

**TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of February 17, 2022**

PRESENT:

Mr. Keegan
Mr. Anginoli (absent)
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 17, 2022, to order. Please rise for the Pledge of Allegiance.

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

Chairman Wright: Alright, the next item on the agenda. The minutes of February 3rd are still being completed at this point, correct?

Ms. Pechin: Yes, that's correct.

Chairman Wright: We'll have to wait to accept that until the next meeting. Other than that, we have a couple new applications. I'll start out with the

Request of Owen Drummond, 30 Johnson Drive - App. #22-03 (Area Variance)

- Chapter 215, Article V, section 15 A - 215 attachment 15; Table of Bulk Requirements Part 1A, use d.3, column 4; Minimum 40 feet front yard depth and setback required - 16.8 feet front yard depth provided - 23.2 feet variance necessary.
- Chapter 215, Article VI. Supplementary Yard and Setback Requirements, section 215-22 General Requirements. Accessory structures and uses are permitted within the required setback other than the front setback but not within any required yard. Accessory pool front yard variance necessary.
- Chapter 215, Article VI. Yard and set back exceptions, section 215-24 C a fence or wall no more than 4 feet high is permitted along any lot line. 6-foot-high fence proposed in front yard. 2-foot fence height variance necessary.

Is the applicant and/or representative present?

Mr. Barry: Yes

Chairman Wright: Could you just come forward please? So, what we're going to do now is just talk to you about your application. To make sure that what you're looking for on the application, and what you're telling us before we accept it and have a public hearing. If you could just identify your name and your address, and then give us a quick idea as to are looking to do, we'll go from there.

Mr. Drummond: Owen Drummond, 30 Johnson Drive, Stony Point, New York.

Mr. Barry: And I'm Jordan Barry, representing Mr. Drummond from West Rock Pools. The plan is to build an inground pool on Mr. Drummond's property. One of the major things on this property to note is the power lines that run through. After a lot of diligent work, working with Orange & Rockland, we finally got approval from them to build a pool outside of the easement that is created due to the power lines. What we're here to request essentially is the ability to move the pool toward the front of the house to the point where it is even with the house, and some of the pavers might stick out past the front of the house a little bit so that we have enough room to create a comfortable environment for his family to enjoy their swimming pool in his yard. Due to the fact the power lines run through his backyard, it's not possible to put it

there, and the only place if you see on his survey that really allows it is if you're looking at the house from the street it would be to the direct right of the house. We'd like to be within where you allow us to be as far as off the house, and to square with the front of the house so that the water wouldn't be passing the face of the house rather just some of the patio in compassing that area.

Mr. Keegan: Is this a corner lot?

Mr. Barry: Yes, it is.

Mr. Keegan: Okay, that's why the pools in the front yard? Does he have two front yards?

Mr. Barry: Well no. It's because the power lines from O&R run through the back, and because of the easement that is created due to the power lines, we can't put a pool in that area based on the setbacks from that easement; and based on regulations from Orange & Rockland and this is a spot they are deeming would be safe in comparison to where the power lines are located.

Chairman Wright: So, just to make sure I understand, these sections here you can't do anything with because of the easement? It's the only area O&R would let you do anything?

Mr. Barry: So, if you see this dotted line here that kind of runs across the back of the lot this way, that's the line that indicated where we can build. Between that line and the street. There's a little triangle on the survey...

Chairman Wright: Right.

Mr. Barry: That's the area where we are looking to build the pool.

Chairman Wright: No, I got you. I'm just making sure, this says 'no improvements purposed in the right of ways', it's another area restricted from any development.

Mr. Barry: Yes.

Mr. MacCartney: It's this whole swap here that's the utility right of way, is that correct?

Mr. Barry: That's correct.

Chairman Wright: I got you, I got you.

Mr. MacCartney: And the variance is the 16.8 from the corner of the pool to property line that we see there?

Mr. Barry: Yes.

Mr. Keegan: That's the only variance?

Mr. Lynch: The 16.8?

Mr. Barry: Yeah

Chairman Wright: Two variances.

inaudible

Mr. MacCartney: So, the only thing I see here on the application that just looks like a... oh no, I take that back. I was misreading it. You're correct, its an area variance, not interpretation that was corrected.

Mr. Barry: I guess the other aspect of it would be that being able to put the patio in front of the face of the house. Allowing us to have that room to fit the pool that he's looking to put in. We wouldn't put the pool past the front of the house, we would square it to the front of the house so that some of his patio would be in the front yard I guess.

