# TOWN OF STONY POINT Zoning Board of Appeals Minutes April 3, 2014

PRESENT: ALSO PRESENT:

Mr. Anginoli Dave MacCartney, Attorney

Mr. Keegan

Mr. Casscles

Mr. Vasti

Mr. Fox

Mr. Porath (absent)

Chairman Wright

<u>Chairman Wright</u>: Good evening. I see by the clock it is 7:00 PM. I will call this meeting of the Zoning Board of Appeals of the Town of Stony Point to order; please rise for the Pledge of Allegiance.

We have a few items on the agenda tonight; they are all Public Hearings, other than the new minutes and we will start out with the request of Alicia Pagan.

## Request of Alicia Pagan - App. #14-03

A variance from the requirements of the Town of Stony Point Zoning Code Chapter 215, Article V, Section 15A h.1-6: Less than required rear setback, required 20 feet, provided 15.1 feet for a rear addition at 18 River Road, Stony Point, New York.

Section 21.09 Block 1 Lot 17 Zone RW

\*\*\*MOTION: Mr. Vasti made a motion to open the Public Hearing; seconded by Mr. Fox. Hearing all in favor; the motion was carried.

<u>Chairman Wright</u>: Is the representative for the applicant here? Can you just come up over there and identify yourself and you can tell us what you are looking to do?

Alicia Pagan 18 River Road Stony Point, New York

<u>Chairman Wright</u>: "Do you swear the testimony you are about to give is truthful?

Ms. Pagan: Yes.

Chairman Wright: Go ahead.

<u>Ms. Pagan</u>: I want to build an extension to the back to have more room to the house. I live there with my daughter, her husband and they just had a baby two years ago. We need to have more room. I want the addition so we can have more room for the family.

**<u>Chairman Wright</u>**: Questions from the committee?

<u>Mr. Vasti</u>: We were out...I was out to see it on Sunday and I saw property - so where you want to build. It's small. I am sure you could use the extra room.

**Ms. Pagan**: Yes, especially if some others come along.

**Chairman Wright**: Any other questions?

(no response from the Board)

**Chairman Wright**: Anybody else from the public have any questions about the...?

\*\*\*MOTION: Mr. Keegan made a motion to close the Public Hearing; seconded by Mr. Casscles. Hearing all in favor; the motion was carried.

**<u>Chairman Wright</u>**: The next application on the agenda is the request of Frances Aquino.

## Request of Frances Aquino - App. #14-01

A variance from the requirements of the Town of Stony Point Zoning Code Chapter 215-VIII-40 - Storage and residing in a RV in front yard/setback, for an RV parked in the front yard/setback, located at 64 Beach Road, Stony Point, New York.

Section 15.20 Block 1 Lot 15 Zone R1

\*\*\*MOTION: Mr. Fox made a motion to open the Public Hearing; seconded by Mr. Anginoli. Hearing all in favor; the motion was carried.

<u>Chairman Wright</u>: Is there a representative for the applicant present? Can you just come forward and identify yourself and I will swear you in?

Frances Aquino 64 Beach Road Stony Point, New York

**<u>Chairman Wright</u>**: "Do you swear the testimony you are about to give is truthful?"

Ms. Aquino: Yes, I do.

<u>Chairman Wright</u>: Can you just explain to us, the Board; and generally, what you are looking to do with your property and the variance?

Ms. Aquino: Yes. Let me begin by saying, "Thank you for giving me the opportunity to speak with you." I am asking the Board if I could reside in my very small motor home on the property where my house once stood. As you know, that after Hurricane Sandy my house was destroyed and I took it upon myself recently to have all the destruction removed. So now it is a vacant lot. I, also, lost my office; which was in my home and after Hurricane Sandy, I went down to stay with my family in Florida and actually recuperated there for a year and now I am back and I am renting an office and trying to restart my practice. I am a Clinical Social Worker.

