

**TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of February 3, 2022**

PRESENT:

Mr. Keegan
Mr. Anginoli
Mr. Lynch
Mr. Strieter
Mr. Gazzola
Ms. Davis

ALSO PRESENT:

Dave MacCartney, Attorney
John Hager, Building Inspector

Chairman Wright

Chairman Wright: Good evening. Welcome to the Stony Point Zoning Board of Appeals. I call this meeting of February 3, 2022, to order. Please rise for the Pledge of Allegiance.

The Pledge of Allegiance was recited, and roll call taken.

Chairman Wright: Alright, so we have a few items on the agenda tonight. I'd like to make a quick switch on it, and I'll ask for a motion to accept the minutes of January 6, 2022.

*****MOTION:** Mr. Anginoli made a motion to accept the minutes of January 6, 2022; seconded by Mr. Strieter. All in favor; the motion was carried.

Chairman Wright: Alright, the next item on the agenda is a new application request of Hugo Pinos, application number 22-01 – appeal area variance for the requirements of Chapter 215 Article VIII – accessory parking and loading requirements for Commercial vehicles “not more than one commercial vehicle, of 25 feet or less in length, may be parked on a developed lot in any residence district but not within the required yards of such lot and in no case between the street line and the principal building” located at 21 Blanchard Road, Stony Point, New York. Is the applicant or the lawyer here?

Mr. Martone: Good evening, Chairman, I am Christopher Martone, Martone & Associates, for the applicant is also here, Hugo Pinos, as well.

Chairman Wright: You are representing?

Mr. Martone: Yes.

Chairman Wright: Okay, thank you very much. With that, if you could just go ahead and explain to the Board generally what relief you are seeking.

Mr. Martone: So, the applicant in general is seeking to be able to park a couple of commercial vehicles on his property. We have provided the Board with the site plan survey done and was filed three weeks ago, a file map as well with the application. That sole end, Zeigler did the site plan survey. If you look at the property, it's almost like two different properties. The base of the property of my client's home is on Blanchard, and then of course up top, up in the air, about 50-60 feet in the air, he's got the property in the back which you'll see on the map, on the site plan survey. You get access to that piece of property through a public, through an easement, which I also supplied the Board, the corrective deed showing the easement right of way for the property that is now owned by a neighbor, Ms. Roman. She is the next-door neighbor to my client. At one point, the O'Dell family owned all this property. The O'Dell's actually live behind my client. There's the two cousins, behind my client and off to the right of my client. They will also be coming to the next meeting, when we have the Public Hearing, to testify on behalf of my client that they are in favor of, they have no issue, and they don't oppose of him parking his trucks. So, we know that the code says you can have one commercial vehicle, my client wants to be able to park an additional three. Really, the only parking is going to be in the wintertime, really now. His season is from March through

December. His drivers actually take their trucks home with them. The only time they're not using the trucks is from like December 15th to March 15th, so really, it's a three-month window. My client has the property, again, up top. We're not purposing to do any construction, we just want to do some nice planting, it's nice and private back there, and really the only people that see the trucks are the O'Dell's, who again, are both going to come and speak in favor of the project. You can't see his property, especially with the planting, from the lower part of Blanchard, when you're on Blanchard Road. So obviously, you know, it's an area variance. All we want to do is park it. It's not a storage yard, we're not going to store anything on the property. I know that I had spoken to the building inspector and there were some items on the property, that's all going to be cleaned up. My client is going to simply park the four commercial trucks there, really in the wintertime. There will be stuff inside the trucks, but there will be nothing on the property, and again there will be no construction whatsoever. It's just an area variance, just for parking, simple as that.

Chairman Wright: Any questions from the Board?

Mr. Keegan: The code allows you to park there, a truck, inside, is that right? One truck, inside?

Mr. Martone: No, my understanding is you can park one commercial vehicle. I don't believe...
inaudible

Mr. Hager: You are allowed one commercial vehicle inside the garage if there is a garage on the property. You're also allowed one commercial vehicle allowed outside, so if you had a garage, theoretically you could have two commercial vehicles, one inside, one outside.

