

**UNION VALE ZONING BOARD OF APPEALS**

**Minutes of the Regular Meeting**

**7:30 pm**

**January 6<sup>th</sup> 2026**

Members Present: Chairperson Jane Smith and Board members Dennis Dunning, Ilana Nilsen, Mike McPartland & John Hughes

**CALL TO ORDER / DETERMINATION OF QUORUM**

Chairperson Jane Smith determined that there was a quorum for the Zoning Board of Appeals (“the Board”) to conduct business and called the meeting to order.

**CORRESPONDENCE**

1. With respect to the conditional variance granted to Angel Perez on October 7, 2025: a letter from George Kolb dated 10/23/25 providing information for possible tree screening; two submissions from Mr. Perez (a letter from Alpine Tree Service Inc. received on December 11, 2025, and a landscaping plan and Proposal from Alpine Tree Service dated December 31, 2025); and an email to Mr. Perez from Land Use Secretary dated December 15, 2025, regarding the required landscaping plan.
2. With respect to the area variance application of Arkhip McEneaney, a “time line” provided by Deputy Building Inspector William Dempsey dated December 1, 2025; and a “Historic Timeline of 29 Verbank Village Road” dated December 16, 2025, provided by Mr. McEneaney.
3. Letter to Zoning Board of Appeals from Paggi Engineering dated January 5, 2026, constituting a supplemental memorandum in support of application by SkyGeek Logistics for a use interpretation relating to the property located at 29 Styles Way.

**BUSINESS SESSION**

The Board approved the November 4<sup>th</sup> meeting minutes.

**PUBLIC HEARING**

**PROJECT NAME**

**PROJECT DETAILS**

**Lewis Area Variance- Accessory Garage**

Owner/Applicant: Gary & Donna Lewis  
Address: 40 Oakbrook Lane, Lagrangeville  
NY 12540

Parcel #: 6661-00-667426

Application for the construction of a 28’ x 32’ accessory garage to be located in the side yard with the structure closer than 25’. Variance requested.

1. 11’ to place structure closer to the right-side line. §210-17A(2).

Meeting # 3

In an updated Notice of Zoning Determination (NZD), dated November 3, 2025, Deputy Building Inspector William Dempsey indicated that an 11’ area variance was needed to place the proposed accessory structure closer to the right-side property line than allowed by § 210-17 A(2) of the Town Code (not the road, as indicated

in the original Notice of Determination), and that an 8' 4" area variance would be needed for the distance between the accessory structure and the principal dwelling on the property to comply with § 210-17 A(3) of the Town Code. After the November 3, 2025 NZD was issued, Mr. Lewis increased the distance between the proposed accessory structure and principal dwelling to 20.3' so that an area variance for separation of these structures was not needed.

Mr. Lewis confirmed the new placement of the proposed accessory structure and the retaining wall on the site plan and his intent to use the proposed accessory structure as a 1 ½ car garage. The placement will be in line with the driveway and is hidden behind trees making it look appropriate with the neighborhood. Mr. Lewis explained that with the septic in the back, he would have better access to proposed garage at the side. Neighbors across the street are in favor and have no objections.

The Board discussed the factors it must consider when reviewing an application, the conditions that would be imposed should variances be granted, then unanimously voted to grant Gary & Donna Lewis a right side variance of 11' with the following condition:

- (1) A shed currently located in front of the proposed garage will either be removed or relocated and, if relocated, will be placed so that it meets all set back requirements.

The Board's findings with respect to each variance and the conditions imposed are set forth in attachments titled:

***Zoning Board of Appeals approval on the application of Gary & Donna Lewis for the construction of a 28' x 32' accessory garage to be located in the side yard area in the RA3 zone located at 40 Oakbrook Lane, Lagrangeville NY 12540. Parcel #: 6661-00-667426***

**PROJECT NAME**

**PROJECT DETAILS**

**29 Styles Way LLC- USE Interpretation**

Owner: 29 Styles Way, LLC  
Applicant: SkyGeek Logistics, Inc.  
Engineer/Consultant: Christian Paggi  
Address: 29 Styles Way, Lagrangeville  
Parcel #: 6662-00-312295/6662-00-320289

