

TOWN OF MOUNT PLEASANT

MINUTES OF THE
MEETING OF THE ZONING BOARD
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, N.Y.
HELD FEBRUARY 13, 2025

CONTINUING APPLICATIONS:

NEW APPLICATIONS:

Gerard Pagello and Marianne Martin-Pagello challenging a November 26, 2024 determination made by the Building Inspector, which held that the property, located at 420 Nanny Hagen Road (S/B/L: 107.17-2-16) satisfies the street frontage requirements of New York State Town Law § 280-a , as well as, Town Code § 218-9 and § A227-23 .

Z-24-51 Gerard Pagello / 420 Nanny Hagen Road, Thornwood, NY – APPEAL

Mike Sheridan: My name is Michael Sheridan. I'm an attorney with Snyder and Snyder. The attorneys for, the Pagello's in connection with their, appeal of the building inspector's determination, issued on November 26.

Chairman Mr. Prezner: Mr. Prezner replied; Alright. I'm going to read the app your application, then I'm going to comment. The Pagello's are challenging in November, determination made by the building inspector, which held at the property located at 420 Nanny Hagen Road. In all the years that I've served on this Board, both as a Member and Chairman we have never had an application come before us to reexamine a decision that this Board has made in the past. I don't know if we're in a position to, discuss it. You have a certain determination, a time limit for if you wanted to file an article 78. That didn't happen. I don't know what to do at this point.

Mike Sheridan: The application that you reviewed, several months ago and the determination that you made several months ago had just to do with the width of the frontage of the property. So if I were to file an article 78 saying that you made a determination on 280 a, that, the road was compliant with 280 a, people would look at me like I'm crazy because your determination was not that. Your determination merely dealt with the frontage of the property and the width of the frontage of the property. Decision that you made. You did not make this determination. I am not here to rehash something that you discussed, that you, talked about, that you talked about, that you evaluated. What I'm here to do is to

talk about a different issue that was not raised or discussed at your prior hearings. This issue is that the easement the applicants are trying to use for the subdivision does not comply with Town Law Section 2.ADA, which is incorporated into this town's, Zoning Code and subdivision code. So this is a completely new thing. I know the applicant from the subdivision is going to tell you it's the same thing. It's rehashed, I think his letter says you approved it basically by omission because you didn't say it wasn't, compliant. That's not the way it works. This issue being brought to you is a new issue. This is an issue of first time you're hearing about it. The first time we're going to discuss it. I'm happy to discuss it with you.

Board Member Mr. Hlapatsos: Counsel, I'm going to have to take exception with that though.

Chairman Mr. Prezner: I just wanted to say one thing. If there was a swimming pool, if I recall that property, there was a swimming pool on that property. If that swimming pool was eliminated, you would have the frontage and you wouldn't be before the Zoning Board. Mr. Sheridan replied; That's not why I'm here. Mr. Prezner: Alright, then that would be true with the other properties along Davidson. Would it not?

Mike Sheridan: In subdivisions? No. The issue why I'm here is because I could go to the Building Department if, there wasn't a pool and they didn't come for that variance, I could have gone to the building inspector the same as I did during the Planning Board, portion of the applicant's application and say to the Building Inspector, they're trying to get access over this easement, which does not comply with §280.A Can you give me an interpretation? I could get an interpretation from the Building Inspector, which I did, but that's not necessarily true.

Chairman Mr. Prezner: I think we had a letter from Mr. Grimaldi that was sent to us. Mr. Sheridan replied; Yes. I understand you did.

Challenging what you said. Now like I said, I'm not a lawyer, so bear with me. Okay? There was also a letter from the police, the fire department. Mr. Sheridan replied; Which should concern the Board. Mr. Prezner; Well, it doesn't Perhaps we should let Mr. Hlapatsos explain, what we believe the Board's position is on what Mr. Sheridan has already said so far.