Mr. Keegan: Oh, okay.

Mr. Lynch: Who completed the application? The new one.

Mr. Martone: Well, we have Ziegler, David Ziegler, and then it was my office that filed it.

Mr. Lynch: Oh, I want to know who filled it out. Who filled it out? Who wrote on it?

Mr. Martone: Why, because of the legibility?

Mr. Lynch: *nods*

Mr. Martone: That's the lawyer handwriting for you. Pretty bad. Pretty bad lawyer handwriting, my apologies.

Mr. Lynch: *inaudible*

Mr. Anginoli: You and doctors.

Mr. Martone: Doctors are just as bad, could be worse, yeah. Cause we're always in a rush.

Chairman Wright: Would you be able to provide us with a diagram of what parking orientation would be?

Mr. Martone: Sure! If you turn to the site plan, I had Ziegler actually was good enough to, because I wanted to get this perfect as could be. If you take a look at the site plan, and you see the property that I call almost like a second property cause it's almost like really two different properties the way it's situated, you know it's one piece of property. When you go up on MacAdam Drive, which is what my client has the easement which I believe you have a copy of Mr. Chairman? And you go around MacAdam Drive, and then you get to my client's property. You pull in, and right up against, it's not visible from Blanchard, there's also a big rock on the mountain right here. That's where the cars will be, and of course there is existing trees as well. So, it's really not visible, it's not visible at all from the road. You won't see it, you don't see the trucks.

Mr. Lynch: Now Dave, on the application, second page, you said an area variance and you had use variance checked off at Question 9.

inaudible

Mr. MacCartney: He is saying on the previous appeal, has been made for use variance as we know.

Mr. Lynch: Oh, on the previous appeal.

Mr. MacCartney: Has been made for use variance, as we know. So that's one. If the Board of Members, right, need that. He had previously been here for a use variance before the contractor's storage yard.

Mr. Lynch: But we didn't decide anything on the previous thing, so I'm treating this as a new application, not as an appealed application. You never followed through on anything on your judgement. We didn't judge anything, and we didn't interpret anything.

Mr. Martone: Correct, correct. The client has filed that originally. When I got onto the matter, we started looking into it, we realized it wasn't filed correctly so we withdrew without prejudice, and we wanted to give the Board a nice clean look. We put together Ziegler's site plan survey, the easement paperwork from the deed, the file map, the application so you have a nice clean perspective to...

Mr. Lynch: Explaining that, just because on page 3 you completed as if we interpreted something, we didn't interpret anything.

Mr. Martone: Well, when he had put the original papers in, it was incorrect. So, it didn't start on the right footing, for sure, and it just went from there.

Chairman Wright: Any other questions for the Board?

Mr. MacCartney: So, Section A is filled out, but it shouldn't be. You put not applicable for Section C - use variance, and then you filled out Section D - area variance. There's no question that he's not asking for interpretation, he's not making an appeal, per say. Sections A and D are not applicable, and I guess technically B, but he's appealing and asking for an area variance but he's not appealing saying the inspector was wrong. He's saying that we perceived his decision, and we're asking for relief, so it is technically an appeal but its in the nature of an area variance.

Mr. Lynch: Thank you.

Mr. Keegan: Dave, we got a letter from the County Planning Board... for the first application.

Mr. MacCartney: Oh, the first application. The application for the use variance, right?

Mr. Keegan: Right. There were five or six recommendations and no comments made, are they still in effect?