Mr. MacCartney: I have a question; I'm not following that. It looks like the whole pool and patio are past the front of the house, is that what you're saying?

inaudible

Mr. Barry: That's correct, some of the pool would be past the house.

Mr. MacCartney: Okay, is there another version that has it like closer to the house and more towards this little area to the right of the house or something? That gets further from the roadway?

Mr. Barry: *inaudible*

Mr. MacCartney: Oh, I see, so I see there is another version that's got the pool tucked in that spot?

Mr. Barry: Right.

Mr. MacCartney: 16 x 32 – on this version, the front of the pool would be just about even with the front of the house. With that version, you wouldn't have room for a patio in that back right corner of the pool

Mr. Barry: Right. So, I guess that's where the updated one ... *inaudible*

Mr. MacCartney: Oh, I see.

Mr. Barry: *inaudible*

Mr. MacCartney: Okay, I see. So, not the other version you've got 10-feet from the house so the current version that's before the Board pushed it further from the house substantially. Then, as a result of that, it gets squeezed toward the front toward the road.

Mr. Barry: Yes.

Chairman Wright: Any more questions from the Board? Again, this is just to see that the application meets what their description is.

Mr. Streiter: In the other survey there, is the 16.8 even be a required for variance on the other?

Mr. Barry: Well, I think it's more relevant on the one you're looking at because of...

Mr. Streiter: You don't think that one could work?

Mr. Barry: It would probably, realistically, make sense maybe meet in the middle somewhere based on these two drawings. If it was a matter of compromise.

Chairman Wright: Can I make a suggestion then? Can you file what you really want to do rather than kind of have us guess in between so if you have plans? This way we know specifically how much of a relief we could give?

Mr. Barry: I mean, in an ideal world, the plan we have, if we could do it like that, it would like to move forward with that? As room as we could get, which is what this plan shows.

Chairman Wright: So, one of the principles we have is that we try to give the least amount of relief as necessary. So, if this is the least amount of relief as necessary, then that's fine; but if there's a way you could move it back a little bit to reduce the amount of relief we could give, that's even better. It's up to you.

Mr. Barry: I do think if you were to move it, it would really be infringing on and cluttering the house a little bit and I think that's a huge factor. I do think this is the right place.

Chairman Wright: Alright, when we go to Public Hearing, see if you could develop that more just so we could have for the record. Any questions from the Board? If not, take a motion to accept for the Public Hearing.

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

Chairman Wright: Alright, so I'm assuming we will do the site visit on February 26th, that's the last Saturday of the month? Where do we meet now?

Mr. Anginoli: Town Hall.

Mr. Lynch: 9am

Chairman Wright: So, what we look to do is, one or all of us will appear on February 26th, between 9 and 10 o'clock. Just to get an idea of lay of the land, if someone could be there to explain to us the lay out...

Mr. Barry: Yeah, I'll be there...

Chairman Wright: If you don't see anyone there by 10-10:30, then you can go with that.

Mr. Barry: Fair.

Chairman Wright: Alright, that's good.

Mr. Barry: And then after that...?

Chairman Wright: Then what will happen is on the 3rd we'll have a public hearing, and we'll go through some of the same stuff and have some more questions for you. Then people from the public will have a chance to participate if they have any questions, they can raise them there. Does that make sense?

Mr. Barry: Yes.

Chairman Wright: Great! You're all set then. Have a good night.

Chairman Wright: Next item on the agenda...

Request of Michael Galgano – App. #22-02 (Area Variance)

- Chapter 215, Article V, section 15 A - 215 attachment 15 - Table of Bulk Requirements Part 1A, use d.2
- column 4: Minimum 50 feet front yard depth and setback required. 3.83 feet front yard depth and setback provided. 46.17 feet variance necessary (James Street frontage).
- column 5: Minimum 25 feet side yard setback required. 8.42 feet side yard setback provided. 16.58 feet variance necessary.
- column 5: Min. 75 feet combined side yard setbacks required. 26.25 feet combined side yard setbacks provided. 48.75 feet variance necessary.
- column 10: Max. 20 percent development coverage required 30 percent coverage existing 38 percent coverage proposed. 18 percent coverage variance necessary.

Is the applicant or a representative present? And if you could just identify yourself.

