ZONING BOARD OF APPEALS
SATURDAY, NOVEMBER 10, 2012
4:00 P.M.

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

Absent: Robert Treuhold

(1) Chairman Lewis brought the meeting to order and announced that the next meeting would be on **Saturday, December 15, at 4:00 PM**. Before presenting a motion to accept the minutes of the last meeting, Mr. DePetris had a correction on the **Bick** application, on page 3 of the October 13, 2012 minutes. After the words "main residence" the following words should be added as a correction: **AND A VARIANCE FOR THE PROPOSED ALTERATIONS TO THE RELOCATED GUEST HOUSE.** After these words are inserted, the corrected decision should read as follows…

DECISION: MR. LEWIS MOVED TO GRANT THE REVISED FRONT YARD VARIANCE TO 56.1 FEET FOR THE PROPOSED PATIO, A FRONT YARD VARIANCE TO 49.4 FEET FOR THE RELOCATION OF THE GUEST HOUSE AND A FRONT YARD VARIANCE TO 25.2 FEET FOR THE PROPOSED GARAGE, A VARIANCE TO 21.99% FOR LOT COVERAGE, ALONG WITH ALL VARIANCES AS LISTED IN THE INITIAL APPLICATION THAT HAD NOT CHANGED IN TERMS OF THE MAIN RESIDENCE AND A VARIANCE FOR THE PROPOSED ALTERATIONS TO THE RELOCATED GUEST HOUSE, SUBJECT TO THE COVENANT THAT THE BASEMENT NOT BE MORE THAN 8 FEET IN HEIGHT AND NOT BE USED FOR HABITABLE SPACE. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

Subject to the aforementioned correction…

DECISION: MR. LEWIS MOVED TO APPROVE THE MINUTES OF THE OCTOBER 13, 2012 MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

(2) Next, Mr. Lewis announced that the application of **Steven Holley** had been withdrawn.

(3) Next, Mr. Lewis explained that in reference to the application of **Robert and April Kaynor**, just before the meeting, he had received an email from Mrs. Crowley, a neighbor of the Kaynor's, stating that she had not received notice of the application and asked if they could appear at the next meeting if they had any objections after studying the record, unless it was adjourned. Mr. Lewis had spoken to Mr. Kaynor, who decided he would like to go ahead and present his application. Mr. Lewis also wanted it noted, that the application was pursuant to a 'contract of sale,' indicating that what the buyer would or would not do if the application is not granted, would be a matter of contract negotiation. So the application was not being presented in the Kaynor's interest or benefit except that it is included as a condition in their contract to the potential buyers.

The application of **Robert** and **April Kaynor** for a variance in order to permit accessory building designated as a garage to be used as a pool house with 443 square feet of floor area and a storage building with 325 square feet of floor area and for a lot coverage variance if necessary in order to permit existing lot coverage. Premises are known as **4 Edgewood Road. TM #902-9-3-1.2**

Attorney **Michael Malone** was present to represent the applicants. He explained that when his clients purchased the property, there was a faulty C.O. in place calling the accessory building a garage instead of a cottage. Originally it was a cottage on another property owned by Frank Adams. When Mr. Adams subdivided, a condition of the subdivision was that the accessory building be moved to a different property, and it was moved to where it is at present. Mr. Malone wanted it noted that the footprint has never been changed. He explained that this was not a self-imposed hardship. The board wanted to see some history on the building. They wanted to know how the building came to be on the piece of property it was now on. There is heat in the building at present but will not be in the future.

Robert Kaynor spoke explaining that the building was originally black clapboard and he put shingles on it. He submitted photos to the board. He explained the layout of the cottage and that they were taking out the heat because it was very old and had not been turned on in years. His family used the cottage as a playroom for his children, pool house, place for towels etc. There are no kitchen facilities in the pool house. Mr. Mullen wanted to know why it could not be reduced to the legal size for a pool house or have a substantial wall separating the two. The board suggested having the architect produce a revised plan showing the extended wall and how much floor area is involved, and also have their architect show what it would take to make the pool house 250 SF. They could submit the information at the next meeting.

DECISION: MR. LEWIS MOVED THAT THE KAYNOR APPLICATION BE ADJOURNED TO THE NEXT MEETING. MR. MULLEN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

(4) Next was the application of **Allison Carey** for a height and visibility (open space) variance in order to permit proposed stockade fence with a height of 6 feet along part of the easterly line, for a setback variance to 18 feet from easterly line in order to permit proposed deck extension and wood privacy wall with a height of 6 feet and for a setback variance from the easterly line in order to permit proposed shower enclosure as shown on survey. Premises are known as **40 Deer Path**. **TM #902-4-1-85**

Real Estate Broker **Peter Simmons** was present for the applicant. He explained that Ms. Carey's property was located next to the VFW parking lot which is approximately 20 feet off her property line. Currently, Ms. Carey has a wire pool fence running along the property line and just south of that is the VFW's stockade fence on their property. Ms. Carey wanted to put a 6' high solid fence along their easterly property line to create some privacy and safety especially at night when headlights are shinning into her property from the VFW night games. He mentioned that there was a letter submitted from the VFW saying they had no objections to the application. The 6 foot high fence is measured from the swimming pool deck, which is about 1 foot off the ground. The work was started and then they realized they needed to come to the board for permission. They proposed to run the fence only up to the south end of the house, making it about 70 feet from Montauk Highway right-of-way, or about 80/85 feet from the highway. Mr. Mullen asked why the pool house was more than 250 SF. Ms. Carey explained that when she purchased the house the pool house was there and had a bathroom and a C.O. She explained that last year she changed the roofline to a more traditional roofline but the building department did not raise any issues with it then. The pool house does have heat and A/C. Mr. DePetris said that normally the board does not look behind a C.O. especially since it was issued years ago.

DECISION: MR. MULLEN MOVED THAT THE BOARD GRANT THE VARIANCES AS REQUESTED. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting was adjourned.

Respectfully submitted by: Nancy Pamela **File date:** 12/5/12