I was very naive when it came to issues of land usage and because of the nature of my property being, I would say fairly unique in that I think there is only one other property, which is right next door to mine, that is actually on the actual riverside, except for there is one on River Road, that's the brick house on River Road, my house is right on the river and I always felt the front of the house was facing the river, but I understand now that the way the Town looks at it is the front of the house is facing the private road. When I put up the temporary electricity, and water and so on, I put it in the corner near the private road thinking that no one could really see or be distracted by the mini-motor home when they came down Beach Road because you could barely see it and then the only people that come down the private road is my neighbor and the people in the marina. So my land is partially surrounded by commercial property and it also is...if you think of the front of the property as it looking out onto the private road, it's facing basically a permanent kind of trailer that is totally corroded and falling apart; and always was, but is even worse now since. So, what I am trying to say is it never occurred to me that this would be an issue; not having been...not knowing anything these matters before.

I have been a member of Stony Point since 1983; part of the community. I raised my children through the school system and I love my community and the reason I came up here from Bergen County was because I loved the Hudson River; I loved Harriman State Park. I just thought it was a lovely place to raise children and also I have had a private practice since 1983.

I understand the concern of the Town that you don't want residential property being used as a camp ground, so to speak, for a motor home or any kind of...that kind of place or vehicle or place to live. I also would not want to see that.

I think this property is unique in that it, well I said why I think it is unique so I don't have to repeat that, and it is my request coming from a place of having lost my home and office and trying to re-establish myself again. I am waiting for New York Rising; infact, they just called me today, but I missed the call so I wasn't able to return it - waiting for the grant to come through which they assured me that I was eligible for on every matter of the application.

So, I am open to questions if you have any?

**<u>Chairman Wright</u>**: Questions from the Board?

Mr. Keegan: Do you plan, eventually, to put a permanent structure on this property?

Ms. Aquino: Yes.

<u>Mr. Keegan</u>: Counselor, excuse me. Could we grant this on a temporary basis; for a year, two years, something reasonable to give her an opportunity to build a permanent structure? Is that legal?

Mr. MacCartney: I believe it is possible, but I would like to do some legal research on it.

<u>Mr. Keegan</u>: Okay. In other words, what I...I am a little hesitant to approve a variance that goes on forever. I mean, a year, two years even three years is fine.

Ms. Aquino: That would be fine.

Mr. Keegan: But, something that's finite; something that has a limit to it. Could you do that research for us?

Mr. MacCartney: I will, absolutely.

**Chairman Wright**: Any questions?

<u>Mr. Vasti</u>: Counselor, the application says a variance; are we looking at this application as a use variance or as an area variance?

Mr. MacCartney: It's a good question. I'm looking at the notice of violation and I am trying to understand what the violation actually is. Usually when this Board is dealing with an RV in front of a home and it's parked, either the RV is greater than 35 feet in length, which this one is not, or it is parked either inside the front setback or beyond/within that area. The notice of violation citing that section of the Code – I am trying get a handle on what the violation actually is. Does the Board have an understanding of what the violation actually is compared to what I see in the notice of violation? Because it sounds like, the applicant is talking about the violation being/using the RV for residential purposes, but that does not appear to be the make of the violation that I have in front of me.

<u>Mr. Vasti</u>: Correct. As I understood the violation, reading it, I understood it to be a setback issue – the violation of a setback. When I visited the site on Sunday, I was amazed to see the devastation in that area and the debris that still remains there as well as numerous other violations that are blatant. So, I would like some clarification on exactly what the violation is.

I also saw Mrs. Aquino's area that was cleaned up very well, very orderly and I would like to ask you, Mrs. Aquino, a couple of questions if I may?

Ms. Aquino: Yes.

<u>Mr. Vasti</u>: Do you currently have another residence that you are living in in Town or somewhere else or is the RV your only sole residence?

**Ms. Aquino**: My RV is my only sole residence.

<u>Mr. Vasti</u>: So you have no other place to live at the present time other than your RV? Is that correct?

Ms. Aquino: Correct.

<u>Mr. Vasti</u>: Do you have any estimate of time that you plan on rebuilding on that site that you are parking your RV on at the present time?

<u>Ms. Aquino</u>: Yes. I have already started negotiations with a company that has provided me, and I have it here, with a rudimentary ideas for rebuilding a "hurricane proof" home that would be up according to the Town's...I don't know if the Town decided on 11 or 14 feet. I don't know, but I'm just waiting for New York Rising. We are ready to go.

<u>Mr. Vasti</u>: May I ask you one last question – is your RV hooked up to any other utility, other than electricity, at this time? Are you hooked up to water or sewage on your site?

