

**CITY OF PORT JERVIS, NEW YORK
ZONING BOARD**



**August 6, 2019
7:00pm
Minutes**

In attendance: Chair-Tim Simmons
M.Roberts, H. Barth, D.Aumick, T.Sexton, D.Copa
Also in attendance: R. Fink-ZBA Atty., T.Vicchiariello-PB, L.Powrie-Building Official, D.Santini-Council Liaison
Absent: E.Miller

Public Hearing(s):

- A. EPM Resources, LLC; 67 Ball St., SBL: 13-13-1; 1) Variance for front yard installation of 6' fence on corner lot, 2) Interpretation: Does proposed use meet criteria of definitions for office, business & professional, or personal use.**

Wm.Onofry obo owner of EPM-proposing 6' fence so yard can be used for therapeutic purposes; therapy goes beyond walls--art, music, movement, etc.; black coated vinyl chain link fence to surround the entire property with gates. No other changes to lighting, signage, etc.

Mr. Fink asked about a 4' fence opposed to a 6' fence. 6' would require a 15' set back at corner/ intersection.

Asked significant adverse environmental impact questions:

- A. Undesirable change to the character of neighborhood? No
- B. Can benefit be achieved by another means that the variance? No
- C. Requested variance is (not) (numerically) substantial? 33%
- D. Proposed variance have an adverse effect? It should not
- E. Is the difficulty self-created? Yes

Public Comment: Mr. Belcher obo of Mayor: expressed concerns of community in opposition of 6' fence also feel a 4' fence would be adequate. G.Canappa (spl?): is in favor of the 6' fence. L.Randazzo: is opposed to a 6' fence and spoke on the positives of a 4' fence. A.Horsham: fence is to ensure the safety of the children being served on the site while in the yard. D.Aumick: a 6' fence is not a requirement for the facility and a 4' fence would serve the purpose and be within the code. M.McKenna (friend of owner): a 6' fence will not be a huge obstruction, owner would be willing to install a 5' fence if a 6' is not allowed. P.Vandermark: not opposed to EPM Resources installing a 6' fence and understands it is a safety precaution desired by owner.

Motion to close the Public Hearing: T.Sexton, 2nd H.Barth, 6 yes, 0 no, 1 absent, approved

- I. Call to order: Tim Simmons 7:37pm
- II. Approval of July 2, 2019 minutes: Motion to accept with corrections T.Sexton, 2nd H.Barth, 5 yes, 0 no, 2 abstain/absent, approved
- III. Public Comment (3 minute limit): none
- IV. Discussion of Public Hearing(s): EPM Resources LLC, 67 Ball St. SBL: 13-13-1; T.Vicchiariello stated there are 2 driveways on the property; the used car dealer needs proper sitelines and would be impacted by a 6' fence. Building Dept. would do an inspection and follow code accordingly; nothing on the books for driveways.
 - A. Will this be undesirable to the neighborhood? Yes
 - B. Can the benefit be achieved by another means? No
 - C. Is the variance substantial? Yes 33%
 - D. Any adverse effect on the environment? No
 - E. Is it self-created? Yes

Motion for unlisted action under SEQR: T.Sexton, 2nd D.Copa, 6yes, 0 no, 1abs, approved

Motion to grant as advertised: T.Sexton, 2nd H.Barth; Roll Call vote: M.Roberts-No, D.Copa-No, H.Barth-No, D.Aumick-No, T.Sexton-No, T.Simmons-No; 0yes, 6no, 1abs Motion denied

Public Hearing will remain open for Interpretation for September 3, 2019

V. Pre Submission(s): Deborah Stas, 29 Cahoonzie St. SBL: 3-10-27; Variance for lot coverage over 30%:
Requesting a small addition to the back of dwelling. Mr. Fink suggested checking around the neighborhood for similar situations.

Motion to set Public Hearing September 3, 2019: H.Barth, 2nd D.Copa, 6yes, 0no, 1 abs, approved

VI. Old Business: None

VII. New Business: None

VIII. Planning Board Report: updates provided by Mr. Vicchiariello

IX. Code & Building Dept., L.Powrie reported on updates and continue to be busy

X. Council Liaison Report: Dominick Santini comprehensive plan set for Public Hearing for Monday 8/12/19

XI. Adjournment: 8:10pm Motion M.Roberts, 2nd D.Copa, 6 yes, 0 no, 1 absent, Approved

The next meeting is tentatively scheduled for 7:00 pm on SEPTEMBER 3, 2019

Respectfully submitted by: J.Schildts