

# MEETING MINUTES

ZBA

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Date: July 9<sup>th</sup> 2024

Time: 7:30 PM

Meeting called to order by: Bob Zimmer- Chair

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## IN ATTENDANCE

Chris Pavlacka- Attorney  
Jamison Zajac- Village Engineer  
Danielle Mulqueen- Secretary  
Chris Watson- Building Inspector  
Pete Hillebrand- Building Inspector  
Jenny Lyons- Board Member  
Jack Sirios- Board Member  
Eric Kelm- Board Member  
Mark Palmieri- Board Member  
Victor Ludmerer- Alternate  
Not in attendance- Mariano Choconi- Alternate

## APPROVAL OF MINUTES

No minutes to approve

## WORK SHOP

One past applicant for 73 Sterling Rd- for possible site plan amendment. One potential applicant for 55 Edgemere.

## RETURNING APPLICATIONS

### 73 STERLING ROAD-

**Bob Zimmer-** Summarizes the applicant's previous application that consisted of an add a level. There was to be no ground level work. Asks applicants to explain the change in circumstance that has brought them back before the board.

**Luccia Piccolo-** Explains that the first contractor hired for the job removed the parts of the foundation that were found to be rotted instead of adding additional supports. Then the way that he began supporting the foundation did not meet current code. The previous Building Inspector Ed Mateo, had come to inspect and said that work had to stop and plan revisions were required. So went back to the architect for amended plans, Mrs. Piccolo presents those plans to the board.

**Bob Zimmer-** Asks if the plans were for floor plan and foundation?

**Luccia Piccolo-** Responds yes for floor plan and foundation. Unfortunately, since the house is very old the more, they worked the more got torn down. We got rid of that first contractor and hired a new contractor. We worked together with Ed Mateo, the new contractor and the architect to continue the project. Ed Mateo saw the revised plans sometime in January and he said it was okay to move forward with the construction and so we did. When we went to dig for foundation there was a lot of water so my contractor suggested that we do a load bearing test and we did, which took a little time. So, we made sure that it could sustain the construction.

**Bob Zimmer-** Does the revised plans still stay within the original footprint of the building?

**Luccia Piccolo-** Correct

**Bob Zimmer-** And the reason that you are here before the board now and before is because you are lakeside. Otherwise, this project would not normally require planning approval. The first floor is being built as it was before?

**Luccia Piccolo-** Correct, everything remains exactly the same.

**Chris Watson-** So, your plan the whole time was to knock down the first floor?

**Luccia Piccolo-** No, it was not.

**Chris Watson-** As soon as it was realized that the scope of the work exceeded the permit the permit should have changed at that point. The fees would have gone up, etc.

**Luccia Piccolo-** I understand and if someone would have told us that then we would have done that.

**Chris Watson-** I completely understand.

**Bob Zimmer-** The other issue is that when we originally approved this application because it was second floor only, we didn't review the effects on the lake as much as we would have if we knew there was ground floor work. We should have required that on the plans there were protections for the lake and more in-depth plans.

**Jamison Zajac-** States there would have been multiple other requirements had they known there would be work done at the ground level.

**Chris Watson-** Myself, Danielle and Mark (previous inspector) went there for an inspection there was no silt fence, the contractor was actually pumping the water from the footing into the lake. So, I told him to stop, take the pump out of the water and put up a silt fence and hay bales. At that point they did add those protections. I had him continue at that point to pour the footings and close them in order to make it safe.

**Bob Zimmer-** Is the foundation work complete at this point?

**Luccia Piccolo-** Correct

**Chris Pavlacka-** Warns that had the DEC been involved the fines would have been significant.

**Luccia Piccolo-** There is no more digging at this point.

**Bob Zimmer-** Asks Jamison if he has had a chance to review the plans.

**Jamison Zajac-** Responds, no.

**Bob Zimmer-** Asks if there are any questions or comments from the board.

**Eric Kelm-** States that it seems like everything that happened, happened under the Village's supervision. The contractor made a mistake pumping water that went into the lake that's an issue. It seems like everything that happened before was under the supervision of the Village, they handed in the drawings they were accepted by the Village and they moved forward. I don't see a reason to hold them up.

**Bob Zimmer-** Chris are you happy with the protections that have been installed now?

**Chris Watson-** Yes

**Bob Zimmer-** I would like to give Jamie a chance to review the plans and with his advice amend the plans to add notes about the lakeside protections.

Overlapping conversation regarding that the deck footing still needs to be done.

**Jamison Zajac-** Are we just going for a revised permit?

**Bob Zimmer-** That is the way I would like to go unless someone is opposed.

**Jamison Zajac-** I think that is fine so long as we are confident that this isn't going to happen again.

Discussion about the protections staying in place for the installation of the sonnet tubes for the deck.

**Bob Zimmer-** Opens meeting to public comment.

**No comments**

**Bob Zimmer-** Closes public comment. I would like to do a conditional approval tonight so that they can get the plans amended as soon as possible, I will sign them off, once the amended plans are signed, they can get an amended permit from the Building Inspector.

**Chris Pavlacka-** What are the conditions?

**Bob Zimmer-** Whatever Jamison asks for.

**Chris Pavlacka-** I note for the record this is a Type II for SEQR and does not require further action.

**Bob Zimmer-** States that the applicant's design professional can send the plans to Jamie and once the required additions are made to Jamie's satisfaction, they can be sent to the Building Department. Asks for motions for a conditional approval with the conditions that the lake protections be added to the plans and authorization to instruct Chris to prepare a resolution.

**Mark Palmieri-** Makes motion

**Eric Kelm-** Seconds

**All Aye?** All Aye

Board has brief discussion about potential code revisions.

Board briefly discusses potential application for 55 Edgemere. However, upon review of the site plan it is determined the work would not be occurring within the critical environmental area and therefore does not require Planning site plan approval.

**Bob Zimmer-** Discusses the past Planning Board applications for the cell tower by the American Legion. Explains that the applicants did receive approvals for the work but have yet to complete the conditions for testing and reporting for the close of work that were set forth by the Planning Board and that the company leading the projects has since stopped responding or communicating with the village.

**Jack Sirios-** Explains the safety concerns of the conditions including warning signage not being met.

**Bob Zimmer-** Can you Chris look into this and possibly write them a letter?

**Chris Pavlacka-** Suggests the Village send violations.

**Bob Zimmer-** Asks for a motion to go into executive session to discuss potential litigation.

**Jack Sirios-** Makes the motion.

**Mark Palmieri-** Seconds

**All in favor?** All Aye.

**Jenny Lyons-** Makes motion to come out of executive session and close meeting.

**Mark Palmieri-** Seconds

**All in favor?** All Aye

Meeting closed at 9:19 PM