Ms. Aquino: On my site, if my RV is being hooked up, I have electricity, sewage, and water.

Mr. Vasti: Thank you.

**Mr. MacCartney**: Can I ask as a point of clarification – where the RV is parked, how far is it from the front property line?

<u>Ms. Aquino</u>: I would say it is right on the front property line, but I don't think my property's more than 30 feet wide. If, I'm correct. From the river to the road – so...

Mr. MacCartney: I see. The entire lot is only 30 feet from the road.

Ms. Aquino: I think that's the right number.

Mr. MacCartney: The dwelling that had been there before it was destroyed by Hurricane Sandy; do you know what distance separated from that house from the roadway?

Ms. Aquino: It was about this much (showing with her hands).

Mr. MacCartney: For the record, about a foot or two? It will be just off the roadway?

<u>Ms. Aquino</u>: It was just off the roadway and the parking was such that the car had to be parked half way...the car, if you were parking it in front of the part of the house had to be half way in the road and half way on the property.

**Mr. MacCartney**: It might be helpful for the Board to have Mr. Sheehan here. We might have to continue the Public Hearing and have Mr. Sheehan here for the next hearing because the issues that I see are...what is the required front setback in this yard? I don't know. I don't have the zoning on it.

Ms. Aquino: Have you seen this? (holding papers)

Mr. MacCartney: No.

Ms. Aquino: Can I show this to you?

Mr. MacCartney: Please.

(Ms. Aquino showing maps to Mr. MacCartney.)

**Ms. Aquino**: This is Beach Road. Do you know the area?

Mr. MacCartney: A bit.

Ms. Aquino: This is Beach Road and then this is the private road. Am I looking at it right?

**Mr. MacCartney**: Well here is Beach Road.

Ms. Aquino: Okay. This is Beach Road.

Mr. MacCartney: No, that's okay. This is a general overview map.

<u>Ms. Aquino</u>: This is the house. The houses aren't on Beach Road. Beach Road, I believe, is this yellow line and this is a private road that was never named and this goes through to the marina. I think I am reading it correctly.

<u>Mr. MacCartney</u>: You are. The question, I think we have here for the RV and the particular section of the Code involved, is what is the front yard setback and how far into the front yard setback was the old home and:

- 1. Is it compliant was it not compliant, was it pre-existing on the Zoning; and
- 2. Where is this RV parked in relation to where the required front yard setback is so the Board can understand what variance it's actually being asked to grant?

It looks to me like that it's an area variance, but back to the original question...not a use variance because I don't see a violation having been issued in relation to the use of the property; I think it's the location of the RV and it may be a bit more of the location on the property that it be placed, but these are the things that I think that we should consider at another hearing when we have the Building Inspector here so we can talk about the provisions of the Code and how they apply to this particular lot.

Ms. Aquino: I have no problem moving the RV. It's not something that is a conflict for me.

**Mr. MacCartney**: Right. So that's one of the questions that we would have for Mr. Sheehan.

**Ms. Aquino**: Moving it from one part of the property to the another is what I am saying.

<u>Mr. MacCartney</u>: So the question is – can the vehicle be moved from the present location to another spot on the lot that would actually bring it into conformity of the Code so no variance at all is required. Maybe there is another section of the Code that I'm not seeing here that is an issue. Point being, I think it's unclear enough that in the interim I can do some research that I've been requested to do on the issue of granting temporary relief given the extenuating circumstances Mrs. Aquino is suffering through and will also ask the Board what relief it is being asked to render and what relief it need render or may render.

Mr. Casscles: Right. Dave if you read that section of the Code it says:

"One recreational vehicle, boat or boat trailer may be parked or stored on any developed residential lot behind the front setback of any required yard. All other parking, storage or use of such vehicles is prohibited."

So as far as use goes, living in it is a use.

**Mr. MacCartney**: It may be.

**Mr. Casscles**: So no matter where you park it on that lot you are still using it for something in violation of the Code.