Mr. Galgano: Good Evening ladies and gentlemen. My name is Michael Galgano, my home address is 5 O'Dell Drive, Stony Point, New York. The property is 35 James Street in Tomkins Cove.

Chairman Wright: Alright what were going to do is, again, ask you some questions and anything related to accepting the application. Once it's accepted, we will have a public hearing with more detail.

Mr. Galgano: I'm currently building a home on 35 James Street, which I've owned the property for quite a while, there was a fire on that property. Through the building department, we are rebuilding a home there. I'm not sure if you know James Street, it's a private road, the lots there are not that big. What we are trying to do is to increase a better outdoor living experience by adding this deck onto the front of the property. It's contained by concrete walls,

which are about 3 feet high above the grade. The idea was to put this deck up and leaving room for shrubbery and planting, so it doesn't pose a danger of someone falling off onto the front yard.

inaudible

Chairman Wright: Any idea which one is the deck?

Mr. Galgano: It should be on the first page. I've also provided a site survey, along with an actual survey.

Mr. MacCartney: I'm just confused, you said you were building a new home, but is there anything on the property now?

Mr. Galgano: The new home is framed; I'm hoping to have it inspected this week. Just waiting for the electrical certificate.

Mr. MacCartney: Ok

Mr. Galgano: So, we kind of hauled on the front of the house because this was something we knew may need to go before the Board for. So, the front of the house is not really done.

Mr. Lynch: The house is framed and you're just looking for variances on the deck that's going to be approaching...

Mr. Galgano: Correct, yes.

Mr. Lynch: I just want to make sure we know what we're looking at. Now all of a sudden you get there, and the house is built but I'm thinking you're asking for the variance on the house.

Mr. Galgano: No, I was well aware that when we submitted the original plans, that most likely we would have to go before the Board, so I decided to proceed and start framing the house and come to you for your assistance.

Mr. MacCartney: There was an old house that burnt down, and you are replacing it. Is it the same footprint of the house?

Mr. Galgano: It's the exact same, we stayed in the same exact footprint of the old house.

Mr. MacCartney: The only thing new for the footprint is the deck, correct?

Mr. Galgano: That is correct.

Mr. MacCartney: Got it, okay.

Mr. Keegan: I'm sorry, you said this house is already framed?

Mr. Galgano: Yes, I have a building permit to build the house, but I had to resubmit a building permit for the deck.

inaudible

Mr. Keegan: That's been grandfathered in?

Mr. Galgano: I'm sorry?

Mr. Keegan: The old house is grandfathered in?

Mr. Galgano: Yes.

Mr. Keegan: Before the zoning?

Mr. Galgano: Yes, correct.

Mr. Keegan: *inaudible*

Mr. Galgano: It's just the deck, to make the outside usable.

Chairman Wright: Any other questions from the board?

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

Chairman Wright: Any other questions?

Mr. MacCartney: No, the only thing running through my head is 280-A. It's a private road, but I guess it's already... is it a variance required here?

Mr. Hager: That's a variance only required if they were proposing a new house in the area. The house exists, its predated, its being repaired, almost completely repaired due to the fire. The house did not require any variances, the addition of the deck is what requires a variance. The deck did not exist before the fire.

Mr. MacCartney: Yes, I think I agree with you on that. The only other question, which is a significant one, is if you have a preexisting non-conforming building then you're fine? You only need variances for the other? It looks like the house is really tucked in there tight on the lot. I guess it doesn't come close to meeting any of the... you know, its over the development coverage and it doesn't have setbacks required. If you were going to expand the preexisting non-conforming bulk, does he now need to get variances to legalize all the preexisting non-conforming? The 7.4 in the back, off the top of my head I can see three or four ways the house is non-conforming as the bulk. The expansion with the deck, is that bring into play the applications should be amended to include all of those?

Mr. Hager: I don't feel like it does. Routinely, we issue building permits on similar scenarios. If there were a situation where there was room for the deck to be built without a variance, but the rest of the house didn't comply, we wouldn't require it to have any variance, so my opinion is the variance is only necessary for the addition and that the other predated conditions exist and continue to exist.

Chairman Wright: Anything else?

Mr. MacCartney: No, that's it.

Mr. Keegan: Council, you raise a very good point. If it is required, for all those things to be amended, I mean this is expanding in non-conforming use. So, I mean...

