

MEETING
OF THE
BOARD OF ZONING APPEALS
VILLAGE OF THE BRANCH
October 27, 2020
7:30 p.m.

P R E S E N T:

JOSEPH MAGLIATO - Chairman

DENNIS BADER

MICHELLE BENDER

CHARLES ROBELEN

EVAN DICK

CHRISTINE COZINE, VILLAGE CLERK

APPEAL OF MR. JAMES RONAN

Deborah Kniesser - Court Reporter

1 RONAN

2 THE CHAIRMAN: I'd like to open
3 the October 27, 2020 meeting of the
4 Board of Zoning Appeals for the Village
5 of the Branch, 7:30.

6 We have one issue on the docket,
7 and that would be Mr. Ronan, the
8 property at 8 Weatherstone Way.

9 And tonight we have Mr. Jim Ronan
10 to present; correct?

11 MR. RONAN: Yes.

12 THE CHAIRMAN: The floor is yours.

13 MR. RONAN: So good evening,
14 everyone. As you know, my name is
15 James Ronan. I'm a resident of the
16 Village of the Branch.

17 The reason I'm here tonight is I'm
18 seeking a variance to reduce the side
19 yard setback requirement from 25 feet
20 to 15 feet so that I can extend my
21 existing pool/patio and also add a
22 permanent accessory structure adjacent
23 to the pool which should hopefully
24 provide some shade to anybody who's out
25 there on a hot summer day, in addition

1 RONAN

2 with a fireplace.

3 Like everything else with this
4 pandemic, everybody is retreating to
5 the safety of their homes now.
6 Everybody is spending a lot more time
7 in their backyards, and that's what we
8 did this year.

9 I have two young boys who spent a
10 lot of time in the pool. And grandma
11 and grandpa were over a lot. They're
12 older now. And it disappointed me to
13 see them having to go inside and get
14 relief from the sun, get into the air
15 conditioning, and seeing the kids'
16 faces when they couldn't rate their
17 dives anymore or their handstands or
18 their cannonballs or whatever it was in
19 the pool.

20 So I went out and I bought a bunch
21 of umbrellas, and they all blew away or
22 broke. I got canopies and everything
23 else under the sun, and it really just
24 didn't work out.

25 So we contacted a couple of

1 RONAN

2 landscape designers who came over. And
3 they had great plans, beautiful plans.
4 One of the plans is -- is huge. I
5 mean, it's got everything. You could
6 fit a small family in there the way
7 they have this thing set up. And
8 they're going to pave the entire
9 backyard, take out a lot of trees.

10 And the way it's positioned, as
11 some of you saw, the location is -- I
12 feel like it's going to be pretty
13 intrusive to the way the neighbors --
14 or the lines of the neighbors --
15 they'll be able to see it, whereas it
16 would be perfectly within all the
17 zoning regulations and everything like
18 that. But I do like my neighbors and I
19 prefer not to encroach on their
20 lifestyle.

21 So we looked at an alternate
22 solution which needs the variance. And
23 it is the harder of the two solutions,
24 being that it was more -- I mean, we
25 didn't get to use it this year

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RONAN

obviously because we're trying to do the right thing and go for the variance. But that is -- that is the plan.

So what we're trying to do is move it into a location where our neighbors really won't see it, and that is kind of in the back corner as you saw it. I think that's probably the best place.

MR. DICK: Mr. Ronan, just a quick question.

You said initially you're looking to change the setback from 25 feet to 15 feet.

Is it 25 or is it 10?

MR. RONAN: I don't know how you measure it. But you saw the location. It's 10 feet off of the fence, so however you need to...

MR. DICK: So you're asking for a variance for -- to go 10 feet instead of 25 feet? So you're asking for a 15-foot variance?

MR. RONAN: Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RONAN

MR. DICK: Because you said initially 15 feet you're looking for a variance of or 15 feet from the fence.

MR. RONAN: It's 10 feet -- yeah, 10 feet from the fence.

MR. DICK: I just wanted to clarify that.

THE CHAIRMAN: It's correct in the letter.

MR. DICK: Yes.

MR. RONAN: Any questions?

THE CHAIRMAN: Anything else?

MR. RONAN: That's it.

THE CHAIRMAN: Okay. Yeah, we did some hard measurement. And actually it was -- we roughed it out. It was probably a 14-foot variance, but we're splitting hairs I think at that point.

Let's keep it at 15, you know, depending on exactly how you -- in the event it gets approved you put the layout, a 15-foot variance would ultimately be what you're looking for.

Okay. So let's go around. We

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RONAN

start with Dennis usually with open comments from the board.

MR. BADER: I've been at the location, you know. I was able to take a look at the positioning of it and as far as neighbors in the backyard and everything to that effect. So I think, you know, probably it is the least intrusive area that you could put it in based on the position of the homes to you.

I was wondering about the fire pit and the running -- will you be running gas into that? Will you be running electric into that as well?

MR. RONAN: So we're going to run -- the plan is we're not doing anything in terms of, you know, crazy with the electric. We really -- we want an outlet to plug in a refrigerator potentially. We want an outlet to have a fan inside. And then that's really it. And that power will run off the existing pool panel that we

1 RONAN

2 have right now, the way the landscape
3 designer had it planned out.