Application for the legalization of a warehouse occupancy in the Airport Zone with the use currently housed in a 14,000 sqft Aircraft Hangar. "SkyGeek Corp" sells related aircraft supplies for the retail market via internet sales. (Sect. 210-47, Sect.210-47B(1)(a)[9], Sect. 210-47B(2)(f))

1. Use interpretation requested.

Meeting # 2

This matter was on for a hearing on Applicant's application for an interpretation by the ZBA "relative to the proposed use classification at the subject property." Applicant's representatives offered a history of the use of property within the Airport District that, they said, fit within an allowable principal use set forth in §210-47 B. (2) (f) ("Airplane salvage, fabrication, repair and testing of aircraft equipment and parts, including *associated* storage"). (Emphasis added.) Applicant then asserted that the activity currently being undertaken by SkyGeek Logistics, Inc. at 29 Styles Way was, in essence, a continuation of the same sort of business that historically had been conducted at other locations within the Airport.

Applicant conceded, however, in the letter submitted by Paggi Engineering on January 5, 2026, that the specific activities set forth in the code provision (i.e., “salvage, fabrication, repair and testing of aircraft”) “now occur only intermittently.” According to Applicant, “the SkyGeek business has evolved in response to market conditions and technological change, with greater emphasis now placed on direct-to-consumer sales through e-commerce,” and the current use of the facility is mostly devoted to a range of other activities: “receipt, inspection, handling, staging and packaging of aircraft equipment and parts,” “indoor storage of aviation related equipment and inventory,” and “support of pilots and aircraft operators through will-call and on-site pickup options.” Without specifying how much of its “indoor storage” is associated with the intermittent “salvage, fabrication, repair and testing” component of its business, and how much is related to the other activities it identified including its e-commerce business, Applicant claimed that the total floor area devoted to “storage and handling” is “approximately 12,500 square feet.” Applicant broadly labeled all of these activities as the kind of “aviation equipment operations” contemplated by § 210-47 B.(2)(f), and maintained, in essence, that, because its business had evolved over time, the interpretation of subsection (f) should be read as having evolved as well, and, accordingly, that subsection (f) should be construed as permitting SkyGeek Logistics’ activities under this subsection.

The Board expressed hesitancy with the presentation both factually and legally. It questioned whether the matter was even properly before the Zoning Board of Appeals since it did not appear that any application had been made to the Code Enforcement Officer in the first instance for either a building permit, a Certificate of Occupancy or a special use permit for any airport-related use or uses purportedly among those specified in § 210-47 B. (2)(f).

Board members pointed out that the only Certificate of Occupancy for the property was for an Airport Hangar. This had been issued to Lee Air LLC in 2001. In July 2024, Applicant was served with a Notice of Violation for operating a “warehouse facility” in the Airport District without a required certificate of occupancy, in violation of the Town Code and the NYS Building Code. Thereafter, according to the Code Enforcement Officer’s Notice of Zoning Determination, dated August 25, 2025, 29 Styles Way LLC applied “for the legalization of a warehouse occupancy in the Airport Zone.” (Or, as stated in a letter to the ZBA from Paggi Engineering dated October 2, 2025, “The property owner subsequently submitted an application to the Building Department for a Change of Commercial Occupancy to Warehouse use.”) Based on his own research, the Code Enforcement Officer determined that SkyGeek “sells related aircraft supplies for the retail market via internet sales,” and, he said based on his interpretation of code §§ 210-47, 210-47 B(1)(a)[9] and B(2)(f) (which he cited but did not discuss), he denied “the use as applied for.”

Applicant appealed this decision. It did not claim in its application that the Code Enforcement officer was wrong and that its use as a warehouse is a permitted use. Rather, it claimed that the “proposed use constitute[s] `Retail’ (Sect. 210-47 (B)(1)(a)[9]) and `Testing and Storage Areas’ (§ 210-47 B(2)(f).” It sought confirmation of this “interpretation” of the code from the Zoning Board, and explained (in the letter to the Board dated October 2, 2025), that, if the Board agrees with this interpretation, Applicant intends to apply to the Planning Board for “amended site plan and special use permit to address the Notice of Violation and “legalize the existing use, contingent on any requirements or conditions that are deemed necessary by the Planning Board.”

