

# City of Port Jervis, New York



## ZONING BOARD OF APPEALS

January 5, 2016

### Attendance

The following Board members were present:

Hermann Barth  
Michael Roberts

Tom Sexton  
Lisa Randazzo

Absent: Tim Simmons, Danny VanKleeck, and Earl Miller

Also present: Attorney Robert Fink, Building Official Dave Rivera, Councilman Liaison Stanley Siegel, and Planning Board Chairman Tom Vicchiariello

### Public Hearing 10 Minisink Ave

Estate of Laura J. Schneider  
10 Minisink Avenue  
SBL: 20-5-6  
Lot area variance to allow for a two family dwelling in the R-2 zone

Mr. Fink read the public hearing notice.

Mr. Randall Coffill, representing the Estate of Laura and Frank Schneider, stated the executor of the estate is looking to make a tentative agreement with the neighbor, Donna Osbourne of 5 Wright Street to transfer property to her subject to approval of variances sought. The property is unique as it has three front yards and has black top and gravel drive. There are two distinct living areas that exist. The framed garage will be kept and repaired. Two separate and distinct entrances for the two units will be created by shutting down the staircase. Most of the setbacks would exist if it were a two family or single family. Nothing will be changed except to accommodate the separate entrances. Noted a change from a single family to two family will not be a monumental change for the neighborhood as 39 Penn Ave (PJ Housing Authority) is on adjoiners list and is high-density housing and nearby.

Mr. John Fuller representing the application indicated out of the six variances sought only two are specific to a two family. Because the property fronts on all three streets it will need three front yard setbacks whether it was one or two family. The lot area and width is more than 60% adequate for a single family but falls short for a two family. The two distinct questions brought by the board have been addressed by the applicant. The applicant will maintain the garage and the shared common entry will be blocked off. The property has been used as a mother/daughter.

Mr. Barth questioned how the entrance will be separated. Mr. Fuller replied the interior stairwell would have to be closed off and an exterior stairwell will

be provided to access the second floor.

Mr. Roberts asked how long the house has been vacant. Mr. Coffill noted since April 2015, death of Ms. Schneider.

Mr. Sexton inquired about the sq. ft. of home. Mr. Fuller stated per documented real estate literature the first floor is 1200 sq. ft. and second floor 800 sq. ft.

Mr. Sexton asked about taxes. Mr. Fuller stated taxed as a single family.

Ms. Randazzo questioned the integrity of the garage. Mr. Fuller stated he has looked at it and it is in pretty bad shape but thinks a good portion of it is salvageable but will need extensive work.

Mr. Sexton asked for a map with similar dwellings in the neighborhood. Mr. Rivera noted there are four existing two families in the area but mostly single family.

Mr. Fink commented before the board considers a decision to close the public hearing, the board needs four votes in order to approve. In this situation when there is less than majority it has been customary in other municipalities to allow the applicant the decision to keep it open.

Mr. Coffill stated he would like the public hearing to remain open.

Public hearing comments

Mr. Gregory Apel, 9 Woodland Dr. read a letter (on file) signed by himself, wife, and neighbors. Requested the application not be approved as it is not in keeping with our leadership who encourage and promote single family homes. The multifamily status will negatively impact our home values and are especially concerned about the driveway and no sidewalk on Wright Street.

Mr. Stanley Siegel stated he encourages mother/daughter which is different from a two family because many older people have a difficult time maintaining their own home, so to live with their children or relatives is a good thing. This property is beyond the 240 rule and the rule was put in place for a reason - to protect the neighbor's environment and property values. Thanked the neighbors for coming and voicing their concerns.

Mr. Barth questioned how cars will park, as there is no parking. Mr. Fuller stated there is access to the garage and improvement can be made for parking.

Mr. Fink noted applicant should consider Section 535.55 referencing the garage. In addition include other dwellings in the area and indicate the uses on nearby buildings and tell the board about the intentions on the garage, the manner in which it will be repaired.

Public Hearing remain open

Motion by Ms. Randazzo, seconded by Mr. Sexton to keep the public hearing open.

AYE: 4 ABSENT: 3 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, February 2, 2016 at 7:43 p.m.

- Minutes of 10/6/15 & 1/5/16 tabled**      **Mr. Barth tabled the approval of the October 6, 2015 and January 5, 2016 minutes.**
- Old Business**      **None.**
- New Business**      **None.**
- Planning Board Report given**      **Mr. Vicchiariello reported the board had not had a meeting.**
- Code Enforcement's Report given**      **Mr. Rivera reported the following:**
- **Receiving tons of permits - people working on their homes.**
  - **Implemented new program in the office.**
  - **100 Pike Street - finishing up on the front of building.**
  - **42 Front Street - new business looking really good.**
  - **24-32 Front Street - waiting on probate.**
- Council Liaison report given**      **Mr. Siegel reported the following:**
- **Yanni's restaurant opened in the Mini Mall.**
  - **City negotiating with Energy in the bank for a solar farm on city property.**
  - **Future Homes/Excel - dumpsters are in place and cleaning up.**
  - **19 Hamilton St - laundromat has a new engineer and moving along.**
  - **Code Committee - last code of 2015 to allow wholesale business to attach to retail business in the CBD.**
  - **Six local laws coming up:**
    - **Local Law #1 - Override tax cap limit.**
    - **Local Law #2 - Addition to Sec 231-16; Fees charged by engineers or other inspectors assisting the building department in inspections.**
    - **Local Law #3 - Would permit addition of delinquent and unpaid fees, fines, etc. under Sect 231, to city tax bills.**
    - **Local Law #4 - Adding definitions to Sec 534-4 of zoning law for microbrewery, brew pub, brewery, micro-distillery, distillery, etc.**
    - **Local Law #5 - Amending Sec 220-9 & 220-10B so as to permit auctions to be conducted on Sundays and legal holidays.**
    - **Local Law #6 - Amending Sec 513-3 & 535, to deny or turn off water to homes without CO's or where a CO was revoked.**
  - **Ideas under consideration:**
    - **Mandating biodegradable bags for leaf pickups for safety and health concerns.**
    - **Sewer fee revision for non-homestead.**
    - **Updating zoning and planning board laws.**
    - **Not allowing pavement in front yards.**

**Encouraged board members and public to attend meetings and provide input.**

**Adjournment**

**Motion by Mr. Roberts, seconded by Ms. Randazzo, to adjourn the meeting at 8:42 p.m.**

**AYE: 4 ABSENT: 3 ABSTAIN: 0 NAY: 0 CARRIED**

*The next meeting is scheduled for Tuesday, March 1, 2016 at 7:00 p.m.*

*Respectfully submitted,*

*JoAnne Gordon-Burton, Secretary*