

## **ZBA Minutes**

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

**February 2, 2021 7:00pm**

**Zoom (virtual) Minutes**

In attendance: T. Sexton-Chair, M. Decker, D. Copa, M.Newhauser, M. Roberts

Absent:.H. Barth, D. Aumick

Additional Attendees; R. Fink-ZBA Atty., L.Powrie-Building Official, T. Simmons-Council Liaison

T.Vicchiariello-PB Chair, Mayor, K.Decker-Zoom facilitator

Kelly Decker:

Okay, folks, it's 7:00 PM. It is February 2nd, 2021. This is the Port Jervis Zoning Board meeting. I'll do a roll call, and then I'll turn the meeting over to you, Tom. So just state your name. When I call your name, please state your first and last name and say present. Tom.

Tom Sexton:

Tom Sexton. Present

Tim Simmons:

Tim Simmons. Present.

Tim Schadt:

Tim Schadt. Present.

Tom Vicchiariello:

Tom Vicchiariello. Present.

Mike Decker:

Mike Decker. Present.

Mike Roberts:

Mike Roberts. Present.

Jeanmarie Schields:

Jeanmarie Schields. Present.

Laurie Powrie:

Laurie Powrie. Present.

Donn Copa:

Donn Copa. Present.

Melissa Neuhauser:

Melissa Neuhauser. Present.

Stan Siegel:

Stanley Siegel. Present.

Maria Mann:

Maria Mann. Present.

Kelly Decker:

And I'm Kelly Decker, also present.

Kelly Decker:

I'm just going to ask everybody to mute your mics until you're going to speak so we don't get the background noise. And Tom Sexton, I turn it over to you.

Tom Sexton:

Thank you. All right. If you have any emotions or anything to say, just say your name so we can actually log it down, whoever motions whatever we're going to talk about today. Well, there's no public hearings, so call the meeting to order. We've got to approve December 1st minutes. Can I get a motion?

Mike Roberts:

Mike Roberts. I give you a motion.

Tom Sexton:

Second?

Mike Decker:

Mike Decker. Second.

Tom Sexton:

All in favor.

Kelly Decker:

Aye.

Tom Sexton:

All right, public comment? [inaudible 00:02:27] none. All right, move on. Public hearing. So we're going to have-

Tim Schadt:

Okay, we're-

Tom Sexton:

Oh, no, no, not public hearing. I'm sorry. Pre-submission. So we have, once again, a pre-submission for Higgins has a front porch 1-12 Culver Street. I guess, Tim, you're going to take over from here and explain exactly what you want to do.

Tim Schadt:

Okay. Right now, we have an existing porch. It's six and a half by six foot. We'd like to have K&F construction removed that porch and to build a six by 16 porch, so it's actually six inches less away from the house than the porch that's there now. Look around in the City of Port Jervis, most of the houses do have porches that go along the length of the front of the house, so that's what we're looking to do. You can see the drawing there by K&F. I just think that aesthetically it'd be more pleasing to the front of the house, and it'll match all the other front porches in the neighborhood over here, so you all have large front porches. I'm sure it'll probably increase the value of the home, and it'll, I think, just make the neighborhood look a lot nicer in this area.

Tom Sexton:

Kelly, can you go back to where... No, can't see it. There you go. What's a normal setback requirement? Laurie.

Laurie Powrie:

It's a 20 foot front yard setback requirement.

Tom Sexton:

[inaudible 00:04:29].

Laurie Powrie:

There is a provision that allows for nothing more than a six by eight front porch if the house is closer than the 20 feet.

Tom Sexton:

Right.

Laurie Powrie:

So that's what is basically there. It's not more than the six by eight, and they would like to just make it bigger and...

Tom Sexton:

So basically just longer?

Laurie Powrie:

Yes.

Tom Sexton:

Okay. And, Tim, you said there's other properties near you that has the same configuration or same setbacks?

Tim Schadt:

The house across the street has a wraparound porch. Most of them in the area have [inaudible 00:05:15] porches here.

Tom Sexton:

All right. In the past, we've had applicants actually give us a street map or other layouts of other properties that are in your neighborhood. So this way it's all conforming, or this way it's not an eyesore. Maybe "not an eyesore" is the wrong word. So it compares to all the other properties. If you're saying that is true, then we would need to have some kind of... Something in writing or a map of some sort or other pictures showing other properties with the same type of porch.

Tom Sexton:

So, Laurie, is there a map? Or did the assessor hand out a map like that? Or who would do that?

