

UNION VALE ZONING BOARD OF APPEALS

Minutes of the Regular Meeting

7:30 pm

October 7<sup>th</sup> 2025

Members Present: Chairperson Jane Smith. Board members Dennis Dunning, Michael McPartland & Ilana Nilsen

Members Absent: John Hughes

CALL TO ORDER / DETERMINATION OF QUORUM

Chairperson Jane Smith determined a quorum and called the meeting to order.

CORRESPONDENCE

Email and attachments from Dawn Orlik regarding the Perez Public hearing.

BUSINESS SESSION

Chairperson Smith changed the order of the agenda to have the Lewis Area Variance- Accessory Garage as the first item. The Board approved the September 2<sup>nd</sup> meeting minutes with corrections suggested from Member Dunning's email dated September 15, 2025.

REGULAR SESSION / NEW BUSINESS

PROJECT NAME

PROJECT DETAILS

Lewis Area Variance- accessory garage  
Owner/Applicant: Gary & Donna Lewis  
Address: 40 Oakbrook Lane Union Vale 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. §210-17(4).

Meeting # 1

Chairperson Smith noted that applicant must amend the application to add the correct code provision (section 17, subsection A(2)), and suggested that, in answer to the question whether the variance is substantial, he should indicate "not substantial" instead of "minimal". She also noted that the determination letter from deputy inspector William Dempsey needs to be corrected to state that the variance is to Code Section 17 subsection A(2) in order to place the structure closer to the sideline, not the road. Mr. Lewis explained that the house is located at an angle and is unusually close to the right sideline for a 3- acre parcel. The placement of the proposed accessory structure is limited due to location of the the house and the driveway, and the septic field in the back yard. Mr. Lewis stated that an existing shed that will be removed.

Member Dunning pointed out that the survey (Plan #3) did not demonstrate whether the proposed accessory structure complies with §210-17 A.(3), which states: "No such structure shall be located less than 12 feet from the principal building or less than a distance equal to its height of the accessory building, whichever dimension shall be greater." Therefore, the survey should be updated to show the distance between the corner of the accessory structure and the principal building. Additionally, the applicant should confirm with the Code Enforcement Officer the height of the building. If the location of the proposed accessory structure is not in compliance with §210-17 A.(3), another variance will be needed.

The application was not accepted as is and, in anticipation of an updated survey and further consideration by the Code Enforcement Officer, the matter was continued.

## PUBLIC HEARING

### PROJECT NAME

Perez Area Variance  
Owner/Applicant: Angel Perez  
Address: 46 W. Clove Mt Rd  
Parcel #: 6660-00-701662

### PROJECT DETAILS

Application for the construction of an addition to existing home with an area variance of 5.4' for the right side yard property line setback in the RA3 zone. (§210 attachment 1 Bulk regulations).

### Meeting # 2

Chairperson Smith reviewed the issues raised at the meeting on September 2<sup>nd</sup> as to the size of the variance needed for this “as built” addition given the lack of an updated survey and a dispute as to the location of the property line. Applicant was instructed to provide an updated survey showing the addition and the distance to the property line. An updated survey was provided.

Before hearing from the applicant, Chairperson Smith listed each document that has been submitted and will be considered by the Board in making its determination:

- 1) Building permit application dated 9/26/24 including detailed plans dated 9/24/24, and building permit issued on 10/18/24 with attached plot plan showing 30 ft in black and 35 ft in red ink with no date or documentation as to when and whether the red correction was provided to the applicant.
- 2) Letter dated 12/17/24 to Mr. Perez from CEO George Kolb regarding site issues with attachment drawing showing again in red ink 35' and a date, 10/15/24, but no indication the attachment had been provided to applicant.
- 3) Complaint from neighbor, Richard Losee Jr, dated 6/1/25..
- 4) 6/6/25 Inspection Correction List letter from CEO George Kolb to Mr. Perez list, including reference to the complaint, and requesting a survey showing the location of the addition.
- 5) 7/10/25 Notice of Zoning Determination letter from CEO George Kolb indicating communication error with applicant led to the construction of an addition with setback of 30' instead of 35' and that a variance is required of 4'6 1/2" to the right-side property line, as well as letter dated 7/10/25 explaining 35' required setback and attaching an application for zoning variance.
- 6) Application for variance dated 8/5/25
- 7) Letter from George Kolb dated 8/19/25 explaining the permit issues and the confusion regarding the size of the setback requirement
- 8) Updated revised survey received on 9/11/25 certified by Charles Boolukos. showing the distance of the addition to the property line as 29.6 feet as measured from the exterior wall and 28.2' from the overhang. (Chairman Smith confirmed with Mr. Boolukos by phone that he had prepared and certified the survey. She also pointed to Code Section 2916 A – which allows for architectural features to extend within a setback- and the determination to measure the addition from the wall, leading to the need for 5.4' variance.)
- 9) 10/1/25 email from neighbor Dawn Orlik with attachments regarding concerns with the size of the building and whether the required permits for construction and demolition were obtained. This led to the request for additional information from George Kolb, and a memo from him dated 10/7/25 confirming that the addition and other accessory structures did not exceed coverage or height limits in the code.