The ZBA determined that the more appropriate Board to examine and evaluate Applicant’s qualification for a special use permit within the meaning of the various provisions of § 210-47 (B) is the Planning Board, not the Zoning Board (The Planning Board is tasked with reviewing and approving all special use permits under § 210-53 A.; the process for obtaining that review is spelled out in three subsections: § 210-53 B. (“*In all cases where this chapter requires special use permit authorization by the Planning Board, an Application for Special Use Permit shall be initially submitted to the Code Enforcement Officer and referred by the Code Enforcement Officer to the Planning Board for its consideration. No building permit or certificate of occupancy may be issued by the Code Enforcement Officer except upon authorization of and in full conformity with plans approved and conditions imposed by the Planning Board*”) (emphasis added), § 210-53 C. (“In accordance with the District Schedule of Use Regulations, certain uses requiring the issuance of a special use permit [including “Airport related principal uses as

specifically listed at Article V, §210-47 B(2)"] are additionally subject to site plan review and approval), and §210-53 F.(1) (Planning Board must make specific determinations before issuing any special use permit for airport-related uses specifically listed in § 210-47B.)).

The Board recommended the Applicant to go to the Planning Board and apply for a special use permit; if needed, Chairperson Smith offered to participate in a conference with the Planning Board chair, the Code Enforcement Officer, and other outside consultants if needed.

Chairperson Smith invited anyone from the public to speak in support or voice any concerns.

Ursula McPherson, residing at 79 Styles Way, expressed her concerns about the use of the roads and traffic connected to the operations of SkyGeek Logistics. The Board recommended that Ms. McPherson follow up with the Planning Board to express these concerns once the Applicant submits a special use permit application.

Chairperson Smith adjourned the public hearing until further notice.

## **REGULAR SESSION / NEW BUSINESS**

### **PROJECT NAME**

### **PROJECT DETAILS**

#### **Canevari-Area Variance- Structured Shed**

Owner/applicant: Paul & Erika Canevari  
Address: 1811 Bruzgul Road, Lagrangeville  
Parcel #: 6660-00-680280

Application for the placement of a 10'x18' structured shed to be located in the front yard. Variance requested.

1. 38' 5" to place structure closer to the front yard.  
§210-17A(4).

Meeting # 1

The Board found that the application dated December 10, 2025 included a Notice of Zoning Determination (NZD) that was not on Town letterhead, was not dated, and incorrectly cited § 210-17(A)(4) as 210-17(4). § 210-17(A)(4) prohibits an accessory structure from being located closer to the fronting street (and in this case the front property line) than the principal building on the lot. Additionally, the application did not correctly indicate the extent of the area variance being requested (which would be the distance from the principal building to the front property line minus the distance from the proposed accessory structure to the front property line); the survey (Drawing Number SK-1811-01) submitted by the applicant also did not indicate the distance from the principal building to the front property line.

Accordingly, the Board directed the applicant to a) resubmit the survey indicating the distance between the principal building and the front property line, b) calculate the extent of the area variance being requested using the distance from the principal building to the front property line, c) revise the application to include the extent of the area variance being requested, and d) replace the NZD in the application with the NZD dated December 22, 2025/REV. The Board indicated that if the information it requested were provided by January 13<sup>th</sup>, the application would be:

1. *Classified as "Type 2 Action" under NYCRR Part 617.5 and as such, is precluded from environmental review under SEQRA.*
2. *Scheduled for a Public Hearing Tuesday, February 3<sup>rd</sup> 2026 @ 7:35 pm and the secretary will provide timely notice thereof.*

3. *The Applicant was advised that all costs involved in notifying the Public shall be reimbursed to the Town of Union Vale.*
4. *The Applicant was advised that a visit to the premises may -or- may not be scheduled.*

**REGULAR SESSION / OLD BUSINESS**

**PROJECT NAME**

**PROJECT DETAILS**

**McEneaney Area Variance**

Owner/applicant: Arkip McEneaney  
 Address: 29 Verbank Village Rd, Verbank  
 Parcel # 6663-19-519031

Application for the legalization of work already performed for an accessory apartment in the H zone. Variance requested.

1. Area variance of 1.23 acres to allow for an accessory apartment.

Meeting # 2

At the prior meeting on November 4, 2025, the Board raised code § 210-68 D.(which permits the indefinite continuation of any lawful nonconforming use in existence on the effective date of Chapter 210 without need of a variance provided the use has not been discontinued for a period of 18 months or longer). The Board offered Mr. McEneaney the opportunity to see if he could satisfy the requirements of § 210-68 D.