Mr. MacCartney: They are not. They are not, but this application is going to be sent to the County as well. So, it will have a null comment on this. Just so you understand, the difference between the two applications, right? The first one was for a use variance because he was looking for, I think, a broader use that's prohibited anywhere but the LI district. The LI district is the only place that you can have a contractor's storage yard, and the building inspector had determined that what he was doing on this site was using it as a contractor's storage yard. So, he came to this Board saying 'please let me use it in a way that's not allowing by code' so that is a use variance. At the point of granting that, they could only do it conditionally, if not, through the planning board for conditional use permit, but, after his time before the Board, he decided to go a different direction and withdrew that. Now the current application is not for use, globally as a contractor storage yard. As I understand it, he's not looking for permission to use it for storage, equipment storage, all the things that are traditionally, you know, defined as a contractor's storage yard. He's looking only to park commercial vehicles. Now, the code doesn't prohibit parking, parking is a permitted use, so it's not a use variance that he's asking for. He's looking for, the code says you could use it for parking, but you can only use it for parking one commercial vehicle, and in the following parameters, you can't be in the front

yard, and you can't be here, you can't be there, whatever's in the code. Then, he is saying 'look I don't, you know, I don't want to use it for all those other things, but I do want to park vehicles at least for this limited period of time between December and March and in these particular places. Would you grant me that area variance because it's sort of a dimensional and numerical change, so that's the difference. I think it is a proper area variance application of that interest. It gets to the issues we are talking about.

Chairman Wright: Any other questions on accepting the proposed...?

Mr. MacCartney: I had one question real quick. If you submitted it, it looks like you may have right, the easement.

Mr. Martone: I did, in reference to the deed.

Mr. MacCartney: Well, what does it say regard to, I think this is more for the Public Hearing but, did you have an opportunity to go through the deed and look at the language of the easement but is there a restriction in your easement in regard to type or number of vehicles that are pervaded to cross over that easement to gain access because that would be something that...

Mr. Martone: There is no such restriction.

Mr. MacCartney: There is just an egress, egress?

Mr. Martone: There is just an egress, egress yes. When the O'Dell family owned it, they were going to sub divide it and sell it off, they obviously need it for especially the owner who is now Roman, Ms. Roman lives over on 17 Blanchard, right on the main road there next to my client. So obviously the O'Dell's who live in the back, you can see their house there.

Mr. MacCartney: So, who are the people that would be affected by more than one vehicle travelling across this easement in getting to your client's property? Is it just one, is it more than one?

Mr. Martone: Yes, it's only one. Justin O'Dell who lives directly behind; he lives right over here.

Mr. MacCartney: I see O'Dell.

Mr. Martone: There's an O'Dell right here. If you look at the other one... the file map, I think its on the file map, give me one second.

Mr. MacCartney: Here's the facility map.

Mr. Martone: Yeah, might be on this one.

Mr. MacCartney: It looks like that, but O'Dell's the only one...

Mr. Martone: When they utilize the easement on that road, McAdam Road, when they utilize the easement the only person that actually passes the trucks in the wintertime would be Justin O'Dell, who is directly behind this piece of property. He will obviously be at the next meeting.

Mr. Lynch: Who paved the road?

Mr. MacCartney: Just real quick, just following up on it. It looks to me, looking at the facility map, that at least two parcels that your clients access comes over. Looks like you come off Blanchard Road, you're coming onto Lot 17 then you get up to this spot where there's a T

Mr. Martone: Well, there's McAdam Drive, right? You're talking about McAdam Drive?

Mr. MacCartney: Yeah, where it says McAdam Drive. So, the first access over existing drive...

Mr. Martone: Correct

Mr. MacCartney: Is over lot 17, and then once you get... you make that left and you go up over that, that's a different lot that's lot 18.01. Do you know have an easement for both?

Mr. Martone: We have an easement for both of those, but what I was trying to say was that gentleman, that property owner, is also O'Dell, I think it's Mike O'Dell; to get to his actual house he's got to drive in and down a little bit so from where he is you don't really pass, you just kind of go up the road. The only person that would actually see the trucks going home at night or leaving in the morning would be the neighbor that surrounds the property which is Justin O'Dell. But again, you can take a look at the language of the deed, which the O'Dell family put in when they decided to buy up some of the land.

Mr. MacCartney: So, I see there's two deeds.

Mr. Martone: There's a deed, and a corrected deed.