Laurie Powrie:

You could get the tax map probably from the county website, but that would just show the parcels, not the houses.

Tom Sexton:

Yeah, I want to show a house on it, right.

Laurie Powrie:

No.

Tom Sexton:

[crosstalk 00:06:22].

Laurie Powrie:

So maybe showing a copy of the tax map and maybe individual photos of the properties showing that all these houses are closer than that 20 foot setback, and they have bigger than six by eight porches.

Tom Sexton:

Doesn't a Google Earth have something like that?

Laurie Powrie:

Possibly.

Tom Sexton:

So Tim, you have some homework before... Well, we'll set this, but we'll need some homework to make sure all the other properties are all the same.

Tim Schadt:

At one time, they did have a wrap-around porch, the whole entire front.

Tom Sexton:

When was that taken apart?

Tim Schadt:

1972 or something of that sort.

Tom Sexton:

There we go. Okay.

Tim Schadt:

Yeah.

Tom Sexton:

That has a smaller porch on it.

Kelly Decker:

Yeah.

Tim Schadt:

The one down below has a large porch cross the road.

Tom Sexton:

There's one there, but that has a little bit more setback. And then you had a house on the right and left a little bit of setback. Yeah, keep on going down the street.

Kelly Decker:

No, that's...

Tom Sexton:

If you go down and hit... No, you went too far. That's [inaudible 00:07:55]. Go up the hill and look at the left house. Keep on going. Go forward more if you can. Right there. Over to the left. There's a house right there. See that porch right there, that's how... Right, that house has a big porch on it. That one has a porch on it. All right, so is there any way we can get copies of this for all the members? That has a smaller porch. So it's a combination of both. What does everybody else think on the board? Am I on the right path?

Stan Siegel:

Yeah.

Mike Roberts:

Yeah. Yeah.

Tom Sexton:

Yeah. Anybody else want to chime in? Going once, going twice. So we all concur that the applicant would have to get us pictures of other houses so we can revisit this next month?

Tim Schadt:

Yeah.

Tom Sexton:

Yeah. Does anybody else [crosstalk 00:09:22]

Mike Decker:

Give Us a chance to go look at it, yeah

Tom Sexton:

All right. Does anybody still need the map up or that? Everyone good? All right. Cool.

Kelly Decker:

Yeah.

Tom Sexton:

All right. So basically, we're all in concurrence of having the applicant get us pictures for the next meeting?

Kelly Decker:

Yes.

Tom Sexton:

Comparable [inaudible 00:09:49].

Kelly Decker:

Yeah.

Tom Sexton:

All right. All right. So might as well give me a motion to set it for a public hearing. What date is that going to be?

Kelly Decker:

Hold on. March 2nd.

Tom Sexton:

March 2nd. Can I get a motion for that.

Donn Copa:

I'll make a motion. Donn Copa.

Tom Sexton:

Donn.

Tim Schadt:

You know what? I'm not going to do that. Just forget it. I'll put up blocks in the front.

Speaker 10 (Dawn Higgins):

Absolutely ridiculous that you have to go through all this for a porch.

Tim Schadt:

It's kind of crazy to go through this, so I'm not...

Speaker 10 (Dawn Higgins):

[crosstalk 00:10:32].

Tim Schadt:

It'll be a lot cheaper for me anyway. I've been going on for a year with this, so just forget it now. I'm not going to do that. I'm not going to go any further. I did everything I was supposed to, I was asked to do, so...

Speaker 10 (Dawn Higgins):

Every month there's another problem.

Tom Sexton:

Well, this is the first time you're before us, and you would have to come back next month also.

Tim Schadt:

K&F has done a lot of leg work on this for me. I did everything that he asked me to do that he was told to do.

Speaker 10 (Dawn Higgins):

Survey, everything.

Tim Schadt:

The survey and everything else.

Speaker 10 (Dawn Higgins):

[crosstalk 00:11:13].

Tim Schadt:

So I'm just making a little porch, a few feet longer.

Speaker 10 (Dawn Higgins):

And it was longer in '74 when my parents took it down.

Tim Schadt:

So I'm just going to forget it. I'm not going to do it.

Tom Sexton:

Because we just need comparisons to the rest of the neighborhood. That's all this really is.

Speaker 10 (Dawn Higgins):

[inaudible 00:11:28] right down the street.

Tim Schadt:

There's porches in this whole area, the whole Port Jervis is set up that way.

Speaker 10 (Dawn Higgins):

[crosstalk 00:11:36].

Tim Schadt:

Come on.