Board Member Mr. Doerr: I'm the ex-fire chief in this town that does not come in front of this Board. It comes in front of a Planning Board. While it's read and accepted from here, it's not an issue that we address. It's addressed on the Planning and the Building Department side. Mr. Sheridan replied; Well, I, with all the respect, I think it is relevant because what he's saying is that the road does not, have enough room. Mr. Doerr replied; like I said, it's a different topic, and it's not for the Zoning Board. We don't make that decision. As a fire chief, I can give you an opinion based on the houses that are currently there. Fire apparatus, when those houses were built, will even smaller. Fire apparatus, that is now, will you be creating an issue for a lot of different things? So it's not part of this Board to discuss that letter. Mike Sheridan; If I get to my presentation, there is a point where I think it does it does come into play, but see, what I wanted to do is just to before you do start presentation, address, a threshold issue.

Board Member Mr. Hlapatsos: I want you to understand that before I address that issue, there was a significant amount of research that was done by the board. The minutes from the previous two sessions that we had in connection with the prior, variance that was granted, it was Z-24-20. Those minutes were reviewed just to ensure that my recollection as well as other members of the board, was accurate to the extent that there were several issues that were discussed during that meeting and there were certain determinations that were made incident to the application. One of which was the threshold determination of what variance was required by the applicant. Now, the determination that was made was that an 85-foot distance was required for that applicant to obtain the, variance that they needed for their, road width.

The reason that that 85-foot distance was applied to that application was because Davidson Drive was a street. We entertained comment on that during the meeting, and we made that threshold determination in connection with the variance that we entertained. And we did apply not only the 60-foot distance that would normally be applicable in the R 40 zone, but we added the enhanced 25-foot additional feet because of the fact that in that zone, again, off of a street, the additional 25 foot was required, which made it for an aggregate of 85 feet. We entertain that application based upon an 85-foot distance for the exact reason that we had made the threshold determination that David 12, which 12, which would have been an opportunity for a rehearing. Thereafter, a hundred and twenty days lapsed and there was no application made for an article 78 to challenge our determination in the Supreme Court. Another available option if there was a challenge to be raised to the determination that we made or any, determinations incident such as the characterization of Davidson Drive. So when this board was confronted with a request by a party who had not, previously been heard at that meeting back in in the summer, there was a request for what was, characterized as an interpretation. What it requests for a reiteration of the determinations that were made in connection with the variance decision back in July. A reassertion or clarification or repeat of something that was previously decided does not restart a limitations period, though. So there continues to be an expired limitations period both for a rehearing and or an article 78.

So when the request was made for a letter to be drafted by the building department in November and a letter was in fact drafted, that doesn't mean that that letter constitutes a new determination that restarts a new limitations period. It wasn't an interpretation re a repeat, a reassertion of what had previously been determined by the board incident to the variance application that we had entertained and decided in July. So the reason why I'm trying to address this issue before you get started with your presentation is because we don't necessarily believe that you have an opportunity to be heard in connection with an interpretation application because there was no interpretation made in this case. Even though mister Briganti did write a letter in November, that letter doesn't necessarily constitute an actionable interpretation under the code and it's our determination before this, application is heard that there is no interpretation to challenge pursuant to the town law. And therefore, this application, as it only

constitutes a challenge to an interpretation, doesn't actually have, in effect, standing to be heard at this time on the basis of the November letter, which was, I believe, the application the determination rather than that you were seeking to challenge.

So for those reasons, I don't believe that you have an opportunity to raise the issues that you're seeking to raise through this application. Even though it was placed upon the agenda, that wasn't done with the knowledge of the board members. And the board members prior to this meeting commencing did have an opportunity, as I said, to not only review the minutes from the previous two sessions that we had in connection with variance application z 24 dash 20, but upon review, it confirmed what we had recollected and that is that the early determination that Davidson Drive was a street was made incident to the variance that we approved back in July. And for those reasons, we don't believe that you have an opportunity now to be heard in connection with a challenge to the November letter written by the building department, which was merely restating a finding that was made incident to that determination back in July. So for those reasons, we're not entertaining your application, and I believe that's the position of the board. If we can take a vote on it, we the position of the board. If we can take a vote on it, we can put a finality to it. Well, I'm just curious. Mr. Sheridan replied; When did the Board discuss this if, if you already have a determination made? When was this? Mr. Hlapatsos; July.

Mr. Sheridan responded; When did this discussion happen for tonight that you're speaking for the board, and you're saying that you have all made a determination that you're not going to hear this application? At what point?