Mr. MacCartney: From Mr. O'Dell and then there's obviously a corrected deed.

Mr. Martone: The corrected deed was they wanted to have more with respect to the easement language.

Mr. Lynch: Who paved that easement?

Mr. Martone: Say that again?

Mr. Lynch: That easement? Who paved it?

Mr. Martone: My client did.

Mr. Lynch: You did?

Mr. Martone: He's got his four neighbors, they have a nice relationship, and he paved it. He also took care of the snow removal as well.

Mr. Lynch: And no one else uses that road, except for him?

Mr. Martone: The only person who uses that road up there is my client, and the O'Dell cousins.

Mr. Lynch: And one O'Dell?

Mr. Martone: There's two O'Dell's

Mr. Lynch: The one in the back uses it?

Mr. Martone: Well, it's interesting, so, the first one who lives in the lower lot, their cousins. He has to go up there too when he goes to his house, but when he goes to his property he doesn't have to go around the bend and then go past my client's property. So, what I was trying to say was the only person that actually goes past my client's property up top is Justin O'Dell.

Mr. Lynch: So, who paved it and how many people are using it? If it was paved wrongly, alright you follow me on this? Because if he can't park up there, why would he pave it? When he was told there can only one vehicle there, one commercial vehicle.

Mr. Martone: Well, this was paved before the application. I think it was paved because he still has rights, he still has an easement, he still has rights to go to his property.

inaudible

Mr. Martone: But your answer is, three people would be using it. It would be my client, and the two O'Dell's; and of course, my client did pave it, and he also takes care of the snow removal for all three of them.

Chairman Wright: Question is, just want to accept the application. There is a public hearing, so... do you have a question, Ed?

Mr. Keegan: I just have one more question. Are we going to get a specified window from what dates the trucks will be there and when the trucks will not be there after that?

Mr. Martone: Yes, we can do that, because again, for the business they're busy from March through December. It's the winter months of I think again around December 15th through March 15th, its really about three months.

Mr. Keegan: You know it has to be part of it right?

Mr. Martone: That's fine. I'll confirm with my client, but we talked about it already... like I said, he has drivers that take their vehicles home at night because they need their trucks for their work for the day.

Mr. Keegan: It would be part of the...

Mr. Martone: Absolutely. Any final resolution we could put it in there, no problem at all.

Mr. MacCartney: I'm sorry to get hung up on this easement issue but, the deed and the corrective deed you submitted, are your clients deed to the property that he owns?

Mr. Martone: This is not my client's deed. This was the deed that was done back in 1979. At one point the O'Dell's owned all this land. To my understanding, they did something...

inaudible

Mr. MacCartney: The only one's back here are this one and this one. This is where the road comes up and goes like this.

Mr. Martone: Correct.

Mr. MacCartney: Is that basically right?

Mr. Martone: Yeah

Mr. MacCartney: The only ones I care about are this one and this one. Right? Because this one where the road comes up and goes like this.

Mr. Martone: Correct.

Mr. MacCartney: You don't have to give me the answer right now, I think the Board should have just the evidence of the fact that your plan has the easement to go over 17 and 18.01.

Mr. Martone: Correct

Mr. MacCartney: It comes up here and goes over here, what are the parameters of that? If you could get that for the Board at the hearing.

Mr. Martone: I could present that to you guys, that's not a problem.

Mr. Hager: Dave, I think that the deeds are referenced on that file map. So, the file map was a subdivision back in, I don't know what year, but I think you might see reference to the same deed numbers.

Mr. MacCartney: Either way, my only point is that the Board is going to want to see that you a right and they understand what the right of way is before they consider it an appropriate request. You have down here four vehicles, and you know, the town's stamp of approval driving down there.

Mr. Martone: Absolutely, I can get that for you. No problem. Just so you know, Mr. Ziegler will come in to testify as well. ***inaudible***

Chairman Wright: I'd like to make a motion to accept this application.

*****MOTION:** Mr. Anginoli made a motion to accept the application; seconded by Mr. Keegan. All in favor; the motion was carried.