Mr. MacCartney: You are right. So in that respect maybe it is a use variance. But, I think...again that's a great point and I think what we need to do is I think we will all benefit from hearing Mr. Sheehan's view as to what...he's ultimately the one who was first required to determine the Code and by the Code and so the Board can only give relief from his interpretation. So I think the Board needs to get clarity on what his interpretation is, what is he addressing, what's the subject of this violation notice? Is it the location, is it the use; is it both and then the Board can be better guided and Mrs. Aquino can be better guided as to whether the application is more a property area variance application or a use variance and then we can figure out all these issues to certainly look at.

<u>Chairman Wright</u>: The other thing you might want to think about too, is if you have pictures of the house where it was situated previously and if you expect to situate the new one similarly, it will give us an idea as to how it was set-up so...like a historical record of the way the property was laid out would probably be helpful for the continued Public Hearing.

Mr. Vasti: I am sure we could get a survey.

Ms. Aquino: Mr. Sheehan has all of that. I wasn't able to find it on my computer today so...

<u>Chairman Wright</u>: That is fine. In all likelihood we are going to continue the Public Hearing and so for the next meeting if you have any pictures of the way the house was previously situated...

<u>Ms. Aquino</u>: I did bring some pictures. Do you want to see them?

**Mr. MacCartney**: You can submit them now.

**Chairman Wright**: Sure.

Ms. Aquino: Who should I show them to?

**Mr. MacCartney**: Bring them up to the Board and the record will reflect it...just count out how many photographs you are going to submit and the record will reflect that.

Chairman Wright: So before you give them to us...

#### (Ms. Aquino showing the Board the photographs.)

Ms. Aquino: They are family pictures...I am just trying to tell you that this is the kitchen, looking out to the river and that's the view. That's what I'm in love with. I wanted to also say that, and this is the side...this is my seawall and there's the river. You can see the house right there. What I wanted to say was on a good day, just wanted to tell you my rationale, on a good day if the tide was high and the moon was full this is what my yard would look like. It would not go into my home, but it...I actually lost a car before Irene.

I'm just trying to explain to you...so even if I have a house that's high up I'm still not going to be able to park my car there when there is a full moon or any threat of a storm. But, I just wanted to show you what I could...this fence that I put up, a privacy fence, that made it look good all the way around and...you saw this, that horrible place across the way and this is an angle of the fence.

<u>Chairman Wright</u>: Just real quick – if you hand those to us they will be part of the permanent record, so are these extra copies or...?

Ms. Aquino: Yes.

<u>Mr. MacCartney</u>: The alternative, if you like, since we are going to come back, it sounds like we are going to most likely come back anyway, if you would like to keep them and maybe make colored copies and then give them to the Board then..it's completely at your discretion.

<u>Mr. Vasti</u>: Another choice you could pursue would be to go on "Bing" or one of the satellite sites and you could put a date in prior to Sandy and they should have a satellite image of your home and that would show the footprint and the outline.

I also want to ask you another question. You mentioned that you have electricity on the site; we did see a pole and an electric meter are you hooked up to electricity there and is it presently turned on?

**Ms. Aquino**: The electricity is turned on, but the water isn't.

<u>Mr. Vasti</u>: Is there any need, at any time, for you to start your engine on the RV. Do you need to run that engine at any time?

Ms. Aquino: I don't need to use the generator.

Mr. Vasti; Other than just to move it?

Ms. Aquino: Other than to move it.

**Mr. Vasti**: By having the electricity you have enough to keep the thing warm and whatever else you need?

**Ms. Aquino**: Absolutely.

Mr. Vasti: So there's no need to run that combustion engine?

Ms. Aquino: No, not at all.

Mr. Vasti: So there's no emissions coming from your RV?

Ms. Aquino: Absolutely not.

Mr. Vasti: Okay, thank you.

Ms. Kivlehan: Mr. Chairman, I need to know how many photos there are.

**Chairman Wright**: 16.

<u>Ms. Aquino</u>: I just wanted to say one thing – I just want to thank my neighbors for coming. I asked them if they would come and I think you have pictures (her neighbors) that I couldn't find of before and after.

<u>Chairman Wright</u>: We will ask the public to come up and they will have a chance to express their opinions.

<u>Mr. MacCartney</u>: Mrs. Aquino, I would ask also, I think the Board would benefit from, assuming the Board puts this over for another hearing date, come with some information in terms of more specific in terms of your plans to re-build...

Ms. Aquino: I can show you the maps.

Mr. MacCartney: That would be fine.

