ZONING BOARD OF APPEALS
SATURDAY, MAY 06, 2017
3:00 P.M.

Present: Chairman Robert Treuhold, Charles Mott, Alexander Ames, Brendan Ryan, Bruce Peiffer, and Village Attorney Richard DePetris

Absent: T. David Mullen

1) Mr. Treuhold brought the meeting to order. He indicated that there was a quorum present. The first order of business was to approve the minutes of the **March 11, 2017** meeting.

MR. AMES MADE A MOTION TO APPROVE THE MINUTES OF THE MARCH 11, 2017 MEETING. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) Mr. Treuhold explained that the next meeting would be held on Saturday, **June 17, 2017,** at **3 PM.**

3) The first item for discussion was the application of **3 Catbrier Holding LLC** for a fence height variance in order to permit proposed chain link fence with a height of 6 feet. Premises are known as **3 Catbrier Lane. TM #902-7-2-10.2**

Attorney **Kittric Motz** was present for the applicant. She explained that there was an error on the original survey and using the survey, she showed the error to the board, explaining the position of the fence. She explained the fence would go to the property line but would no longer have the indentation as originally shown. The neighbors to the north and to the south are related to each other and both were presently in agreement with the six-foot fence. When asked who owned the cleared parcel to the northwest, Mrs. Motz said that it had been owned by Mr. Lettieri but she thought he had sold it to someone else, but she was not sure of the name of the purchaser. To the best of her knowledge, the new owner did not have a problem with the six-foot fence. Mr. Treuhold asked for a motion to approve the application.

DECISION: MR. RYAN MADE A MOTION TO APPROVE THE VARIANCE APPLICATION OF 3 CATBRIER HOLDING LLC. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) Next was the application of **Phillips Creek Holdings LLC** for setback authorization to permit accessory structures less than 50 feet from and no closer than 24.5 feet from proposed boat slip as shown on survey. Premises are known as **35 Beach Lane. TM #902-11-3-34**

Attorney **Kittric Motz** was for the applicants, who were also present. Mrs. Motz explained that she did have a conversation with the neighbor across Beach Lane, and to the east. The neighbor had been in Europe so was not aware of the application hearing. Mrs. Motz explained the application, showing her the survey and explain that everything on the survey was permitted, except the boat slip, which was why they were going to the Zoning Board. The neighbor did not appear to be concerned with the variance application. The Board explained to Mrs. Motz that they had received an email from another neighbor, **Maureen Clancy**, saying she had no objections to the boat slip. Her only concern was as to when the project would be finished since she felt it would be noisy and we are now entering the summer season. Mrs. Motz explained that her clients were requesting a boat slip that would be 24.5 feet at the closest point. She was aware that they would still have to go to the Village Trustees to get permission to build the boat slip after meeting with the Zoning Board. Mr. Treuhold asked for a motion to approve the application.

DECISION: MR. RYAN MADE A MOTION TO APPROVE THE VARIANCE APPLICATION OF PHILLIPS CREEK HOLDINGS LLC. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) Next was the application of **Anthony** and **Linda Racioppo** for a setback variance to 30.3 feet from easterly side line in order to permit pool house. Premises are known as **28 Bay Road. TM #902-6-1-23.7**

Attorney **Kittric Motz** was present for the applicants. She explained that their problem clearly involved professional error. She explained that on the survey dated April 21, 2015, a retaining wall proposed for the septic system, was shown 10 feet inside the property. There was a separate septic system proposed for the pool house. Then on the survey December 2015, the stakes had been set for the sanitary system along the same lines as shown in the earlier April survey. On the January of 2016 survey the plans were changed in that the septic system for the pool house, and the retaining wall, were removed but the stakes still remained in the ground. Apparently since the stakes remained in the ground for some months, it created a confusion as to whether that was the 30 or 35-foot mark, and where the side yard setback was. There had been a 'stop work' order issued in reference to a fill problem and the retaining wall problem. The retaining wall has since been removed and the property is scheduled to be re-graded to its original contours. The builder, **Joe Spano**, was present to explain that they became aware of the problem from the survey. He said it was truly a miscommunication between himself and the surveyor. The Board said they felt a bit troubled by the situation in as much as it was a situation that should just not have happened. They also felt that in some way the owner and the builder should be held accountable

for this type of error. The Board wanted to adjourn the application to give it further consideration.

Mr. Treuhold explained that the board would adjourn the Racioppo variance application. The board said they would appreciate a letter from the neighbor to the south. They also suggested the Racioppos and the builder stay in contact with the Village Building Inspector, Bill Nowak, to make sure everything along the property line was regraded and returned to its original contours.

The meeting was adjourned

Respectfully submitted by: Vicki Ramiolo **File date:** 6/13/17