Chairman Wright: So, we'll do a site visit on the 26th, does that sound right?

Ms. Kivlehan: I think we had a question as to when the public hearing is going to be. Nicole made up the public hearing notices for March 3rd.

Mr. Martone: Yes, Mr. Chairman, I'd like to talk to the Board. I spoke to Nicole, and John as well, I was hoping if there is any chance, we could do the 17th of February, if possible. I could get my notice out tomorrow, so the notices will not be an issue.

Chairman Wright: We could do March 17th, that work for you?

Mr. Lynch: That's St. Patty's Day!

Ms. Kivlehan: As long as that's enough time to get everything back from the GML.

Chairman Wright: Well shoot for March 17th then. If something else comes up, we will...

Ms. Kivlehan: You'll have to come in on Monday to pick up the new public hearing notices.

Mr. Martone: Sure.

Chairman Wright: Okay, very good. Thank you. Next item on the agenda is...

Ms. Kivlehan: So, when are we doing the site visit?

Chairman Wright: February the 26th, right? Don't we usually do them the last Saturday of the month?

Mr. Anginoli: I won't be here.

Chairman Wright: You want to do March 3rd, the following Saturday?

Ms. Kivlehan: The following Saturday would be March 5th.

Chairman Wright: March 5th? Okay. March 5th?

Mr. Lynch: March 5th, that's good. We will meet at the Town Hall.

Chairman Wright: Alright, the next item is the public hearing for:

Request of Steven Valvo - App. #21-19 (area variance-2)

A variance from the requirement of Chapter 215, Article VI, section 22 - no principal structure shall be located any closer to any street or property line than the required minimum setback in the Bulk Table or the established setback, if such exists. **Accessory structures and uses are permitted within the required setback other than the front setback but not within any required yard**, except as specifically authorized herein.

Two variances necessary for proposed accessory garage:

1. Located in a required front setback - 35 feet setback required, 15 feet provided, 20 feet variance necessary; and
2. Located in a required front yard - 35 feet yard required, 15 feet provided, 20 feet variance necessary

for an accessory garage, located at 26 Thiells Road, Stony Point, New York.

Section: 20.09 Block: 1 Lot: 8 Zone: R1

Chairman Wright: I'll take a motion to open the public hearing.

*****MOTION:** Mr. Anginoli made a motion to open the public hearing; seconded by Mr. Streiter. All in favor; the motion was carried.

Chairman Wright: Is the applicant or representative present?

Mr. Celentano: Yes.

Chairman Wright: Could you please just state your name and address for the record?

Mr. Celentano: Sure, I'm Anthony Celentano. I am here for the applicant.

Chairman Wright: Sure, could you just state your address for us?

Mr. Celentano: 31 Rosman Road, Thiells, NY

Chairman Wright: And the testimony you are about to give is truthful?

Mr. Celentano: Yes sir. Okay, so I gave you new plans. Due to... initially, we came before the Board to request a height variance for the garage which would increase the setbacks. After we got the design of the garage, it will be in the height required for an accessory structure. We're only going to be 14 feet high, so that made us able to do a 5-foot setback from the accessory structure to the side and rear. We revised the plans so that we wouldn't have to buy as much property from the adjoining property. The only variance that we are requesting is for the front depth and front setback for the garage on Thiells Road. We're requesting a variance for 15 feet instead of the required 35 feet.

Chairman Wright: Any questions from the Board?

Mr. Anginoli: Have you seen either of these letters from the county?

Mr. Celentano: I see the one from the county. Any concerns with the letters the Board has we will address.

Mr. MacCartney: I apologize, it's probably just me, I am completely lost on this application. I don't understand it. Could you just step me through? I'm looking at this, I can't see the Bulk Table, I can't see the property lines, I can't see the prints, could you just explain it?

Mr. Celentano: Sure, we have 26 Thiells Road and 30 Thiells Road. And 26 Thiells Road would like to purchase a small portion of the property over here.