<u>Mr. Vasti</u>: Mr. MacCartney, I would like, also, to find out for the next meeting, from the Town, if Beach Road is a Town road, public road or a private road...

Mr. Casscles: County.

<u>Mr. Vasti</u>: If there's any codicils or easements on that road that if there is any forthcoming work that's there that Mrs. Aquino could be boxed in because of those easements. I think that would be very important in weighing a decision for me – that the right-of-way is always there for her and anyone else that has to traverse that road?

<u>Mr. MacCartney</u>: Are there existing homes that were not destroyed that are immediately adjacent to you or anywhere along that private strips of the roadway – is that the neighbors that are here now?

Ms. Aquino: The neighbors are actually on Beach Road, which is a Town road...

Mr. Casscles: County.

<u>Ms. Aquino</u>: It's a County road? A County road, but there's nobody else except me and Steve Pettipas who are residential on the river in that spot. There are no other neighbors. His is destroyed. He is waiting also for New York Rising.

<u>Mr. MacCartney</u>: Are you aware of any impediments to rebuilding there? Are there any...has there been any talk of not permitting any new construction and that it would be permitted and its happening or anything like that?

Ms. Aquino: No, not at all. I've been in contact with the Building Inspector's Office quite a bit and that's never come up when I said that I would like to rebuild.

Mr. MacCartney: Okay, thank you.

Ms. Aquino: You're welcome.

<u>Chairman Wright</u>: So what I am thinking Mrs. Aquino...oh I'm sorry Ed you wanted to ask a question.

Mr. Keegan: I just wanted to say – we were down there Sunday and we took a look at all this property that was there, not only your property, but the surrounding property, and I personally would like to commend you for the way you've taken care of your property, the way you cleaned it up, the way you fenced it in and everything. It really is a credit not only to you, but to our Town and I want to thank you personally.

Ms. Aquino: Well I appreciate that very much. Thank you.

<u>Chairman Wright</u>: I just have one other...it's actually a remark I guess. The application asks for a use variance. There are two types: an area variance and a use variance. Area variances generally have a lower threshold of proof then a use variance. If it turns out that it needs to be a use variance the amount of information the Board is going to need to give an affirmative request/approval is going to be significantly higher than the area variance; so you might want to just ask...I would actually say that you might want to talk to some attorneys and see if they got any kind of guidance for you because it can be...we have a lot we have to, by law, consider all these things. So I just ask you to consider it.

Ms. Aquino: Are you saying that I should apply for an area variance?

<u>Chairman Wright</u>: No, I think we are in doubt as to what it is. I am just alerting you that a use variance, which you put in your application, has a significantly higher threshold then an area variance. It may turn out to be an area variance.

<u>Mr. Fox</u>: I have one question. When you look to rebuild, will that motor home be able to stay on that property while you rebuild?

<u>Ms. Aquino</u>: I would think...I think, I'm not sure. I don't know how to answer that. It's such a small piece of property. It seems to me that it might be dangerous for that. I don't know how to answer that.

**Mr. MacCartney**: You raised a good question. Prior to the house being destroyed, did you have that vehicle parked on the property?

Ms. Aquino: No. I have my mother's condominium; will allow that to stay there.

**Mr. MacCartney**: Did you have another vehicle that you parked? Was there a driveway there or did you park on the street, or...?

**Ms. Aquino**: Both, but I have a vehicle, yes.

Mr. MacCartney: Do you think there would be a spot for a vehicle when you rebuild?

<u>Ms. Aquino</u>: Yes, according to the plans there would be a spot. I actually left...the one thing I did leave was the macadam for the driveway; which if it goes as planned it would still be the driveway.

<u>Mr. MacCartney</u>: I know this is a little hypothetical, but once you rebuild with that driveway, if you were to park this vehicle in that driveway, once your home is rebuilt, do you have any feel for:

- a. Would it fit; and
- b. How close it would come to the roadway when it was parked?

<u>Ms. Aquino</u>: Yes. In my imagination what I think I would do is that I would leave it at my mother's; unless I was...I mean so that when I took trips I could just leave from my mother's because it is a very small piece of property. With that on it, alone, it's fine.

**Mr. MacCartney**: If you parked a regular vehicle, say it's an area where you parked a regular, you know passenger car, about how far would that passenger car come from the...?

