

**UNION VALE ZONING BOARD OF APPEALS**

**Minutes of the Regular Meeting**

**7:30 pm**

**September 2<sup>nd</sup> 2025**

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

**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**

None

**BUSINESS SESSION**

Board member Dennis Dunning proposed correction to the July 1<sup>st</sup> meeting minutes on paragraph 2, line 5, “old dairy farm” changing to “old dairy barn”. With that correction, the minutes were unanimously approved by the Board.

**PUBLIC HEARING**

None

**REGULAR SESSION / NEW BUSINESS**

**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 4’6½” for right side property line setback in the RA3 zone. (§210 attachment 1 Bulk regulations).

Meeting # 1

Chairperson Smith welcomed the applicant and owner Mr. Angel Perez. Chairperson Smith first pointed to the requirement in the Town of Union Vale Code regarding a survey. She explained that, since this application involved an already completed structure, and since there was an apparent dispute between Mr. Perez and his neighbor – with Mr. Perez claiming that the structure was 30’ 6” from the property line, and the neighbor claiming that it was 29’ from the property line – a critical factual question was how far this structure is from the property line. Chairperson Smith further explained that Mr. Perez had applied for a specific area variance of 4’ 6½”, and, in the absence of an updated survey, the Board could not determine whether this was sufficient and/or determine how large a variance was actually required. Mr. Perez explained that he received the survey provided with his application when he first purchased the house in 2021. The Board reviewed the survey and stated that the survey needs to be updated with the addition on it.

There was also discussion about the miscommunication between Code Enforcement Officer George Kolb and Mr. Perez with regard to the side yard setback requirement referenced in Mr. Kolb’s letter to Mr. Perez dated 6/6/25, *i.e.*, whether the setback was 30’ or 35’. Applicant’s brother, Miguel Perez, who was involved in the construction, maintained that the footing and foundation inspections were done before Mr. Kolb advised that the setback requirement was 35’, and that they did not become aware of the requirement until the framing inspection. Chairperson Smith reviewed the 6/6/25 correction list letter from CEO George Kolb; Mr. Miguel Perez confirmed several items on the list are still being worked on.

With the Board agreeing that an updated survey was essential in order to (a) complete this application, and (b) set it for a public hearing. member Hughes urged the applicant, in preparation for any such hearing, to think about the impact of his addition on the neighbors. Chairperson Smith invited neighbor Richard Losee Jr., who was present, to express his

concerns. Mr. Losee stated that he showed his neighbors where his pins & property line were, and also contacted CEO George Kolb once the applicant started to build the addition which seemed too close to his own property. Neighbor Dawn Orlik, who lives three houses down, expressed her concerns on the impact of this construction on her and the neighbors. Mrs. Orlik also expressed concern about communication with the Town of Union Vale and, in particular, the ZBA's website, and frustration that she had not received prior notice on the Perez addition. Member Dunning explained the ZBA process and that this was the first meeting to view the application and decide if it was ripe for a public hearing. The Board encouraged Mr. Perez and his neighbors to consult with one another and discuss what, if any, mitigation efforts could be undertaken by Mr. Perez to satisfy his neighbors' concerns.

Finally, in response to a concern expressed by member Ilana Nilsen about whether the Perez parcel was non-conforming and whether this precluded the granting of any area variance, Chairperson Smith agreed to research the code.

The Board agreed to allow the applicant two weeks to submit an updated certified survey that includes the distance of addition from the overhang to the property line. If completed and approved by the next deadline September 16<sup>th</sup>, the application will 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, October 7<sup>th</sup> 2025 @ 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**

None

#### **OTHER BUSINESS**

The Board continued an earlier discussion as to an apparent discrepancy between the requirement for a survey when seeking a building permit and when seeking a variance. The Board agreed to seek advice regarding this legal issue with the Town's Attorney, James Nelson.

#### **ADJOURNMENT**

As there was no further business, a motion was made by the Chairperson Smith, seconded by member Hughes and unanimously accepted by the Board, to adjourn the meeting at 8:42 PM.

The next regular/public meeting of the Zoning Board of Appeals is scheduled for **Tuesday October 7<sup>th</sup> 2025**, at **7:30 PM**. The agenda will close on **September 16<sup>th</sup> 2025 at 12:00 Noon**. Items for consideration at the **October** meeting must be received by that date.