Mr. MacCartney: Not non-conforming use, but non-conforming bulk.

Mr. Keegan: Does it comply? I think that is a crucial point because if we have any cases in the future...

Mr. MacCartney: Yeah...

Mr. Keegan: I mean I don't know if that's what it is but if it is I'm just saying shouldn't it be addressed?

Mr. MacCartney: Again, I deal with so many different codes with the different Boards, I'm forgetting what the Stony Point code says on this. But my vague memory says that, for years, they we would require that.

Mr. Keegan: That struck a chord with me too.

Mr. MacCartney: That your recall, right? It might be something that is worthy of me just doing a little research into the code. I do, I don't recall if that's something we did as a matter of course because that's the way Bill Sheehan always dealt with it and its not codified, and its just an interpretation thing, or something else. So, the real question is... you know the applicant is here and we don't want to hold up the applicant necessarily, but the answer is yeah you need to ask for a variance. I mean it's the same structure, so the question is what kind of relief do you need? But if it turns out the answer is you really should get that relief,

you just want to make sure the public hearing notice is stating the correct relief. Maybe what I would suggest on that point, maybe I take a look at it from now until next meeting and we don't yet accept it. It will only be two weeks, and I can try and get the answer between now and the 3rd. If the codes clear, if it's a clear-cut issue, I'll talk to John and I'll go over it with John and we'll help him make the final determination one way or the other. If it's a grey area in the matter of discretion, then what John says goes. But at least in advance for next meeting, we can get that answer one way or the other and if it's just what it was tonight, then fine we're right where we were we just accept it for what it is and put it on for the next available hearing. But if it's not then we will let the applicant know in advance, so he could just amend the application to say 'oh yeah, also its...' you know, side yard, rear yard, lot coverage, whatever the additional pre-existing non-conforming's are.

Mr. Galgano: And just by chance, if that was the case and one of the neighbors made a complaint about that, how would that be rectified? Being that I have a building permit, and I've built the house, and now I'm going back to possibly get a variance on the house?

Mr. MacCartney: We're in the land of hypotheticals, but hypothetically if you weren't adding anything on the outside of the existing footprint, it wouldn't even remotely be an issue.

Mr. Galgano: Okay.

Mr. MacCartney: Your existing permit, your existing framing within the existing building envelope would not require any variances at all. You would continue with the pre-existing, non-conforming bulk...

Mr. Galgano: Right.

Mr. MacCartney: ...no worries. The only reason this issue comes up is when you have that pre-existing and then you want to expand it.

Mr. Galgano: Right.

Mr. MacCartney: In another way, amend the codes...

Mr. Galgano: Okay.

Mr. MacCartney: ...most codes. I'd say many codes, and again I apologize I should know it by now in Stony Point, we'll say if you expand... you cannot expand unless the rest of your building is full conformity.

Mr. Galgano: Yes.

Mr. MacCartney: So, because of the prohibition and you want to do it, the only way to bring the rest of the building into conformity is by variances for those pre-existing...*inaudible*

Mr. Galgano: I understand.

Mr. MacCartney: I will take a look at that.

Chairman Wright: Just one question now for John. You are saying... is this a standard practice that the building department has done over years to accept these and then only include the house?

Mr. Hager: Yes. There are many, many homes in this town that pre-date to the adoption of the Zoning Code or built prior to the Zoning Code so their lots are small. They're not non-conforming uses, they conform to the use requirements of the code, but they don't comply as to bulk. In this case, nothing here complies to bulk. The lot size, the lot coverage, with all the setbacks you would have to issue a variance for practically every aspect that's included...

Chairman Wright: Wouldn't that mean everybody coming in hence forth would have to go through all of the same hurdles again then, correct?

Mr. Hager: So how we handle it, usually, is most properties have an area or two that may be non-conforming so they might have an area where this deck can be built in compliance even though part of the house is not in compliance. So, the way we handle it is we can construct in a portion of the lot that's not restricted in a current standard and if they're not able to do that, then they have to come for a variance. We don't kick it over here for a variance for all the other stuff involved in the house.

Chairman Wright: Yeah, standard practice that we have in here because we're not sure of now so...

Mr. MacCartney: Yeah, I don't want to turn the place upside down. *inaudible*

Mr. Hager: I noticed some of the municipalities do it, once you open the door to any expansion at all, and they want kind of legalize all of the conformities. I think that if we were going to start that practice here, its going to get quite complicated. I guess it could be pushed on interpretation but the way I believe it's been handled in the past is how we are continuing to handle it in that manner.