Ms. Aquino: It's a mini Cooper so it could go all the way to the wall or it could stay anywhere from the private road to the wall.

**Mr. MacCartney**: And what's the length of this particular vehicle, the one that we are discussing?

Ms. Aquino: 22 feet.

Chairman Wright: Okay, any other questions for Mrs. Aquino?

(no response)

**Chairman Wright**: Okay, thank you.

Ms. Aquino: Thank you.

<u>Chairman Wright</u>: Anyone else in the community wish to respond? Can you just identify yourselves for the record?

Greg and Nancy Barbuto 61 and 65 Beach Road Stony Point, New York

**Chairman Wright**: "Do you swear the testimony you are about to give is truthful?"

Mr. Barbuto: I do.

Mrs. Barbuto: Yes.

**Mr. Barbuto**: First, maybe my wife can show you the...we have some pictures on an I-Pad of her house just after the storm.

(Mrs. Barbuto showing the Board her pictures on her I-Pad.)

<u>Mr. Barbuto</u>: What I would like to say is the...I talked to Mrs. Aquino and she assures me that what she is looking for is just a temporary variance until her house is built and basically consider it a hardship and we don't have a problem with that as long as it's not there forever.

<u>Mrs. Barbuto</u>: When her house was up, it was well maintained. Very clean, well manicured...never had any problems at all as a neighbor. I don't foresee any other problems. We just wish her well building up another residence.

<u>Chairman Wright</u>: Any questions from the Board?

(no response)

<u>Mr. Barbuto</u>: From our house, actually looking out towards the river, since the fence is there we really can't see the motor home at all at this point. I don't know what's going to happen when the new houses go up 14 feet up, but that's going to be a little bit different.

Maybe this is probably not the place, but maybe you could get word to the Town that the rest of the houses on Beach Road they are really in dire straits, destroyed by the storm. Two of them are caving in and it's really in bad shape. A year and a half has gone by and nothing has been done.

Mrs. Barbuto: To me it's dangerous. If we get any kids coming up and down the street...

Mr. Casscles: The Town Board has finally come up with a way to get them to take them down.

Mr. Barbuto: Did they?

Mr. Casscles: It just hasn't happened yet, but they have two different scenarios of how they can do it, but they haven't figured out which one they want to use yet.

<u>Mr. Barbuto</u>: I believe the house next to Mrs. Aquino is going to be demolished. I see the mark-outs have been done and I think that's going to be done shortly, but the other ones that are caved in, that's a bad situation.

Mr. Casscles: The problem with the other ones are bank owned.

**Mr. Barbuto**: They are bank owned, yes.

**Chairman Wright**: Any questions for the Barbutos?

(no response)

<u>Chairman Wright</u>: Thank you very much. Anybody else in the community have anything to add?

(no response)

<u>Chairman Wright</u>: If not, I will take a motion that we carry this over to our next meeting and that would be on the 17<sup>th</sup>.

\*\*\*MOTION: Mr. Vasti made a motion to keep the Public Hearing open; seconded by Mr. Anginoli. Hearing all in favor; the motion was carried.

Mr. Casscles: Can we request that the Building Inspector be here?

**<u>Chairman Wright</u>**: We will make a separate motion for that.

\*\*\*MOTION: Mr. Casscles made a motion to request that Bill Sheehan, Building Inspector, attend the April 17<sup>th</sup>, 2014, meeting; seconded by Mr. Keegan. Hearing all in favor; the motion was carried.

**<u>Chairman Wright</u>**: The third item on the agenda is the request of James Coyle.

#### Request of James Coyle - App. #14-02

A variance from the requirements of the Town of Stony Point Zoning Code Chapter 215, Article V, Section 15A D.1-4; Less than required Front Yard/Front Setback – required 50 feet, provided 38 feet (CORNER LOT) for a side and rear deck and Chapter 215, Article V, Section 15A D.1-4; Less than required Front Yard/Front Setback – required 14.7 feet, provided 7 feet for a front porch and steps at 5 Lakeview Drive, Tomkins Cove, New York.

Section 10.01 Block 1 Lot 51 Zone RR

\*\*\*MOTION: Mr. Fox made a motion to open the Public Hearing; seconded by Mr. Anginoli. Hearing all in favor; the motion was carried.