Board Member Mr. DeCicco: He's discussing now. No, he's speaking for the board now, and he's saying you've all come to the same determination. Mr. Sheridan replied; When did that discussion happen?

Board Member Mr. Hlapatsos: 6:45, I think we met. Mr. Sheridan responded; So in violation of the open meetings law, you made. Mr. Hlapatsos replied; No. We were simply preparing research, as I said, to review the minutes. Mr. Sheridan responded; That is a violation of the open meetings law.

Mr. Hlapatsos; First, I disagree with you We often times research. No. But you don't have to disagree with me. Your application has been rejected. Mr. Sheridan; No.

Mike Sheridan: Well, I would to make my point. Override the fact that we're not entertaining your application on merits. You understand? I would like to have my opportunity to speak in front of the board.

Board Member Mr. DeCicco: Well, I think the idea is that we don't believe, based upon the reason Mr. Hlapatsos put on the record, that you have an opportunity to speak tonight because of what he said and his interpretation, which I, for one, agree with. If the other members of the Board also agree, I'm not sure we need to formalize a vote on that particular issue. If the other members agree with what's Mr. Hlapatsos is saying, then I would just move that we close all the public session for tonight and move into a business session as necessary and or during the meeting. Mr. Sheridan replied; May I have an opportunity to speak,

Mister Chairman?

Mr. Prezner; I think at this point, we should go into a business session. Mike Sheridan replied; A business session to discuss what? Again, this is in violation of the open meetings law. Mr. DeCicco replied; Business sessions are not in violation of the open meetings law.

Mike Sheridan: I would like an opportunity just to make one point about this, what, what has just been sprung upon me after, after coming to this meeting, preparing for this meeting, bringing the applicants to this meeting. I think as residents of your town, they have a right to be heard before you just vote us out. You brought us, you kept us here for the entire meeting till the end of the meeting. And you indicated early on that it was going to be something that might take some time only to spring this on us and say, you're not going to allow us to speak and you're not going to allow us to have an opportunity to be heard in front of this board. I watched the early meetings, I wasn't present at them, but watching the early meetings saying there were several occasions when there were people in the audience who, some of these neighbors who wanted to complain and this Board said, no, the only thing that this Board is reviewing is the app is the small variance for the frontage on the property. It did not indicate that it was determining that this is an actual road, which it's not because it's not a road anywhere. It's a right of way easement, which is a different entity. The Board did not consider nor discuss the two ADA issues, I watched those. I watched the meetings. The Board did not make a determination that it was in fact a road. The Board started because of the applicant, submission. The Board started with the understanding that it was a street and it was a road. Then it moved to approve the variance based on that misunderstanding that this was a road. This Board did not discuss, make a determination, come to a conclusion that this was in fact a road and not just the right of way easement. This Board did not do that. The fact that you're saying you did do that now is disingenuous and is, to the face of the constituents. I'm sorry, the, the, citizens of your town. I think you should give them the opportunity to explain to this Board why, if in fact you did make that determination, which you did not, it is wrong.

Just the fact you did not make that determination, you came in saying it was a road saying it was a street and you made a minor variance, approval based on frontage. Several of the people, who live in that area came to this Board and had some things to say about the application. This Board told them, and if you watch the meeting, so you can see the quote unquote, this Board told them, no, we're not here for anything else. We're only here for this one variance. So determining that it was a road is something else. So this Board misled the people who came to discuss this meeting. This Board did not discuss whether it was a road, did not make a determination, whether it was a road, did not go through the factors of whether it is in fact a road. It is not. It is a right of way easement. I can explain to you why it is, and I can explain to you why a right of way easement is not a road for section two ADA and why a lot two should not be able to have access over that easement to Nanny Hagen Road.

Board Member Mr. DeCicco: I think we've given what I understand is why you're

upset that you had to wait for tonight, and I don't understand you don't like what the board is saying. That's certainly reasonable for you to feel that way. However, I think the Board's position, at least as far as I'm aware, is going to be that we're not entertaining this application. That the Board does not feel that shouldn't even be put on the agenda. It doesn't change for the reasons that Mr. Hlapatsos stated, and I therefore move to close the public session. Mike Sheridan responded; That's terrible. I think we should be allowed the opportunity to speak and present to this board. Second to close the public session. Why? If you have another option, go ahead.