Tom Sexton:

I understand that, but we need to have it so it's in our folders, our files and everything on here, so...

Tim Schadt:

I'm not-

Speaker 10 (Dawn Higgins):

No, we're not doing it.

Tim Schadt:

I'm not doing it. I'm not going to do it. I'm just going to tear it down myself, and I'll put up some blocks in the front. I'll make it look like whatever. This was going to be a project that was going to be like \$18,000. It wasn't going to be a piece of crap. It was going to look nice.

Tom Sexton:

Okay. I understand that. Well, this is how we-

Tim Schadt:

I understand that, but like I said, I'm not going to do it. I'll just [crosstalk 00:12:14]. When I see other things going on at town that are not done correctly, then [inaudible 00:12:24] make everything look a lot nicer here. And I've done everything that I was asked to do. I've been coming on from this since March.

Laurie Powrie:

If I may, Tom. Mr. Schadt, everything that you were asked to do up to this point was for the pre-submission meeting. It's up to the board. If they require anything additional for the public hearing.

Tim Schadt:

Come on, you guys all live here, you go by here all the time. You see what's here.

Speaker 10 (Dawn Higgins):

[inaudible 00:12:55]

Kelly Decker:

Tom, if I may for a minute. Hey, Tim, just so you know, this is the actual process. You're at the pre-submission. The next one, which they just said, is to have a public hearing. Once the public hearing is done and over with, they approve... Most times, they approve it. I'm not saying that they will, but they most times they approve it. That's March. And boom, you're done, ready to go for construction. I think all they're asking is for a couple of pictures that you can bring to the next meeting. That's all you have to do.

Tim Schadt:

Yeah.

Speaker 10 (Dawn Higgins):

Yeah, that's what we were told [inaudible 00:13:35].

Tim Simmons:

Yeah, that would be enough.

Kelly Decker:

This is the first time I'm even hearing of it, so...

Tom Sexton:

Yeah.

Tim Schadt:

I mean, you guys all live here. You've been by here how many times?

Speaker 10 (Dawn Higgins):

You don't know every street out here has a porch?

Tim Schadt:

You don't know what's here?

Kelly Decker:

No, I think everybody here can say that they've gone by, it's just, as Tom said, there's a file. And when you're doing things the correct way, you have to have all the information in the file because if you don't and somebody comes back, they can come after you and sue. All it is is you're going to the next month, you have your public hearing. And once your public hearing is done, you guys can start construction.

Tim Simmons:

Yeah.

Speaker 10 (Dawn Higgins):

Yeah. Well, it was a survey [inaudible 00:14:15]

Kelly Decker:

Well, that's just the process.

Tom Sexton:

And this is the first time before our board, so...

Tim Schadt:

[crosstalk 00:14:31].

Kelly Decker:

Tim, if you decide that you want to grab a couple pictures, and you don't have to do anything else and come to the next meeting, have a public hearing, just let Laurie know. But it has to be within the next week or two, right? Because the mailings have to go out for the public hearing.

Laurie Powrie:

Yes, I'll need to confirm proof of mailings. And at that time, he could submit his additional information to me to share with the Zoning Board before the meeting.

Kelly Decker:

So you can talk about it.

Tim Schadt:

Are there any chances if I did the pictures, I'm going to be told no, or...

Tom Sexton:

We can't say for sure [crosstalk 00:15:15].

Tim Simmons:

Probably not.

Speaker 10 (Dawn Higgins):

[crosstalk 00:15:18] if we're told no.

Tim Schadt:

Just say, for instance, I was told no, what would the reasoning be?

Kelly Decker:

Well, now the attorney's on. So maybe, Tom Sexton, you can just fill him in really quick and maybe he can give Tim some guidance.

Attorney:

I apologize for being late. Your question is, what would the reasons be?

Tom Sexton:

Well, I suggested the applicant get pictures of other neighbor's porches with identical setbacks and sizes, just to bring pictures to our meeting for next month.

Laurie Powrie:

For proof that it's in the keeping of the character of the neighborhood.

Bob Fink:

Bob Fink.

Tom Sexton:

Yes.

Bob Fink:

So this is the house right here. Right now, they have a small porch right here with a couple of steps. What they want to do is they want to make a fuller porch in the front. This is what it's going to look like. Sorry, I have to kind of go through this and spin it. Just give me a second.