<u>Chairman Wright</u>: Is there a representative for the applicant here? Please come forward and identify yourself and tell us where you live.

James Coyle
5 Lakeview Drive
Tomkins Cove, New York

**Chairman Wright**: "The testimony you are about to give is truthful?"

Mr. Coyle: Yes.

Chairman Wright: Can you just tell us a little about what you are seeking?

<u>Mr. Coyle</u>: Thank you for taking my consideration. I appreciate that. I'm seeking...I'm short on front easement. I'm close to the private road, Lakeview Drive. I'm looking to go within 7 feet for a front porch. And a rear deck I'm looking to extend to the side of the property and I'm looking to get a variance towards that property line, also.

I sent out, certified...I've received a few receipts back. I'd like to submit them if I have too.

Chairman Wright: Sure. You can bring them over to Kathy.

(Mr. Coyle giving same to secretary.)

<u>Mr. Coyle</u>: I've spoken personally to the neighbor across the street, and the community. It's a private association. They haven't voiced any opposition to me...if they did, I would assume they would be here. I am here to answer any questions that the Board may have.

<u>Chairman Wright</u>: Any questions from the Board?

<u>Mr. Fox</u>: I was up there today. I wasn't able to get there on the weekend, but I did go by. Saw you had painted out; to the left of your home would be the deck?

Mr. Coyle: Correct. The blue spray paint marked area?

<u>Mr. Fox</u>: And in the front, I just have a couple of questions that you poled on the front porch - you have there making that larger and longer?

<u>Mr. Coyle</u>: Yes. I'm moving it out a few more feet. It is going to be a total 7 feet from the house; extending and it's going to be on the left side of the house and the right side – either way it's going to be balanced. I think the plan I wrote in there...off the top of my head...it's not the whole length of the house.

Mr. Fox: What is it presently from the setback right now what you have?

Mr. Coyle: Presently I...I don't know. I'm sorry. I apologize; I don't have that in front of me. I'm just looking to go within 7 feet of the easement of the property line of the association.

Mr. Fox: That's more for the steps when you come out across the street, correct?

Mr. Coyle: Yes.

Mr. Fox: You are extending the deck and then the stairs would have to come down further.

Mr. Coyle: Correct.

Mr. Fox: Okay, so that would be encroaching on that.

Mr. Coyle: Yes.

**Chairman Wright**: Does anybody else have any questions?

<u>Mr. Vasti</u>: I just wanted to say that when I came out to look at the property, I think it's a wise decision. I saw the condition of the front steps and the masonry there that was quite weathered and in dire need of replacement, so I think this is a positive step. I didn't have any problem with either the front or the back. I appreciate your time over the weekend to come out and explain it in great detail as you did.

Mr. Coyle: Thank you. I'm not a...I don't know the terminology of construction that is why I hire people to do it and the architect because I am ignorant that way and that's not my forte'. Sorry.

<u>Chairman Wright</u>: It was very helpful because it was all laid out so there was no question on our mind on what you were trying to achieve. It was very helpful; thank you.

Mr. Coyle: Thank you.

**<u>Chairman Wright</u>**: Any other questions from the Board for the applicant?

(no response)

<u>Chairman Wright</u>: If not, thank you very much and I will just open it up if anybody else in the...you are good. You can go.

Mr. Coyle: Thank you. I appreciate your time again. Thank you so much. Have a good evening.

**<u>Chairman Wright</u>**: Is there any input from the community on the request?

(no response)

\*\*\*MOTION: Mr. Keegan made a motion to close the Public Hearing; seconded by Mr. Vasti. Hearing all in favor; the motion was carried.

<u>Chairman Wright</u>: The last item on the agenda is the minutes of the meeting for March 20, 2014.

\*\*\*MOTION: Mr. Vasti made a motion to accept the minutes of March 20, 2014; seconded by Mr. Fox, with Mr. Casscles abstaining. The motion was carried.

\*\*\*MOTION: Mr. Vasti made a motion to adjourn the meeting of April 3, 2014; seconded by Mr. Keegan. Hearing all in favor; the motion was carried.

Respectfully submitted,

Kathleen Kivlehan Secretary Zoning Board of Appeals