

**DRAFT**

**ZONING BOARD OF APPEALS MEETING**

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**JANUARY 27, 2021**

**A Zoning Board of Appeals Zoom Meeting took place on Wednesday, January 27, 2021 at 7:00 P.M.**

**PRESENT:**

**Zoning Board of Appeals members Merald Drayton; James Kiernan; Denni Lozza; Steven Presser.**

**ALSO PRESENT:**

**Village Building and Code Inspector John Terry; Village Attorney Christopher Kleister; Trustee Richard Calore.**

**ABSENT:**

**Chairperson Maureen DeVinko.**

**DISCUSSION OF APPLICANT – 5 LOCUST STREET – SANTER FITNESS:**

**Attorney Christopher Kleister stated the Zoning Board of Appeals received copies of Engineer Nick Caesar's documents which include existing site plan. Owner John Dillon would like to divide the property in half. The question for the Board lies in variances associated with red line going through preliminary plat as it results in division of two (2) properties on actual diagram but not on side, on bulk table it's lot one (1).**

**Steven Presser commented his concern is the space at "Hello Hair Shop". There are only two (2) parking spaces in front of salon, and parking on the side. Some of the area is shared with the transmission business. Between Hello Hair Shop building and Santer Fitness there is very little space and only Seven (7) units. Mr. Presser questioned why is there no direct parking.**

**Attorney Kleister explained they would have to keep all parking the way it is if you did it direct. If the owner wants to put up a fence for a wall, he would be entitled to do so but they may have issues meeting Code requirements.**

**Z.B.A. member Denni Lozza questioned if Santer Fitness is locked into keeping the building a gym?**

**Attorney Kleister mentioned the Lease that is in place right now may require the business to be a gym.**

**The Z.B.A. members decided no decision will be made at this meeting.**

**DISCUSSION OF APPLICANT – 1 NICOLL STREET – TWO FAMILY DWELLING:**

**Attorney Christopher Kleister stated the Engineer sent over copies of the map as well as the document filed with application.**

**Steven Presser added as far as Multi-Family there are many negatives.**

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**DISCUSSION OF APPLICANT – 1 NICOLL STREET – TWO FAMILY DWELLING  
(CONTINUED):**

Denni Lozza commented it is not legal as a two (2) family home.

Attorney Christopher Kleister explained if the board determined that it was not appropriate for variances, then the Building Inspector's interpretation that a bigger setback should apply because of the RA District would not be a concern. If the board was to agree that ultimately variances were permitted, then a decision would be made by the Board as to whether a two (2) family in residential zone should follow residential setbacks or RA Setbacks.

Attorney Christopher Kleister indicated that it may be a foreclosure. The Applicant is going to return in February, and we will then know how the transaction took place.

Steven Presser added the tenant is paying electric and gas, and there are two tenants and possibly three.

Denni Lozza commented the house next door is a single family and is zoned for single family. The Board is trying to achieve in the village aesthetic and quality of life matters and if police are being called over there frequently the Board should not be going in that direction for the Village of Washingtonville.

Steven Presser stated the owner put up an illegal wall to separate the area and supposedly he is putting up another one to make it a three family.

Denni Lozza added the loft is not up to Code and the Board should not be giving any variances for illegal situations or even entertaining them.

Steven Presser explained his concern is wondering how the property got on the tax roll where it says two (2) family home but it was changed at some point in time.

Attorney Christopher Kleister indicated in regard to the Transfer Document to the County, it says the designation runs out when they pass away. When the owner bought it, those transfer documents that were filed in the County of Orange could put whatever tax codes you want. Taxing it as a Two (2) family would be a benefit to the Village. It would become an issue when the owner died or was divested of title in foreclosure. If the Title was run a letter would say it ends with purchaser. There was no dispute that the Village was taxing it as a two (2) family because they came to an agreement with former owner that said we are going to start taxing you this way.

Steven Presser stated the owner was told by Susan Salo, the Assistant Building Inspector, all facts going on with the property before he purchased it.

Denni Lozza reported she heard it was a Mother-Daughter with an open kitchen situation, and now walls and locks have been put in.

There being no further comments:

Attorney Kleister indicated the next Zoning Board of Appeals Meeting will be held on February 3, 2021 at 7:00 P.M.

**RESPECTFULLY SUBMITTED,**

**SOPHIA FOLEY**

**CLERICAL ASSISTANT**