Bob Fink:

So that's what it'll look like. So right now, there's just a porch right here with steps down. So they want to extend it as a full porch. So what we did is we went on to... I have to bring it back up again. I went on to Google Maps because they wanted to see if the applicant was saying that there's other houses in the area, which there are, that are very similar. Hold on a second here. (silence)

Bob Fink:

So this green house right here is the applicant's house. This is where the full porch would be. So they have a wraparound porch here in the back, but one more down, they have a [crosstalk 00:17:34].

Tom Sexton:

Large porch there.

Bob Fink:

Across the street, they have a porch that wraps around. Here, right across the street, they have a full porch. Here, they have a porch. And all the zoning board was asking for... [Jack's 00:17:49] got a full porch. The [Quick 00:00:17:53] have a full porch here. What the zoning board was asking for was just pictures, so that they have them for the file, rather than

me just showing them to you here. And that's where we're at. And the applicant's wondering what would cause the board to say no, that's the question.

Attorney:

Well, first and foremost, if granting the variance would be a detriment to the neighborhood. That's really what it comes down to. And if it's in conformance with most of the setbacks, it's hard to allege that it would be a detriment to the neighborhood. There are other criteria, but that's the most important.

Tom Sexton:

So-

Kelly Decker:

Tim.

Tom Sexton:

Would you want to go forward?

Kelly Decker:

You heard that, right?

Tim Schadt:

I'm talking to Mr. [Fernald 00:19:00] on the phone. He said he'll snap some pictures tomorrow and get them to you.

Tom Sexton:

Okay.

Tim Schadt:

Yeah.

Kelly Decker:

But you don't need them tomorrow, you have to bring them to the meeting.

Tim Schadt:

Well, he's going to take them. He said he'll do them and he'll send them to you or whatever he's going to do.

Speaker 10 (Dawn Higgins):

[inaudible 00:19:21].

Kelly Decker:

All right. Just bring whatever evidence you would bring to the meeting.

Tim Schadt:

We're doing a Zoom meeting, right? [crosstalk 00:19:38], next month?

Tom Sexton:  
For the Zoom meeting.

Tim Schadt:  
So this, Mr. Fernald said that he'll take some pictures. So just let him know where to send them.

Kelly Decker:  
No.

Tim Schadt:  
Where should he send them?

Kelly Decker:  
When you say send them-

Speaker 10 (Dawn Higgins):  
You people need the pictures, for the file.

Tim Schadt:  
You need the pictures, right? You said you needed them.

Kelly Decker:  
We need the pictures, but just bring them to the meeting.

Speaker 10 (Dawn Higgins):  
[inaudible 00:20:04].

Tom Sexton:  
But we're going to be in a Zoom meeting. All right, so-

Kelly Decker:  
Oh, oh, okay. All right. What you should do then is file... I forgot. You should file them with the building department. And that will be part of the record.

Tom Sexton:  
So just drop them off to the billing department.

Laurie Powrie:  
Or-

Tim Schadt:

Mr. Fernald will send them out to Laurie when he takes them.

Tom Sexton:

That'll be fine. That'll be fine. All right. So going back to setting up a public hearing. That's going to be March, March 2nd, correct?

Tim Simmons:

Yes.

Kelly Decker:

That is correct.

Tom Sexton:

Okay. All right. Let's go forward from here on out. Can I get a motion to set this hearing?

Jeanmarie Schields:

Mr. Copa already set the motion in order.

Tom Sexton:

Donn did, okay.

Jeanmarie Schields:

We need a second.

Mike Roberts:

It's Mike Roberts. I'll second it.

Tom Sexton:

Roberts. All in favor?

Tom Sexton:

Okay. All right, so that's set.

Kelly Decker:

I will send the public notice tomorrow.

Tim Simmons:

Very good. All right. Tom, the actual address of that is 3 Culver, is that correct?

Laurie Powrie:

It's one to three.

Tom Sexton:

One to three. Thank you.

Laurie Powrie:

[inaudible 00:21:36].

Tim Simmons:

Okay. Thank you. I just needed it for my notes.

Tom Sexton:

All right. Moving on. Old business.

Tim Schadt:

I can probably leave now, right? You need me for the rest of the meeting?

Kelly Decker:

No.

Tom Sexton:

No. All right. I see there's no old business. Any new business?

Stan Siegel:

Well, this could probably go under old and new. We did discuss at the last meeting about curtailing it into having it so there's only one meeting per applicant. We still have to do some research on that. Is there any thoughts from anybody?

Laurie Powrie:

Jeanmarie and I were discussing it for a bit one day. And I think a major concern is holding people to submitting their applications in a timely manner. And it would have to be more than the requirement now, which is 10 to 14 days. And we stretch it here and there for... If we know an application is coming. So there is going to have to be a bigger span of when an application would have to be submitted. We're talking probably 30 days before a meeting to be able to get everything in order for a public hearing.