Mr. MacCartney: Look, if that's... it could well be that I'm just conflating with another municipality cause this issue rises a lot, particularly in Orange County. I don't want to be suddenly inserting myself into your long-standing interpretation of the code, that's clearly not my intention. If that's your interpretation of the code right now, then we can deal with it that way and then set them apart, I can take another look at it on a going forward basis. Rather than make this some kind of test case.

Mr. Hager: Well, I am comfortable with handling the main structure and I think this Board need to look at it like you always do. The request is obviously substantial.

Chairman Wright: That's alright, I'm saying we don't want to go... my own opinion is he filed for the building permit, he's shown good faith, he's doing everything he was told to do, he's doing all these things. I don't want to him have 10 more things to do all of a sudden, so let's push this back two more weeks and this is a standard practice that we follow for I'm assuming, years. My gut is to accept the application if something pops up in the meantime we will deal with it, but my thinking is let's accept this for we have done this as we have for the last 10, 20, who knows how many years we've done this in the past.

Mr. Lynch: Yes.

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

Chairman Wright: Alright, so we will see you on the 26th for the site visit, then back here again for the public hearing on the 3rd.

Mr. Galgano: Thank you.

inaudible

Chairman Wright: Okay. Last item on the Agenda, Steve Valvo.

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.

Chairman Wright: Is the applicant or representative present?

Mr. Celentano: Yes, I'm the engineer for the applicant.

Chairman Wright: And again, if you could just identify yourself.

Mr. Celentano: Sure, my name is Anthony Celentano, 31 Rosman Road, Thiells, New York.

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

Mr. Celentano: Yes sir. I'd like to pass out these new maps. They are newly revised maps representing the 'clear zone' indicated by the County.

Chairman Wright: Okay. So, who did the follow up on the 'clear zone' with the County?

Mr. Hager: At the last meeting you had asked Nicole to reach out to the County for clarification and she did. The highway department at the County level had sent back via email some more detail information about this clear zone that had been mentioned. Subsequently, they offered that the mappings that had been done or whatever, that are a possible future widening of that road and require any structure be at least 20 feet from the white line. So, the map didn't show the white line originally, it showed the property line. We reached out to the surveyor who I believe has now verified that the white line is in fact 20 feet from the proposed face of the building. So, I believe that would satisfy the County's comments.

Mr. Celentano: Okay, now I would like to make some points for Mr. Valvo, and why we want the garage in this location. First of all, the existing house does not have a garage, and it's only 24 feet from the lot lines on the sides, so putting a garage on this side would be too close to the lot line. In addition, it's an 1820 house so we don't want to disturb the house to put any additions. Currently, the slope of the land goes from Thiells Road, fairly steep so we would like to keep it in the flat area in the front. Fourthly, right now Mr. Valvo does park his cars on the adjoining lot. He has a graded area that they let him use, and now we'd like to make the lot line and put a garage so we could protect his vehicles from the elements of the weather and also memorialize where he's been presently parking now; to legalize everything and then get the piece of land so he could have it on his property, the garage that he wants to build. The garage is going to be 24x30, 15 feet from the property line, we are not within the clear zone of the County. We're transferring 2,252 square feet from 30 Thiells Road to put this proposed garage, and the only variances we need is for the front depth and front setback, 35 is required and we're asking for 15. That is all I will representing tonight. Any questions we will gladly answer, Mr. Valvo is here if you have any questions for him as well.

Chairman Wright: Any questions?

Mr. MacCartney: Just for clarity, you said earlier that this is currently a graded area where there is already cars parking?

Mr. Celentano: Correct. Mr. Valvo parks his vehicles there now.

Mr. Lynch: So, were talking about the 20 feet from the white line to the clear zone and it brings you right to the front?

Mr. Gazzola: Right, 20 feet from there.

Mr. Lynch: Right up to the front of the garage?

Mr. Celentano: Correct. You want to be knit picking, were 6 inches on one corner and a foot from another corner.

Mr. Gazzola: From that 15 feet, you're going to take 7.5 from each side.

Mr. Keegan: Right. You're still left with 7.5, right?

Mr. Celentano: Yes. We are clear.

Mr. Keegan: What do you intend to do with that?

Mr. Celentano: What was the question?