Chairman Mr. Prezner: When we discussed the original application, it was determined that they were the people that resided and used that street were concerned about traffic, they were concerned about construction equipment, they were concerned about debris and we addressed that. We told them that, one Zoning Approval was that a bond would be put up to protect the road. Mr. DeCicco replied; Mr. Chairman, I'm going to interrupt you for a second, I want to suggest respectfully, and I want to suggest that the Board move into Executive Session, which is not in violation of the open meeting law. We meet privately to discuss a legal matter for a legal interpretation of what we're discussing about and to seek legal advice. So, we could come back and proceed in one fashion or the other in the best interest of the town of the board. That is my application. I move into executive session to private I would like to hear what the chairman has to say. It's a very nice server. I have a motion on the table.

Alright. Can anybody like I'll second the motion to go into executive session at this time. Okay. Mister Doer? Approve. Okay. Miss, Novak? I vote aye. Alright. We're going to go into executive session to discuss this matter. So everybody gets to wait here for a few minutes. We'll be back in a few minutes. Thank you.

- **Executive Session –**
- **Back from Executive Session –**

Mike Sheridan: What did your attorney say? Which attorney did you speak? Which attorney did you speak to? Excuse me. Which attorney did you speak to?

Mr. Prezner responded; We have several members of the board. Mike Sheridan responded; Mister chairman, Mister chairman, which attorney did you speak to? I just want to know that.

Board Member Mr. DeCicco: Mr. Chairman, at this point in time, move to reject application Z-24-51 based upon interpretation that the applicant has no standing to make such an application at this time. I move that the Board approve such action. Mike Sheridan responded; Can I ask a question? Which attorney did you speak to?

Board Member Mr. Hlapatsos: I'll second the application to reject the application.

Mike Sheridan: Which attorney did you speak to? You went you said you went to executive discussion for a legal matter. We are Which attorney did you speak to? You, sir. Vote attorney. You're in violation you're in violation of the open meetings law. Excuse me, mister chairman. You were in violation of the open meetings law.

Chairman Mr. Prezner: We have a second and a vote. A second. Okay. Miss Novak? I vote to reject. Mr. DeCicco? Alright. Mr. Doerr? Alright.

The chairman makes a motion to reject. As such, the application

Mike Sheridan: You are in violation of the open meetings law. Do you understand that? Do you understand? You're in violation of the open meetings law.

Motion was made by Nick DeCicco, to not hear the application on the merits of submission, seconded by George Hlapatsos, carried 5-0 AYE.

San Signs & Awnings (Applicant) for Thornwood Realty, LLC., (Owner) of premises located at 1 ZEISS DR, THORNWOOD, NY. Designated on the Tax Assessment Maps of the Town of Mount Pleasant as 112.8-1-73. The application is for the proposed installation of three new signs; two new tenant building signs, one new monument sign on a legal standard parcel (12.5 Acres) in the OB-5 Zone. **The following variance(s) are requested:**

Z-25-1 San Signs & Awnings (Applicant) for Thornwood Realty / 1 Zeiss Drive, Thornwood, NY.

Michael from San Signs appeared to represent the application.

Chairman Mr. Prezner: the application is for the proposed installation of three signs, two new tenant building signs, one monument sign on a legal standard. Now this is to be placed in the same position that this existing sign is? Michael replied; that's correct. We intend on removing the existing sign and replacing it with the new structure. Now behind it is the Chase Bank sign, if you see how, it's situated further to the look down the street, you still have visibility in both directions.

Michael (San Signs): Visually. Yes, one of the reasons for 24-inches is that is the LED light, which was down below it. We certainly can make an adjustment for grade 18-inches or 12-inches of space. As you're aware, we went from one tenant and now we're at seven. That's the main building of the subdivision. The one main building which was Zeiss then you have the new development which is Benchmark. There are three new companies in the ZEISS Building. Well, Healy is there and operating, Piedmont Plastic is there and operating, and Immortal Fitness is being built out as we speak. There is room for three other or one large or two large. Depending on how much space they want. Each of the sub signs are, 41-inches wide, 18 inches high. The main idea of the sign is to promote Benchmark at Mount Pleasant. The main idea is the address and then, yes, secondary is our other tenants that are there, we've now basically turned this into, you know, I say real retail and mixed use.