Kelly Decker:

Yeah, that won't work.

Laurie Powrie:

We're talking a month before. It's the same time length as a pre-submission meeting to a public hearing meeting.

Tom Sexton:

True. All right. And the time-

Laurie Powrie:

Could it work? Yes. It's just a matter of getting all the dynamics in place and sticking with them.

Tim Simmons:

And also, when I was a member of the zoning board, I found it helpful after the pre-submission to go out and actually take a look at the site, see what they wanted to do. So I had a picture in my mind, then I could visually see it and put those things together. That was just really helpful for me, so...

Tom Sexton:

[inaudible 00:24:01] just keep it the way it is now then.

Tom Sexton:

All right. Anybody else? Do we have a planning board report?

Tom Vicchiariello:

All right, thank you, Tom. We had a pre-submission from 67 Fowler street for a medical building. That is adjacent to Dr. Little's Child office building. We accepted the pre-submission. We had a few issues that we wanted to go over. You had a gentleman come to your zoning board meeting when Dr. Little applied for her variance in regards to drainage, which the planning board had no knowledge of prior to this. So taking that into light, we did decide to send this to our engineer because that water from 67 Fowler does drain down onto Dr. Little's Orchard street property. So to be safe, we are going to be sending that to engineering to make sure that they've... Going to put in an underground drainage system and [inaudible 00:25:14] into the city system. So we want to follow up on that before we address the rest of the project. But other than that, we set the public hearing for that for 67 Fowler.

The other thing is we did discuss the zone change that the city had requested us to go over in regards to 13-50 Fowler street. That's been mentioned many times in the past, where the zoning is sort of... It splits that district and people's backyards, et cetera, et cetera. So that's more or less a council decision. I know you guys are familiar with it.

Tom Sexton:

Yeah.

Tom Vicchiariello:

We decided to go ahead and approve it where they want to change it to a mixed use zone rather than a central business district. The only issues we did talk about was why they left 11 Fowler street out, and also how the [Markowitz 00:26:17] building was changed from a Fowler street address to now it's a Jersey Avenue address. But did go over that. We did approve the zone change. And that's that.

Tom Sexton:

All right. Thank you. Code enforcement, Laurie.

Laurie Powrie:

Nothing new is on the horizon yet for next month for the zoning board. Otherwise, it's busy working on the state's annual report for our department activities. And well, as of yesterday and today, by the end of the week, we'll be busy writing a lot of tickets for snow removal. But other than that, business as usual.

Tom Sexton:

Okay. Council liaison.

Tim Simmons:

Hi. Thanks, Tom. As Tom said, the issue of the zoning change for Fowler street has come up to the council. We're discussing that right now with a possible [inaudible 00:27:18] to be developed. Had some different questions about it, as well as zoning for the old [Flodine 00:27:31] property as well. We're discussing that as to the possibility to do a change in zoning there to allow condos to be built there. And we're looking at the possibility of zoning there. That's still under discussion. I know there's been an inquiry or a question raised by, I believe, [Valerie Meginsky 00:28:01] regarding those changes. So there's more discussion to be held, I'm sure, and then get back to you as far as that goes. And-

Tom Sexton:

Does that property go all the way past the Creamery?

Laurie Powrie:

Yes, it does. There's a few lots. There's three or four lots that go past to the field and beyond the Creamery.

Tim Simmons:

Absolutely, yeah. So we're looking at that. And as I said, that's still in the discussion that's been discussed with the code committee, and we're still getting some input from some other sources. So that should be... Come to a culmination fairly soon, one way or the other.

Tim Simmons:

And other than that, we're working on... As you know, the budget was passed at a 2.57% increase. And we're looking at... Through the finance committee, we're trying to prioritize bringing things back into the budget as we're able to during this 2021 budget year. And that's all I have.

Tom Sexton:

Right. Thank you, Tim. All right. I just want to thank everybody for all your thoughts and prayers for me the past month or so, [inaudible 00:29:33]. Just wanted to mention that. [inaudible 00:29:36] can I get a motion to close?

Mike Roberts:

I'll make a motion. Mike Roberts.

Tom Sexton:

Roberts. Second? Can I get a second from somebody

Melissa Neuhauser:

I'll second. Melissa Neuhauser.

Tom Sexton:

Melissa. All in favor?

Mike Decker:

Aye.

Tom Sexton:

Aye. Okay. Well, see you next meeting.