Mr. MacCartney: I'm sorry, so which one is which?

Mr. Celentano: This one is 26 Thiells Road, the other one is 30 Thiells Road.

Mr. MacCartney: Your client owns both?

Mr. Celentano: We have a joint application. So, 26 would purchase a portion of the property.

Mr. MacCartney: They're buying this little square?

Mr. Celentano: Yes, to put a garage.

Mr. MacCartney: Okay.

Mr. Celentano: *inaudible*

Mr. MacCartney: I got it. So, you go before the Planning Board for a lot line change?

Mr. Celentano: Correct.

Mr. MacCartney: What is the status there?

Mr. Celentano: They did a site visit, if we get our variances tonight, we will go for a final approval.

Mr. MacCartney: What about CEQRA?

Mr. Celentano: We already notified CEQRA.

Mr. MacCartney: *inaudible*

Mr. MacCartney: Do we have that? Did you give it to us?

Mr. Celentano: We did not, I'm sure we could provide that to you.

Mr. MacCartney: Okay, and so then were the variance they're looking for is...

Mr. Celentano: Front yard, front depth.

Mr. MacCartney: Okay, I see, because it is on Thiells Road right up here. So, it's the 15 feet...

Mr. Celentano: Verses 35

Mr. MacCartney: Okay, so that's it.

Mr. Celentano: Initially we were looking for a height variance for an accessory structure, but we reduced that. Only asking for one variance.

Mr. MacCartney: And it's technically two variances just because it's front yard and front set back?

Mr. Celentano: Front depth.

Mr. MacCartney: So same spot, same distance, and the 5-foot next to lot 2 is okay?

Mr. Celentano: Yes, that's a side yard rear yard. As long as you're under the 15 feet in height.

Mr. Lynch: Does that 15-foot variance that you are requesting, does that still include the clear zone? In case the county wants to widen that road, because if it doesn't, you are going to have to add 15-feet from that spot because if they want to ever widen that road right there, your garage is going to be right on top of Thiells Road. That is what they requested on January 6th, 2022, letter.

Mr. Celentano: Right, we read that. I've been here 50 years, Thiells Road has been Thiells Road. We'll take the gamble. We'll make a map note, if they ever decide to widen, we'll move the garage.

Mr. MacCartney: So, the County Planning comments, numbers 3 and 4, could you explain what they are talking about? And you already addressed that, or?

Mr. Celentano: Number 3 we don't need an override anymore because that was when we had the 23-foot-high accessory structure. Now that we're 15, 3 is no longer valid. With respect to 4, if we have an existing shed it was to our understanding it was a preexisting condition that did not require a variance, so we would ask for an override on that.

Mr. MacCartney: I'm sorry, just explain again, I'm reading and trying to look at the wo Bulk Tables and I'm trying to understand.

Mr. Celentano: On 26 Thiells Road, there was a shed in the rear.

Mr. MacCartney: Lot #1?

Mr. Celentano: Yes.

Mr. MacCartney: Okay.

Mr. Celentano: And its 26 from the lot line, it's been there as long as we remember. It's in the rear of point 6, so it was on our impression that since it was a preexisting non-conforming use, we didn't want to go for a variance on that.

Mr. Hager: I met in the field with the owner and observed the interior of that shed and its my understanding and belief that, I agree with him, the structure predates the 1961 Zoning Code. So, my opinion is that structure predates so you do not need a variance for the rear yard and that shed.

Mr. MacCartney: Doesn't the addition of the garage in the front require now that though that the rest of the variance for the preexisting non-conforming bulk?

Mr. Hager: No, I don't believe so.

Mr. MacCartney: Okay.

Mr. Celentano: And all of the other comments we have no issues. We would just need an override on #4.

Mr. MacCartney: And #5, you provided the full-size drawing? Now I don't know what they're saying here, a full-size drawing must be submitted to them? You submitted full size drawings to the town. What are they saying here?

Mr. Celentano: Maybe they didn't get a full-size drawing.