4 Now, in terms of the fuel for the
5 fireplace, we were going to use just
6 existing wood, just a wood fireplace.
7 If that becomes an issue, we have no
8 problem having gas of some sort, in
9 which case we would -- I guess then we
10 have to pursue the appropriate permits
11 or whatever it is that we need. But
12 right now, we have no intention of
13 running gas.

14 MR. BADER: What about, like,
15 lighting?

16 MR. RONAN: Lighting, if we do
17 anything it will be small, hockey-puck
18 lighting inside, but I mean we haven't
19 gotten that far because we've been kind
20 of waiting for the variance to get
21 approved before we finalize the
22 lighting.

23 THE CHAIRMAN: Thank you.

24 Anything else?

25 MR. BADER: No, that's all.

1 RONAN

2 THE CHAIRMAN: Michelle?

3 MS. BENDER: I'm in real estate,
4 so from a real-estate perspective for
5 resale and your neighbors, I thought
6 you made a good point of not putting
7 it -- and taking down the trees and
8 having it right in the middle for your
9 neighbors to see. So I thought putting
10 it on the other side was a better
11 choice depending on, you know, the
12 variance footage.

13 THE CHAIRMAN: Any questions for
14 Jim?

15 MS. BENDER: No.

16 THE CHAIRMAN: Charlie?

17 MR. ROBELEN: Unfortunately, I
18 wasn't able to make the morning but I
19 did make it out there Sunday, so thank
20 you very much for accommodating me.

21 But I was able to look at it all
22 staked out. I think one of the things
23 you brought up and Dennis brought up
24 too, it's a fireplace, not an open fire
25 pit; correct?

1 RONAN

2 MR. RONAN: It's a fireplace.

3 MR. ROBELEN: So it's more of,
4 like, a chimney, you know, so the
5 direct flames wouldn't be going up.
6 That was a concern with all the trees
7 and foliage there.

8 But, you know, besides that, I
9 didn't have any concerns or questions
10 at this time.

11 THE CHAIRMAN: Evan?

12 MR. DICK: I met yesterday with
13 Mr. Ronan. We went through the
14 backyard. We looked at the positioning
15 of where he wanted it to go, the
16 positioning of the neighbor's houses.

17 And as he mentioned, he's got two
18 options as to, you know, one without
19 the variance, one the variance. It's
20 seems like the one with the variance is
21 the -- the more appropriate for his
22 uses.

23 Being that I don't see any of his
24 neighbors in contention for this right
25 now, that's another big thing that, you

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RONAN

know, I like to take into
consideration.

So at this point, are we good to
make a motion?

THE CHAIRMAN: Yeah.

I mean, listening to my fellow
board members, I -- I'm in agreement
with them. I know you have young
children. I know you'd like to keep
that other area open, because you
certainly could put it there as well.
But potentially you'd lose the use of
that wonderful open space. And having
small children, I'm sure they would
enjoy that.

And, you know, being on this
board, we are also residents. And we
have to think on two sides of the
equation. I think where you're tucking
it in is a pliable corner and out of
sight for the most part. And with a
variance that potentially this board
could grant, I also believe it's
probably the best location.

Deborah Kniesser - Court Reporter

1 RONAN

2 MR. ROBELEN: We got the slips
3 back?

4 THE CHAIRMAN: Yeah.

5 MS. COZINE: Yep.

6 THE CHAIRMAN: So obviously we've
7 contacted all of your neighbors, and I
8 think there really is no issue with
9 your location.

10 I also just should mention that I
11 was concerned about the fireplace and
12 the prevailing winds, but I don't think
13 that's going to be an issue in terms of
14 where you will be locating it.

15 Okay. If anybody's moved?

16 MR. DICK: I'd like to make a
17 motion to vote during the public
18 portion.

19 THE CHAIRMAN: Sure.

20 Anybody like to second that
21 motion?

22 MR. ROBELEN: Sure.

23 THE CHAIRMAN: So if someone would
24 like to make a motion, you'll have to
25 state it granting the variance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RONAN

MR. DICK: I'd like to make a motion to approve the variance located at 8 Weatherstone Way of 15 feet.

THE CHAIRMAN: Anyone second that?

MR. BADER: Yes.

THE CHAIRMAN: Dennis seconds it.

Let's have a vote.

All of those in favor of granting the 15-foot motion?

(Unanimous vote of the Board.)

THE CHAIRMAN: It would be unanimous.

Mr. Ronan, your variance has been granted. Good luck with your construction.

Keep in mind that you have to go to the building inspector now --

MR. RONAN: Okay.

THE CHAIRMAN: -- and let him know that the variance was approved at the open -- the public meeting. And eventually, he'll be able to check the minutes for that. But if he has a question, he can come to me.

Deborah Kniesser - Court Reporter

1 RONAN

2 MR. RONAN: Thank you all very
3 much.

4 Is there anything that -- is there
5 any kind of piece of paper that we get,
6 or they just call, it will be
7 transferred over to the --

8 THE CHAIRMAN: I'll write a
9 letter. I'll write a letter.

10 MR. RONAN: Thank you all very
11 much.

12 THE CHAIRMAN: I'd like to close
13 the public portion of the October 27th
14 meeting and then open the regular
15 meeting.

16 Do I have a motion to close the
17 meeting?

18 MR. DICK: Motion to close the
19 meeting.

20 THE CHAIRMAN: And second?

21 MR. ROBELEN: Second.

22 THE CHAIRMAN: Meeting closed.

23 (Whereupon, at 7:41 P.M., this
24 hearing was concluded.)

25