Chairperson Smith reviewed the factors considered for the grant of an area variance and invited Mr. Perez to address them. Mr. Perez explained that this addition was built for him and his family who are very close and it is needed for his niece who receives occupational therapy. He wants no issues/conflicts with his neighbors and wants any concerns to be addressed to him in person. Chairperson Smith asked about the now demolished two car garage and applicant explained that it had been situated 31' from the property line. There was a discussion on the detailed set of plans that were given to CEO George Kolb and Mr. Perez confirmed that both the architect and his brother Miguel were told that the setback was 30'. Mr. Perez stressed that if he knew the setback was 35', then the project would have changed. Chairman Smith pointed out that the design included a connector between the original house and the garage with rooms above it that exceeded the size of the required variance and it is reasonable to believe that the plans could have been altered to avoid the need for a variance. She also pointed out that an addition of essentially the same size built 5.4' farther from the property line would not have been appreciably different in terms of its impact on the neighbors. Discussion ensued concerning the lighting and how to avoid issues with the neighbors in the back.

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

Miguel Perez, brother of the applicant, who works in construction and has been working on this project, said he had talked to the CEO George Kolb multiple times and insisted that he had been told the setback requirement was 30ft and not 35ft. He designed the project with the architect and with applicant Angel Perez. He stressed that they spent so much time and money on this project. Member McPartland pointed out that the applicant bears responsibility for understanding what is required under the Code and providing a survey. Miguel countered that the CEO came to the property 3 times to inspect the construction before mentioning the setback issue..

Richard Losee Jr. neighbor next door, stated that his concerns started in September 2024 when he came home from vacation and saw a fence was put up too close to his property. Mr. Losee contacted the Town and CEO George Kolb to make them aware, and put up red string to show that his property line but the addition was getting wider and continued getting built. Mr. Losee voiced his opinions on this matter and did not understand how this 3-story structure did not go to the Planning Board first.

Member Dunning explained that the responsibility of the Board is to decide whether a variance should be issued for the addition, as constructed, and, if so, how large. Issues about how the addition was approved fall outside the purview of the Board.

The Board asked Mr. Losee if he had any suggestions about how to mitigate his concerns about the addition. Mr. Losee suggested that trees (white pine) be planted along the property line between his house and the addition as a visual barrier.

Chairperson Smith pointed to the June 6<sup>th</sup> Correction List letter from CEO George Kolb to applicant, regarding the 6 items that need to be addressed apart from the 35' setback issue. After discussion, the Board suggested that no variance or certificate of occupancy be granted these problems being addressed. Member McPartland questioned whether this was a single-family home; code defines "family" and there is no limit on the number of children.

Dawn Orlik was invited to speak and asked to address the concerns set forth in her email dated October 1, 2025, relating to the size of the building, the pattern of the applicant not getting permits when required, and the open violations that need to be addressed. Ms. Orlik feels that it is unfair to allow applicant to continue to build or remove structures without following the code. She said the property has been a construction zone since 2022. She recognized that beautiful work done on original house with updates and stone work, but believes going from one story to three story house is not right.

The Board confirmed with applicant that there was a stop work order June 2025 and that the open violations on the correction list dated 6/6/25 were not completed. The applicant states he has a significant interest in addressing all these outstanding violations and that the only thing preventing these issues from getting resolved is for the ZBA to issue the variance so the building department will allow work to continue on the addition.

Neighbors in the audience questioned the time frame of the list of items that were needed before a variance was given.

Mr. Jeff Cross who lives at 58 W Clove Mtn Rd, was concerned if his property will be affected and if applicant will continue on building additional structures that would end up near his property. Member Nielsen referred to the code's limit of 3 accessory buildings on property.

With no other comments or questions from the public or the board, the Board discussed the factors they must consider when reviewing an application and the conditions that would be imposed should the variances be granted. The Board then unanimously voted as follows:

The Town of Union Vale Zoning Board of Appeals **GRANTED** the Perez side yard variance of 5.4' with the following conditions:

- (1) A visual barrier of trees shall be planted and maintained along the property line between the addition and the Losee property. The applicant shall hire an arborist who will prepare a report providing recommendations on species and configuration of trees that might be suited for the visual barrier, The report shall be submitted to the Board, which shall make a binding recommendation.
- (2) The area between the building and the property line, between the Perez the Losee properties, shall be a buffer zone where no vehicles, equipment, or materials are stored.
- (3) Any outdoor lights installed on the addition should point down and not in the direction of nearby properties.
- (4) All outstanding issues cited in the June 6, 2025 Inspection Correction List sent by the Code Enforcement Officer to Angel Perez, shall be satisfactorily addressed.

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 Angel Perez for an area variance of 5.4' for right side property line setback with the construction of an addition to existing home in the RA3 zone located at 46 West Clove Mountain Road, Lagrangeville NY 12540. Parcel #: 6660-00-701662***

#### REGULAR SESSION / OLD BUSINESS

None

#### OTHER BUSINESS

None

#### ADJOURNMENT

As there was no further business, a motion was made by the Chairperson Smith, and unanimously accepted by the Board, to adjourn the meeting at 9:45 PM.

The next regular/public meeting of the Zoning Board of Appeals is scheduled for Tuesday November 4<sup>th</sup> 2025, at 7:30 PM. The agenda will close on October 14<sup>th</sup> 2024 at 12:00 Noon. Items for consideration at the November meeting must be received by that date.