Mr. Keegan: I wasn't clear on what you were saying. So, explain to me again what was your proposal?

Mr. Celentano: We're proposing from the existing designated street line of the property line, 15 feet away. The County's clear zone is from the actual... as you drive on the road, there's a double yellow line down the middle, then there's two white lines on the side. You need to be... according to, John called up the County and they told him they want from the white line, 20 feet all clear. Is that correct John?

Mr. Hager: That's the way I interpreted their commentary. If they in fact ever go forward with the widening plan, and they have, all structures within those 20 feet area between the white line and 20 feet toward the properties would possibly be cleared. So, they don't want to authorize a new building to be located any closer than 20 feet to the white line. The survey presented now shows that the white line has been measured and you have a little bit more than 20 feet to the face of that building. Did you say 1-foot on the one end of the building and 6 inches on the other?

Mr. Celentano: Yeah, 1 foot on the south, and 6 inches on the north. Clear.

Mr. Keegan: Okay, that's what I thought you said. Now, but John mentioned it was 15 feet, 7.5 on each side of the road and where does that go?

Mr. Hager: Well, the County's engineer had mentioned that I think this is a 33-foot-wide easement for the right of way for the highway. They would intend on bringing that out to 50, so that's where they're saying you would be in about 15-feet of road width to the right of way width, but it wouldn't all be on one side. Theoretically it would be half and half. But you never know, they might be trying to straighten the road a little bit too so they want it to have 20 to play around with because they might need more than... suppose they had to take the whole 15 feet on one side of the road...

Chairman Wright: This sounds like under the worst conditions, it meets the minimum.

Mr. Hager: That's what I got out of it, is that they would be satisfied if they know that there is going to be an ability to clear at least 20 feet from the white line when they go to widen the road. So, I believe this map satisfies their comment.

Mr. Gazzola: They say that this 30mph road that it is now, but if they would have to widen it, isn't there a possibility that they could increase the speed limit? And then it would be a different variance requirement?

Mr. MacCartney: Well certainly they could always increase the speed limit if they wanted to...

Mr. Gazzola: *inaudible* - my concern is if you go through with all of this widening of the road, there's a possibility they'll increase the speed limit. Which is then, the 12 feet doesn't work.

Chairman Wright: But I don't think we could grant or deny variances based on what the County may do sometime in the future. This variance is based on what we have now.

Mr. MacCartney: And it's a fair point, but I also think that if they were concerned about that... they're concerned enough to bring up the hypothetical possibility that they might widen the road, and they might never do it, but if they were going to widen it and increase the speed limit I would imagine they would have said so in this email and said 'by the way, if we do that we are going to increase it to 40, which means we need an additional 5 feet which means we need 25 feet not 20.' The only reason this came up is because highway department brought it up so were just addressing their concerns and this clarifies their concerns and were okay in that regard.

Chairman Wright: Okay, any other questions?

Chairman Wright: Alright, any other questions from the public?

Chairman Wright: Going once... any questions from the public?

Mr. MacCartney: And I just have one more thing to add. I'm just reminding you in regard to SEQRA, you have an application in for this lot line change now?

Mr. Celentano: Correct.

Mr. MacCartney: And how far along are you on that? I just don't remember.

Mr. Celentano: If the Board chooses to grant the variances tonight, the Zoning Board, our next step would be back to Planning for final.

Mr. Lynch: For final on the line change of you guys acquiring the property for you to place the garage?

Mr. Celentano: That's correct.

Mr. MacCartney: So, before the Planning Board...

Mr. Celentano: We had been referred to here.

Mr. MacCartney: Oh, it had been like that directly?

Mr. Celentano: That's correct.

Mr. MacCartney: That's what I was asking, okay. Fine, that's what I was worried about.

Mr. Celentano: *inaudible*

Mr. MacCartney: So SEQRA is not a concern?

Mr. Celentano: Right.

Chairman Wright: Does anyone have any concerns about approving this at some point?

Mr. Lynch: Nope.

Chairman Wright: So, with that I will take a motion to close the public hearing?

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

Chairman Wright: Thank you sir.

Mr. Celentano: Thank you.

*****MOTION: Ms. Davis made a motion to adjourn the meeting of February 17, 2022; seconded by Mr. Lynch. All in favor; the motion was carried.**

Respectfully submitted,

Nicole Pechin

Secretary
Zoning Board of Appeals