

ZONING BOARD OF APPEALS
SATURDAY, JUNE 07, 2014
4:00 P.M.

Present: Chairman Charles Mott, Ogden Lewis, T. David Mullen, Alexander Ames, Robert Treuhold, Brendan Ryan, and Village Attorney Richard DePetris

1) Chairman Mott brought the meeting to order. The minutes of the **April 26, 2014** meeting were approved into the record. Mr. Mott also included that the next meeting would be held on **July 12, 2014 at 4 PM.**

2) The first item on the agenda was the application of **Richard and Deborah Kadlick** for the following variances: a front yard variance to 22.2 feet and a rear yard variance to 9.3 feet in order to elevate the existing house and provide a basement; a front yard variance to 28.4 feet for proposed covered porch; a rear yard variance to 16.7 feet for proposed basement access door; a front yard variance to 29.2 feet and a rear yard variance to 13.4 feet for proposed reconstructed porch roof deck; a front yard variance to 38.7 feet and a rear yard variance to 25.8 feet for proposed 2nd and 3rd floor additions; a front yard variance to 27.49 feet a rear yard variance to 25.91 feet for proposed steps and overhang; a height variance in order to exceed the 16 foot height limitation within required front and rear yards.

Architect **Stuart Disston** was present for the application discussion. He explained that his clients were proposing to lift their house to install a basement. The house would end up being 30” above grade, while currently it is about 18” above grade. They were also proposing to add an addition in the center of the existing footprint of the house for a staircase, and a porch near the kitchen, and a Bilco door off the back of the house. They were also proposing to remove the existing porch in order to lift the house, and then reinstall the porch. Mr. Disston explained the additions to the board with the use of the drawings and photos. The board wanted to know if there was an apartment in the garage. Mr. and Mrs. Kadlick explained the apartment was the second bay of the garage, but they were not using at the time, but they were not planning to abandon its use either. They said it contained 2 twin beds and a bathroom, but did not contain a kitchen. The board was requesting a sketch of what was actually there. The owners said it did have a CO. Mr. DePetris explained that the CO he read referred to it as a garage and an apartment. The next door neighbors came forward to look at the plans.

DECISION: MR. MOTT MOVED TO ADJOURN THE APPLICATION FOR FURTHER DOCUMENTATION.

3) Next, was the application of **Michael Gramins** for a setback variance to 50 feet from Arbutus Road in order to permit a proposed tennis court on a lot proposed to be merged with an adjoining parcel as a condition of the requested variance. Premises are known as **6 Arbutus Road (TM #902-4-2-31)** and adjoining parcel **10 Arbutus Road (TM #902-4-2-32)**

Attorney **Kittric Motz** was present for the applicant. Her client was requesting a 55' x 115' tennis court of which only a small part of the southeast corner was encroaching. The encroaching corner is 50 feet from Arbutus. She explained that there was already a variance in place for a house and an accessory structure, septic etc., that would allow a 50 foot front yard variance, from 60 foot. They were requesting that in lieu of constructing an entire house, swimming pool, septic system etc., they be permitted to merge the two lots and construct a tennis court on the property, which would be a much less intensive use of the parcel. Arbutus is a paper road in front of that lot, and will not be paved. They also intend to sink the tennis court a few feet, and would be willing to install additional screening.

DECISION: MR. MOTT MOVED TO ADJOURN THE APPLICATION FOR WRITTEN DECISION.

4) Next, was the application of the **Estate of Laura Berdon** for a street frontage variance to 185 feet and a lot width variance to 185 feet for proposed lot 1 of a proposed subdivision. Premises are known as **11 Bay Road TM #902-6-1-8**

Attorney **Stephen Latham** was present for the applicant. The applicant was seeking to divide a property of about 212,000 SF. in the A8 Zone, into a lot of about 93,000 SF, and a remaining lot of about 113,000 SF. The frontage on Bay Road, which is a private road, is only about 200 feet. They were proposing to create a flag lot of about 15 feet. The board wanted to see a 20 flag lot, and attorney Latham agreed. The board also wanted to see a revised map showing the 20 flag pool before they rendered a decision. Mr. Latham agreed. The **neighbors at #7 Bay Road** came forward to say that if the applicant subdivided and then sold the property there would eventually be too many people and cars on Bay Road. They felt that the traffic on Bay Road was already crowded and should be limited for safety reasons. The board sympathized with the narrowness of the road, but informed the neighbors that the applicants did have a legal right to subdivide. Another neighbor came forward to see the plans of the proposed subdivisions and the layout.

DECISION: MR. MOTT MOVED TO ADJOURN THE APPLICATION FOR A REVISED PLAN AND A WRITTEN DECISION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) Next was the application of **Christopher Amato** for setback variances to 3 feet from side lot lines and to 6 feet from rear lot line in order to permit proposed tennis court. Premises are known as **69 Old Depot Road. TM #902-3-4-31.5**

Mr. Amato was present for his application discussion. Mr. Amato explained that he understood that his variance request might seem a little unreasonable, but the tennis court would be a perfect fit for the location. He felt it would not effect the neighbors if located in his requested location, since it is already set down 4 feet, and it is bermed as well. Mr. Amato explained that he also proposed to plant trees on the berm. The neighbor, **Mr. Starr**, had submitted a letter to the board saying that he objected to the variance request because it was too substantial a request. He also objected to the close proximity of the tennis court to his property. Mr. Starr felt that Mr. Amato should maintain the 25 foot setback. The board felt that granting the variance would be setting a terrible precedent in the village. Another neighbor, **Mrs. Motz**, came forward to look at Mr. Amato's survey.

DECISION: MR. MOTT MOVED TO DENY THE AMATO APPLICATION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

6) Next was the holdover application of **Robert Merckle** for a front yard variance to 41.3 feet and a height variance to 22 feet within the required front yard in order to permit proposed house. **TM #902-4-2-39**

Randal Weichbrodt was present for the applicant. The board had previously requested that the elevations be included on the survey, and Mr. Weichbrodt provided an updated survey showing elevations. He also showed the height information for the new variance request in relation to the previous approved 50 foot setback with a height of 32 feet. The board was satisfied with the submitted information.

DECISION: MR. MOTT MOVED TO ADJOURN THE APPLICATION FOR WRITTEN DECISION. MR. TREUHOLD SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

Respectfully submitted by: _____ File date: _____