Board Member Mrs. Adrienne Novak: Are your tenants requiring these signs? Is it something they're asking for? Michael replied; It's solely based on our tenants. We have applications for Healy Electric and Immortal Fitness coming for the ARB as well. They requested everybody has signage, as people can't find them.

Board Member Mr. DeCicco: So, you know, I don't know what everybody else is going to think, but I'm probably less opposed than maybe other members of the

board would be to the idea of the sign, the stand, and the tower. That being said, it is almost triple what you're asking for is almost triple the allowable, square footage. Is there anything you could do to reduce it somewhat, you know, would I would look on upon favorably. Once again, we need to consider sight distance. Sight distance and function of the sign. Michael replied; If the letter height gets too small, then it's unreadable. I mean, we're already at, like I had said, with Healy at two and three eighths, two and a half eighths, you know, which is all invisible from 30 feet. Right. So that's our main concern is that the sign function.

Chairman Mr. Prezner: I mean, we're talking about dropping the monument sign inside the, on the street that we looked at. But then the other two are the building signs that are in on the buildings themselves. So, the square footage requirement that you're talking about can be shrunk or decreased if the building signs are also decreased. Why would we want to decrease the building signs when they're not even visible from the street or even half an acre of the lot's lowering and this is the Chico's point of square feet. Yeah. Is it a matter of the square footage of the overall sign, Nick, or is it a matter of the height? We're talking about overall square footage. You're asking for a variance of three times the amount. But look at what look at where we're picking our variances from. We're the building is not even visible from the street. I mean, those two variances should be taken off the table. We should just talk about the variance for the for the monument sign. One shouldn't hinder the other, Nick. But still square foot the aggregate board, but the idea of aggregate and all that the Oh, no. I understand. Written here. Here. No. I and I understand. And I understand, but I don't think it's fair. There are mitigating circumstances to that in this instance that these signs are, what, 500 yards off the street. They're not even visible until you're in the parking lot. But these signs that are on the building usually would fall under the purview of the ARB. It does Which they do. Which they do. But because this was a one tenant building and we've exceeded the 50 square foot of signage allowed, we have to come before you, sir. So, at 50 square feet for how many square feet is the overall building? I don't know. It's a hundred thousand square foot. So, these are very large properties with a with square footage of 50 square feet. We've taken a building that had one tenant historically here in the village and now made it into a multi-tenant and then added a residential to it as well. The sign code doesn't fit what is needed for this property. Well, I'm not concerned about the residential property at this point. But if we did this just discussed the signs that are put on the building, if they were treated individually rather than a whole package, then the because there are different applications. One is an application for a sign on a building, which is like an awning, or you have a free-standing sign, which is under the jurisdiction of the zoning board.

You can't separate it. But you can't separate it because it has a maximum square footage of fifty square feet as per code. Right. And I agree with you. Maybe that's something that needs to be changed or amended within the code. It is a unique situation. We do have a pylon sign down the street, which is doubled in square footage of what ours is proposing that's existed for years and is extremely unsightly current issue. You're referring to the one for the grocery shopping

