

**UNION VALE ZONING BOARD OF APPEALS**  
**Minutes of the Regular Meeting**  
**7:30 pm**  
**May 5<sup>th</sup> 2026**

Members Present: Board members; Dennis Dunning, John Hughes, Mike McPartland and Ilana Nilsen.

Members Absent: Chairperson Jane Smith

**CALL TO ORDER / DETERMINATION OF QUORUM**

In the absence of Chairperson Jane Smith, member Dunning was asked to act as chairperson for this meeting. Chairperson Dunning 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. New submission dated 4/14/26 from applicant Angel Perez regarding an arborist report update with Osorio Tree Service.
2. Correspondence dated 4/23/26 from neighbors Mr. Losee and Mrs. Orlik relating to the Perez application.

**BUSINESS SESSION**

Chairperson Dunning stated that in absence of quorum of members present at the February 3, 2026 regular meeting, the minutes from that meeting will be reviewed/approved at the next meeting on June 2<sup>nd</sup>.

**PUBLIC HEARING**

None.

**REGULAR SESSION / NEW BUSINESS**

None.

**REGULAR SESSION / OLD BUSINESS**

**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.

Chairperson Dunning read Condition 3 from the Board’s resolution dated October 7, 2025 approving the application of Angel Perez for an area variance of 5.4’ from the right-side property line setback, which stipulated; “A visual barrier of trees must be planted along the right-side property line and maintained. The applicant shall hire an arborist or horticulturalist 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. Upon request and for good cause shown, species adjustments may be granted by the Code Enforcement Officer. No Certificate of Occupancy shall be issued until the required landscaping has been installed.”*

Chairperson Dunning asked Mr. Perez if he would like to summarize how his submission dated April 14, 2026, including a report from Osorio Tree Service dated April 14, 2026, addressed Condition 3 of the Board’s resolution dated October 7, 2025. Mr. Perez stated that his submission was detailed enough and had no further comments. Neighbor, Mr. Losee, was present and confirmed that he accepted the planting of pine trees in the layout presented in the Osorio Tree Service report as meeting the condition of installing a visual barrier along the right-side property line of the Perez property, with a reminder that the trees needed to be maintained. The Board reviewed the Osorio Tree Service report and the locations where white pine trees will be planted. *Chairperson Dunning made a motion to accept the letter from Mr. Perez dated April 14, 2026, in combination with the report from Osorio Tree Service dated April 14, 2026, as meeting the requirement in Condition 3 for a landscaping plan designed to screen and protect the views of neighboring properties. It was seconded by member McPartland and unanimously approved by the Board.*

Chairperson Dunning noted that Condition 3 of the Board’s resolution dated October 7, 2025, included a requirement that the trees in the visual barrier be maintained. To ensure enforceability, Chairperson Dunning indicated that it was essential to clarify the Board’s intent when it required trees to be “maintained”. He offered the following clarification: “Any tree within the required visual barrier that dies shall be replaced during the next available planting season, meaning spring if the death occurs during the Fall or Winter, and Fall if the death occurs during Spring or Summer. This requirement is intended to promote planting at a time of year that will maximize the survival of the replacement tree while ensuring screening requirements will remain meaningful and the replacement of a dead tree in a timely manner. After a discussion by the Board about how long the trees needed to be maintained, Chairperson Dunning suggested that “and does not expire” be added at the end of the clarification that he proposed. Both Mr. Perez and Mr. Losee agreed with the Board’s proposed clarification. *Chairperson Dunning made a motion to accept the clarification “maintained” in Condition 3 of the Board’s resolution dated October 7, 2025. It was seconded by member McPartland and unanimously approved by the Board.*

Chairperson Dunning made a motion: 1) that the Board formally include the clarification of “maintained” in its resolution dated October 7, 2025 and its intent for doing so, by adding the following immediately after Condition 3, “Any tree within the required visual barrier that dies shall be replaced during the next available planting season—meaning spring if the death occurs during the fall or winter, and fall if the death occurs during the spring or summer. This requirement is intended to promote planting at a time of year that will maximize survival of the replacement tree while ensuring that the screening requirement remains meaningful and that replacement of a dead tree occurs in a timely manner and does not expire. This clarification is

issued to ensure enforceability of the original condition,” and 2) that the resolution be differentiated from the original resolution by being dated “Revised May 5, 2026”.

The resolution was *seconded by member McPartland and unanimously approved by the Board.*

Chairperson Dunning noted that Condition 3 of the Board’s resolution dated October 7, 2025, required submission of a landscaping plan designed to screen and protect the views of neighboring properties no later than December 17, 2025, with the expectation that the trees would be planted during Spring 2026. He also noted that Condition 3 was clear in stating that no certificate of Occupancy shall be issued until the required landscaping has been installed.

Chairperson Dunning asked Mr. Perez to confirm that trees would be planted during Spring 2026. Mr. Perez said that he was unsure when the trees will be planted due to money issues and will try his best to have trees planted as soon as possible but no later than Fall 2026. The Board asked Mr. Losee if that was acceptable, and he agreed.

### **OTHER BUSINESS**

None.

### **ADJOURNMENT**

As there was no further business, a motion was made by Chairperson Dunning, to adjourn the meeting at 7:53 PM and it was seconded by member Nilsen, and unanimously approved by the Board.

The next regular/public meeting of the Zoning Board of Appeals is scheduled for **Tuesday June 2<sup>nd</sup> 2026, at 7:30 PM.** The agenda will close on **May 12<sup>th</sup> 2026 at 12:00 Noon.** Items for consideration at the **June** meeting must be received by that date.