Chairperson Smith reviewed the timeline submissions from Deputy Inspector Dempsey and Mr. McEneaney (noted above), and observed that neither demonstrated the pre-existing and continuous use of the space as an accessory apartment, as that term is defined in the code. Mr. McEneaney agreed that was unable to establish how the property had been used prior to his purchasing the property.

Chairperson Smith then raised another code provision that might alleviate the need for a lot size variance, § 210-12. This section appears to provide that nothing in the Article IV of the code “shall prohibit the use of an existing lot of record” (a term defined in Article XII, § 210-86A) of “less than the prescribed lot area” so long as certain criteria are satisfied. However, she believed that it would be necessary for the Board to consult with counsel as to the applicability of this section, and to better understand the interplay of §210-12 and §210-56 B (1)(a)[2], the provision specifying the lot size requirement in order to obtain a special use permit for an accessory apartment within a single-family dwelling.

The Board determined to seek the advice of the Town’s attorney, and put the application on the agenda for next month’s meeting.

**PROJECT NAME**

**PROJECT DETAILS**

**Perez Area Variance**

Owner/applicant: Angel Perez  
 Address: 46 W. Clove Mtn Rd, Lagrangeville  
 Parcel #: 6660-00-701662

Variance granted with conditions regarding screening on the side of the property.

Meeting # 3

A condition the Board included when it approved an area variance of 5.4’ from the side property line was:

A visual barrier of trees must be planted along the right-side property line and maintained. The applicant shall hire an arborist or horticulturist to prepare a landscaping plan designed to screen and protect the views of neighboring properties, and take into consideration the objectives and standards for screening and buffer area set

forth in Section 210-37 of the Town Code. The Plan shall be submitted to the Zoning Board of Appeals as soon as possible and no later than December 17, 2025, for approval and a decision by the Zoning Board as to which species of trees and how many must be planted.

In response, Mr. Perez submitted to the Board a 1-page letter from Alpine Tree Services Inc, dated December 2025, which was circulated to Board members. The Zoning Board Secretary notified Mr. Perez that the Chair believed the Alpine letter did not include the level of detail that Board members were expecting. In response, Mr. Perez submitted a contract he solicited from Alpine Tree Service to install ten 10 arborvitae trees on the right-side property line. It did not: 1) specify the species of arborvitae tree (Arborvitae is a genus, not a species, of tree), 2) consider many of the trees types identified in the Building Department Memo dated October 23, 2025 regarding #46 West Clove tree screening, 3) consider a mix of different tree types.

The height, width and foliage density of trees are important considerations for selecting trees for a visual barrier. Mr. Perez was reminded that a condition of granting a 5.4' area variance was to provide a report for approval and a decision by the Board. The Board directed Mr. Perez to provide such a report. The Board told Mr, Perez that he may need to attend the next Board meeting to answer questions from the Board about the new report and will be notified if that is the case.

The Board asked resident and neighbor, Mr. Losee if he had any comments about the updated items received on the Perez application. Mr. Losee asked for trees to be planted near the garage that Mr. Perez constructed (the issue before the Board) and further along the property line to block Mr. Losee's view of buildings that Mr. Perez constructed near his pool. Mr. Losee asked for trees to be placed 6 feet from the property line shared with Mr. Perez and reiterated his recommendation that they be white pines. Mr. Losee also expressed concern about the height of the garage constructed by Mr. Perez. Mr. Losee was reminded that the Code Enforcement was the person he needed to speak with about this concern because it is not an issue before the Board.

The Board recommended that, once the Board made its decision, Mr. Perez stake out the location of trees, and consult with his neighbors to help assure that everyone was in agreement before trees are planted.

The Board asked Mr. Perez to submit updates for review for the following month's agenda, and will advise him if it is necessary to attend the next meeting.

### **OTHER BUSINESS**

None.

### **ADJOURNMENT**

As there was no further business, a motion was made by the Chairperson Smith and seconded by member Dunning, and unanimously accepted by the Board, to adjourn the meeting at 10:24 PM.

The next regular/public meeting of the Zoning Board of Appeals is scheduled for **Tuesday February 3<sup>rd</sup> 2026, at 7:30 PM.** The agenda will close on **January 13<sup>th</sup> 2026 at 12:00 Noon.** Items for consideration at the **February** meeting must be received by that date.