

**ZONING BOARD OF APPEALS
SATURDAY, JANUARY 31, 2015
3:00 P.M.**

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

Absent: Ogden Lewis, and Alexander Ames

1) **Chairman Treuhold** brought the meeting to order. The minutes of the **December 14, 2014** meeting were approved into the record. The next meeting was scheduled to be held on **February 28, 2015**, at **3 PM**

2) The first matter on the agenda was the request from Penniman Point LLP for a 2 year extension of their variance granted on February 13, 2013.

DECISION: MR. TREUHOLD REQUESTED A MOTION TO APPROVE THE REQUEST OF PENNIMAN POINT LLP FOR A 2 YEAR EXTENSION OF THEIR VARIANCE. MR. RYAN MADE A MOTION. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) Next was the application of **Jeffrey Nazar** and **Matthew Tornetta** for side yard variances to 23 feet from the easterly line and 23.7 feet from the westerly line in order to permit proposed additions to existing house. Premises are known as **47 Midhampton Avenue. TM #902-4-3-5.**

Architect Jim Deluca was present for the owners, who were also present. He explained that the owners want to maintain the 2 existing side yards. They were adding an addition on the back but wanted to maintain the same profile of the building and carry it straight back. Although there were small overhangs on the existing house, for some reason, original setbacks had been measured from the house itself and not the overhangs. They would be increasing the overhangs.

Attorney **Kittric Motz** came forward representing the owners at **45 Midhampton Avenue**. She had a question about the position of the house and the overhangs which Mr. Deluca answered sufficiently.

Tim Dolan, who had power of attorney for **Mr. Feiner** of **49 Midhampton Avenue**, came forward to request that the board not make a decision today because he was out of the country. He would like to have time to review the application and the scope of work to be done, and was planning to be back within the next ten days. The board was sympathetic to Mr. Feiner's feelings but since the board was inclined to grant the variance, they did not want to hold up the applicant from moving forward with their work. The board wanted to tentatively approve the application, and allow Mr. Feiner one week to indicate if he had any objection. Mr. Dolan agreed.

DECISION: MR. TREUHOLD REQUESTED A MOTION TO GRANT THE APPLICATION SUBJECT TO A ONE WEEK PERIOD FOR WHICH MR. FEINER COULD INDICATE ANY CONCERN AT WHICH POINT THE BOARD WOULD DEFER TO THE NEXT MEETING TO ALLOW CONSIDERATION OF ANY CONCERNS. MR. RYAN MADE THE MOTION. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) Next was the application of **Stephen and Kristen Fealy** for a setback variance to 75 feet from Wildwood Lane in order to permit proposed tennis court and for a determination or variance in order to permit proposed private yoga studio (having 363 SF of interior space and a covered porch) as an accessory structure/use with a setback of 30 feet from the easterly side line. Premises are known as **4B Sandacres Lane. TM #902-7-1-4.32**

Attorney **Kittric Motz** was present to represent Mr. and Mrs. Fealy, along with their contractor, **Joseph Spano**. Mrs. Motz indicated that there were two letters in the file, one from Mr. Mejean and one from Mr. Siegel, in support of the Fealy application. Mrs. Motz explained that the property was large enough to build a tennis court without a variance. Her client's concern was to save the line of older trees indicated on the survey. She explained that the property was a flag pole lot and also a through lot with two front yards. She had more specific information in her packet, which she directed the board's attention, in reference to the age and size of the trees. Mr. Spano explained that they wanted to maintain the existing grade. Moving the tennis court closer to the house would create an extreme difference in the grade between the tennis court and the property. They have to maintain the existing grade within 20 feet of the property line all around the house. Mr. Spano explained that moving the tennis court within the 75 foot setback really was their best location. The contractor also considered putting the tennis court on an angle, but that also complicated things. Their proposed location would move the court further away from the neighbor directly behind the Fealys on Assups, who would be most impacted by the construction. Mrs. Motz explained that they do have landscape plans which would include a double row of Privet hedge along specific property lines and they would be willing to comply with any landscape directive imposed by the building inspector and the code. The utility pole and the electric lines will be painted green.