center? But that's a shopping center. Understand. But isn't it now that this is turning into a multi-tenant and immortal is retail, it's a retail. It's a gym. Helio left contractors will have their clients coming there. Piedron Plastics is a pickup facility. So how much different is it from retail? I think I think there's a distinguished certain several areas we could distinguish the two as far as the foot traffic and overall. But I understand your point. It's not this is becoming more of an active use, property a stagnant or complacent use where we just have a few people coming in and out. I think that point is valid to a degree. I don't know. I think to your point, Nick, if you can lower the sign down so it's not up super high, I'd be I'd be termed to be more agreeable because we also, if you remember, we had the application for another benchmark sign on the other side of that that same entrance width. So now it's being all confirmed. It's a one size. If we drop it, that doesn't affect it doesn't just square footage, but it affects our impact based upon the design submitted. Correct. So 12 inches won't make a difference to us. We can modify the light, and we can work within that if that abuses the board. You show the benchmark at Mount Pleasant at about 38 inches high. Right? And you have a lot of additional advertisement on there. Benchmark is senior living experience, assisted living, and memory care. Keep in mind, that's their branding. That's corporate branding. And those 38 inches does include the address which is up above. And that's ARB. Mhmm. We can't talk about the science. Yeah. But to the to the point that that's ARB review, ARB has already reviewed and approved I can see. I can understand it on the when you go up the Zeiss Drive and you have that secondary sign there pointing to the area. I'm just trying to see how we can, how we can somewhat lower this. And, for example, Healy Electric Contractors, they just it's not a retail operation, so the only people that come to them are their own employees. Am I correct? And your clients. That's dope. And Piedmont Plastic does what? We manufacture plastic products. We're a client of theirs as well as their client of ours. Alright. So they really don't have anybody there except the truck coming to pick up their parts. That's not true, sir. How can you be a manufacturing company and have people come in and see? They have a huge pickup window pickup window with Piedmont Plastics. They do an extreme amount of volume out of there and a lot of traffic. Do you have people to do a lot of deliveries as well with materials for several loading jobs? I'm not a concern yeah. I'm not concerned about that. But what I'm concerned about is that it's not public. They don't do any public selling. That's yes. They do. So, they do. So, it's retail and manufacturing? Yes. They do. It's retail and wholesale. I don't know. I really don't know at this this point. I mean, we're talking we're talking about we're talking about currently at a little over 11 feet in height. You got Rose Hill, which is 20 feet in height. We're at seven feet wide. Making this bringing this sign down 12 inches will bring it down to a little over 10 feet in height. The sign is small for its current location as proposed as I as I expressed to you regarding to the letter height, the sign has to function. Without it functioning, then it's useless. And the lettering on the signs for, like, Piedmont Plastics or Haley? I didn't call out that lettering, but I would estimate that Piedmont Plastics is about a four-inch letter, maybe a five-inch letter tops. Mister chairman, unless there's any public, I'd ask that we see if there's any public commentary

unless the applicant the link to add at this point.

Motion was made by Herb Doerr, to approve the application with the condition; the monument sign is 12 inches from the ground, seconded by Nick DeCicco, carried 5-0 AYE.

Jeffrey Crane (Owner) of premises located at 326 MANHATTAN AVE, HAWTHORNE, NY. Designated on the Tax Assessment Maps of the Town of Mount Pleasant as 112.10-2-59. The application is for a proposed in-ground swimming pool and jacuzzi, with an existing single-family dwelling on a legal substandard parcel (7,500 SF.) in the R-10 Zone. **The following variance(s) are requested:**

Z-25-2 Jefferey Crane / 326 Manhattan Avenue, Hawthorne, NY.

Chairman Mr. Prezner: the proposed application is for an inground swimming pool and jacuzzi with an existing single-family dwelling. You got a lot in there, you have a patio there, you got this, and it was I think there was a barbecue thing in there or something.

Jonathon Villani: Yeah. If you're if you notice that the whole yard is a little dilapidated. This is a part of a bigger project that they're doing, they're wiping the slate clean. They previously were granted a variance for the pool, where the pool was 6.5-feet away from the house, but it was compliant in the side and rear yards. Since they're starting from square one, I made my clients well aware about the egregiousness of the other variances, which is the jacuzzi three-feet away from the house. On the side of the house there is very little room, if I recall. Then you have that wall, not even a wall, it's just straight down. So, overall, the basic project is they want take the patios out, the kitchen out, clean the slate, become compliant with the distance away from the house, with the pool at 12-feet. For safety reasons also just to decongest that whole corner, they're going to redesign any patio. They want to put the pool a little closer to the side and rear, requiring the rear and side yard variances versus the distance from the house. The jacuzzi is what's creating the egregious variance to the distance to the house because it's three-feet away from the house.