Mr. MacCartney: But they're having the same problems I had, when I was looking at this little one, I couldn't see.

Mr. Celentano: I had contact with Helen back and forth but if you want, I could mail her a full-size drawing.

Mr. MacCartney: Why don't you do that, so its compliant.

Mr. Celentano: I'm not overriding that.

Mr. MacCartney: #6 is just subject to revision. The plan before us is the plan, correct?

Mr. Celentano: Correct. What happened was, Dave looked at the plan with the 25 feet high garage, and I told her that we were revising that.

Mr. MacCartney: Oh, okay. I got it, then that explains #3. And #7 and #8 are just statements.

Mr. Celentano: Correct.

Chairman Wright: Anybody have any questions in the meantime?

Mr. Keegan: When we answer the county, with regard with that one provision, do we put that in the recommendation that we overrode that? Because if you intend to build the road then, just remove the garage, is that valid? That sounds kind of bizarre to me.

Mr. MacCartney: Well, I was looking at something else in the application that you guys were talking about the widening of the road. What was the story with the widening of the road? Are you within and easement area?

Mr. Celentano: No, the county highway department came up with a clear zone and they said it may be within the new clear zone and my applicant is aware if they do design a road and the garage has to be removed...

Mr. MacCartney: Oh, I see, I'm sorry. Now I see it.

Mr. Celentano: We would like to put a map note that we will comply with the highway department's specifications if they widen the road.

Mr. MacCartney: It's a new one for me, I don't think I've ever in all my years seen an override of a county highway letter. I've only dealt with overrides of county planning. I just don't know what the law is on that. Is it just an override, does the same law apply? I've just never seen it.

Mr. Lynch: And how big is the clear zone?

Mr. Keegan: That was the reason for the question.

Mr. MacCartney: Yeah, it's a good question. I'm scratching my head, I don't know. I should know the answer to that, can you override a county highway in addition to county planning, I don't know.

Mr. Anginoli: I want to hear more about what is this clear zone? Define for me clear zone, Rockland County. And is there any way you can construct a shed that litigates this property?

Mr. Celentano: Again, Mr. Anginoli, we'll put a map note if they come up with a master plan to widen Thiells Road and we're within their clear zone, we'll remove that garage.

Mr. Anginoli: But that's not answering my question. Can you build a garage that...

Mr. Celentano: I don't know what their clear zone is.

Mr. Anginoli: Well, that's what we're asking.

Mr. MacCartney: What's puzzling to me is the idea of a clear zone. It's written like its an ordinance or a regulation of some sort, they say 'there shall be no structures built within the clear zone within the county road'.

Mr. Anginoli: That's what I figured. And I'd like to see that citation as well.

Mr. Hager: I noticed a map note that said 33 feet wide right of way, is that a county right of way?

Mr. Celentano: On their official DSL map, they're 33 feet wide. He would have said it doesn't comply with the street line. He used this new word, clear zone, which I have never heard of.

Mr. MacCartney: So, you never heard of it either? Just speaking candidly, it seems like... how can county highway just come up with a clear zone? I could understand if they had an easement or a right of way saying you can't build in my right of way, but can they come up with some arbitrary number of feet beyond their right of way on your private property and say you can't build there? I don't know, I don't know their legal authority to tell you to do that.

Mr. Lynch: Can we call them tomorrow and get a better definition of what they consider a clear zone?

Mr. Anginoli: They never owned all of that. There is always a number of feet from the road edge into the property that that municipality still owns.

Mr. MacCartney: That's shown on here, you see here's the line that shows the pavement. Then there's the gap, then the property line.

Mr. Anginoli: Is there something more clear than that?

Mr. Celentano: I will call the county and find out. Thank you guys!

Chairman Wright: Any more questions from the public? No? Okay, do we have a motion to end the public hearing?

*****MOTION: Mr. Keegan made a motion to adjourn; seconded by Mr. Gazzola. All in favor; the motion was carried.**

Respectfully submitted,

Nicole Pechin
Secretary
Zoning Board of Appeals