The proposed yoga studio is 363 SF. which makes it a little larger than a pool house but because it will have no plumbing or A/C, it would not be able to be converted to living space. They were only requesting heat so that the facilities could be used all year round,

and to help prevent any mold or mildew. It will simply be a room to conduct private yoga classes and meditation, away from the household where they have 3 lively children. Storage for all the accoutrements will be inside the studio. It is proposed to have a 30 foot setback. The studio is in both A3 and A8 zones. It is 40% in A3 and 60% in A8. Mrs. Motz explained that in the A3 zone the side yard setback is 25 feet, and if they build according to the A3 setbacks, 72% would be in A3 and the balance in A8. Because the proposed studio was in a split-zone and because the code was unclear, she understood that it depended upon where the building activity was taking place, as to which setback should govern their structure. If the studio is moved closer to the house the elevation would have to be raised to match the elevation of the house. In order to keep the grade at the minimum height, the studio would have to be as far from the house as possible. The studio cannot be moved to the west in order to keep as much open space on the property as possible. Mrs. Motz explained that they needed the 363 SF. for the size of the studio because if the studio was only 250 SF., the size of a pool house, there would only be enough room for 3 people and an instructor, and it would also eliminate some of their storage space. Mr. Spano explained that they proposed to build the studio on a slab with radiant heat in the floor. The proposed height of the studio, to the peak of the roof, would be 19'6" and inside was a proposed cathedral ceiling, although not necessarily formalized as of yet. The proposed covered porch would be 8' x 16', although open on all sides. The board thought it would be advisable for Mrs. Motz to go back to the Fealys and discuss an alternate, smaller/modified plan for the yoga studio. Mrs. Motz agreed to do so.

Mr. Treuhold explained that the board wanted to adjourn the application to the next meeting so the Fealys could return with a modified proposal for the yoga studio.

5) Next was the application of **Richard Kadlick** for a lot coverage variance to 25.81% in order to permit proposed swimming pool, pool patio, and garage patio and for a variance in order to permit proposed alteration of existing nonconforming detached garage for use as a garage, pool house, and tool shed. Premises are known as **106 Depot Road. TM #902-10-1-16**

Deborah Kadlick was present to represent her husband, Richard Kadlick, the applicant. She explained that on their property since the '60's there has been a residence, a garage, and a garage apartment. Landscape architect Sue Wilcenski came forward to explain that the property was a triangle and a very restricted lot. She explained what they were doing with the use of the surveys. She also had some renderings to help the board understand and visualize what was being proposed. She explained that they were able to get a 30' long pool within their designated space. She explained that most of the proposed pool patio was within the setbacks, except two small portions which she pointed out using the survey. The patio space was only on one side of the pool, and that was the side closest to the house. The proposed patio would be made of brick and measured 10' x 16' which Mrs. Wilcenski felt it was the smallest useful space possible. The garage is an existing structure with a one car bay, and space on the other side of the bay. The Kadlicks wanted to change the roof line to keep it within the period of their house. There is a proposed

crawl space under the east portion to permit plumbing. There will be a hatch door for access. Mrs. Kadlick explained that they would be renovating the structure rather than reconstructing it. She also explained that they had spoken to their neighbors about purchasing portions of their lots. In reference to the neighbors, attorney **Kittric Motz** explained that neither the Bauers, nor the Rogers were interested in selling portions of their lots, but did have concerns about the landscape plans. They requested that if the variances were granted, that the landscape plans be made a condition of the granted variance. Mrs. Wilcenski submitted a landscape plan for the board to review, and explained the plantings and their locations. The board appreciated the hardship of the triangular lot but felt the Kadlicks were trying to squeeze too much onto a tiny parcel.

Mr. Treuhold explained that the board wanted to adjourn the application to the next meeting so the Kadlicks could come back with a proposal that would reduce their requested amount of lot coverage.

The meeting was adjourned.

Respectfully submitted by: _____ **File date:** _____