Chairman Mr. Prezner: That's at the water's edge. The closest it'll be would be two-feet. I'm going ask you another dumb question. If the way if you're two feet off the fence with in that property, you really can't get out of the pool on that side of the property. Mr. Villani replied; Well, the plan if you noticed around the property too, they have a retaining wall that goes to divides goes into that corner. So, the plan would be put the fence on top of the retaining wall that's already existing there. Well, rebuild it, obviously, as it's a little there's some areas where it's dilapidated, restructure it, but then put the fence on top of it. Right. Mr. Prezner responded; the total fence with the wall will have to be under, be about four-feet unless you come for the variance for six-feet. Mr. Villani replied; Yeah. No. The whole wall right now as it is, is less than 30 inches.

Board Member Mr. DeCicco: Did you say that there was a previous variance for the pool? Can you explain that a little bit? Mr. Villani replied; Well, they have the same similar drawing, similar free form pool that was granted to them. I don't have

I don't recall how many years ago. Which granted them 6.5 feet, I recall, the away from the house, as opposed to 12. So, as I know from experience, there is a super sensitivity, rightfully so, for the safety of from a distance from the house. I actually thought it was that's why I proposed this to them. I said, if you do make if we're going to move the pool, move it to where it complies to the distance of the house, and where its relative to the side and rear yard.

Board Member Mr. Hlapatsos: few more questions. If you were to, eliminate the side yard variance and push to pull over so you met the five feet, do you have an approximation as to what that what kind of incursion you would make on the on the house as far as the 12-foot? Mr. Villani replied; So, taking this line and bringing it to here and keeping this? Yes. Just Roughly. The way the angle works, I'm saying nine-feet. Mr. Hlapatsos, in theory, approximate numbers, you might need a three-foot variance if you moved it, but then you would wouldn't need a variance off the side at all. You still need the back. But right now, you're applying for two variances. I don't know how other members think about it. I understand that what you were trying to do is meet the distance from the house to the pool, but we also have to consider neighbors too.

Application was adjourned per the applicant.

Robert Villani owner of premises located at 26 GALLOWAY LN, VALHALLA, NY. Designated on the Tax Assessment Maps of the Town of Mount Pleasant as 117.6-1-8. The application is for a proposed 6-foot-high fence to an existing single-family dwelling on a legal standard parcel (.28 Acres) in the R-10 Zone. **The following variance(s) are requested:**

Z-25-3 Robert Villani / 26 Galloway Lane, Valhalla, NY. – Mrs. Adrienne Novak recused herself from this application

Chairman Prezner: The application is for proposed six-foot-high fence with an existing single-family dwelling in the R-10 Zone. The maximum fence height is four-feet, you're looking for six-feet. Needing a two-foot variance, correct? Mr. Villani replied; Yes sir. Okay. When we were out there on Saturday, we did our inspections. You did not have at the time, the lot layout of where your property started. Mr. Villani, we have a written survey and we are waiting for the property to be staked. Okay, but the property will be staked, and the fence has to be eight inches off the property line. Mr. Villani replied; The order for those staking has already been in. They just haven't been able to get out there. Okay.

Board Member Mr. DeCicco: No questions. I would just note that we did have a site visit over the weekend, and we did, meet the applicant at that time. And looks good to me.

Board Member Mr. Doerr: The only question I have is on the South Side, but looking at your house to the left, you had that wrought iron fence going in that direction. There's all foliage and bushes on that side. Yeah. How is this going to interact with that? Mr. Villani responded; I mean, because technically, the back wall the back fence can be six-feet. The side and the front will have to be four-feet, what the zoning calls it, four feet. Mr. Doerr; Is there a reason why they can't be

four feet coming down the sides? Mr. Villani; You mean on the property lines? I mean, we have an 80-pound dog who would see a four-foot fence. Mr. Doerr; I have a 62-pound dog. So, I appreciate where you're coming from, but you can train them not to jump in fence. Mr. Villani responded; Yeah. I mean, I'd rather just have the comfort of knowing that I have the six-foot fence and other dogs would stay out in my dogs at hand.

Motion was made by Herb Doerr, to approve the application as submitted, seconded by George Hlapatsos, carried 4-0 AYE.

INSPECTION MEETING WILL BE HELD ON

