The increased height of the fence will aid in the protection of his property and pet.

Mr. Kidney asked if the surveyor will be amending the site plan to include the six foot (6') fence. Mr. Cranston stated that the new fence would be added.

Mr. Fink asked if the fence would be attached to the garage. Mr. Cranston stated that it would be attached.

Mr. Kidney and Mr. Cranston clarified for the Board the location of the four (4) and six (6) foot sections of the fence. Mr. Kidney noted that the fence is already installed. He had spoken to the owner about the necessity for ZBA's approval for a variance.

Mr. Cranston spoke briefly about improvements he has made to the property since purchasing it a month ago.

Motion by Mr. VanKleeck, seconded by Mr. Barth, to set a public hearing for this application for the November 5, 2013 meeting.

AYE: 7 ABSENT: 0 ABSTAIN: 0 NAY: 0 CARRIED

Mr. Fink commented that he felt there was no need to have the parcel resurveyed to add the fence.

Motion by Mr. VanKleeck, seconded by Ms. Randazzo, to accept the site plan as submitted with the application.

AYE: 7 ABSENT: 0 ABSTAIN: 0 NAY: 0 CARRIED

Old Business

The Board discussed an extension request by MILA of New York LLC (Mr. Seth Horn), 155 East Main Street. Mr. Fink stated that Mr. Horn must submit a formal application and will be sent a letter to inform him that a new application will be necessary. Mr. Fink recommended accepting Mr. Horn's request for the extension as a pre-submission.

Motion by Mr. VanKleeck, seconded by Mr. Sexton, to consider Mr. Horn's request for an extension as a pre-submission and to set a public hearing for the application for the November 5, 2013 meeting.

AYE: 7 ABSENT: 0 ABSTAIN: 0 NAY: 0 CARRIED

New Business

No new business was discussed by the Board.

**Planning Board
Report given**

The application for 100 Pike Street/Rite-Aid had been approved at the July Planning Board meeting. There have been some ongoing issues concerning easement agreements and bonding, and the Building Official's office is awaiting a final site plan for signature. Mr. Vicchiariello stated once the issues are resolved the project could begin moving forward.

**Planning Board
Report
(continued)**

The Planning Board reviewed and commented on two (2) proposed local laws addressing changes to the City code pertaining to animals and dumpster enclosures.

Mr. Vicchiariello commented on the complexity of the new SEQR forms that will go into effect October 7, 2013. Representatives from McGoey, Hauser, and Edsall Engineers will be attending the October 17, 2013 Planning Board meeting to explain the new forms for the Board.

The next Planning Board meeting date has been changed to October 17, 2013 at 7:00 p.m. due to a conflict with a change to the date of the Common Council meeting.

**Code
Enforcement's
Report given**

Mr. Kidney noted that he anticipates issuing a building permit for 100 Pike Street/Rite-Aid next week. Mr. Krahulik, the Planning Board attorney, will be reviewing the bond paperwork, and Mr. Kidney will also be clearing other issues prior to issuing the building permit. The lack of executed easement agreements will not delay the issuance of the building permit, but the documents will be required to be submitted to the County prior to a Certificate of Occupancy (CO) being issued.

Mr. Kidney has contacted a property owner on Front Street concerning a violation for a six foot (6') fence. The property owner has been sent a notice but has not yet complied. An appearance ticket may be issued.

**Council Liaison
report given**

Mr. Hendrick stated that the Council passed the local law concerning a change in the code pertaining to animals.

The change to various parcels from Central Business District to Residential/Office is ongoing. The Council will be requesting input from Garling and Associates and County and City Planning.

Adjournment

Motion by Mr. VanKleek, seconded by Mr. Barth, to adjourn the meeting at 7:29 p.m.

AYE: 7 ABSENT: 0 ABSTAIN: 0 NAY: 0 CARRIED

The next meeting is tentatively scheduled for Tuesday, November 5, 2013 at 7:00 p.m.

*Respectfully submitted,
Robyn Hendershot
Secretary*