



CITY OF PORT JERVIS

P.O. BOX 1002
20 HAMMOND STREET
PORT JERVIS, NEW YORK 12771

Zoning Board Meeting Minutes August 5, 2025 7:00 p.m.

Board Members in Attendance: Chairman Tim Simmons, Joseph Ennis, David Gonzalez, Eric Hipsman, Jeff Lewis (alternate), David Thompson

Board Members Absent: Rick Broas, Michael Roberts

Additional Attendees: PB Chairman Tom Vicchiarello, Assistant Building Official Laurie Powrie, Attorney William Duquette, Councilman Colin O'Connell

Chairman Simmons led those present in the Pledge of Allegiance.

Public Hearing:

1. 149 Pike LLC, 149 Pike Street, SBL: 13-1-18
 - Area Variance to allow for a dumpster/garbage enclosure to be constructed in the front yard of the property, within 25' of the curb line and 10' of the property line; ZD: CBD

All mailings are on file.

Mr. Lazer Weinberger, owner of the property, is requesting a variance so he is able to relocate the building's trash receptacle to the front of the building. The proposed enclosure, he added, will have self-closing doors.

Chairman Simmons expressed concern about trash cans being left outside of the enclosure on the sidewalk. Mr. Weinberger stated that he has a person who will be responsible for ensuring the cans are in the enclosure.

Mr. Jim Gould, owner of adjacent properties, indicated that the current dumpster is located on his property but an arrangement had been made with Mr. Weinberger to leave the dumpster on the property. Mr. Gould expressed concerns over the aesthetics and odor of the proposed enclosure if placed in the front of the building.

Chairman Simmons asked what had transpired between the two (2) owners to cause Mr. Weinberger to seek the variance. Mr. Weinberger explained about snow removal issues and the

lack of a lease or easement for the space needed for the current dumpster. He shared his concerns about Mr. Gould changing the agreement and felt he should not depend on another property owner. Mr. Simmons asked if the two owners could enter into an agreement for an easement. Both owners stated yes.

Mr. Gould noted that both men could share the cost of snow plowing. He mentioned that twelve (12) families generate a lot of garbage, and Mr. Weinberger clarified that the trash will be picked up once per week.

Chairman Simmons asked if another method could be used, other than the variance, and an agreement for an easement would meet that criterion.

Mr. Gould commented that Mr. Weinberger installed a ramp on the back of his property, and a portion of it is located on Mr. Gould's property. Mr. Gould expressed concerns about his tenants, who he feels will be affected by the proposed trash enclosure being moved to the front of Mr. Weinberger's building.

Mr. Weinberger shared his hesitancy to agree to a lease, or other type of agreement, because of the possibility of Mr. Gould's property being sold in the future. Mr. Gould suggested an agreement in which he would provide Mr. Weinberger four (4) months' notice of any change to the agreement and added that the agreement would not be permanent.

Mr. Duquette suggested the owners discuss a possible lease with a six (6) months' notice to terminate and tabling the public hearing until next month.

Mr. Weinberger stated that if he places the trash enclosure in the front of the building, he will not have to bear any additional expense. The enclosure can contain up to eight (8) trash cans, and a private hauler will be doing the once per week pickup.

Mr. Gould commented that the garbage generated by the twelve (12) families could be sitting in the enclosure for up to a week prior to being picked up.

Motion by Mr. Hipsman, seconded by Mr. Thompson, to close the public hearing at 7:17 p.m.
AYE: 6 NAY: 0

Public Hearing:

2. Black & Veach on behalf of JP Morgan Chase Bank, 16 Sussex Street; SBL: 13-2-3.2
 - Variance to allow for the construction of a free-standing solar carport structure; ZD: CBD

All mailings are on file.

Chairman Simmons reviewed the three (3) variances being requested by the applicant: (1) a variance from the fifteen (15) feet required setback due to the post holding up the structure, which will be 3'7" from the property line; (2) a variance to exclude the requirement of a fence for the structure, as a fence would prevent vehicles from entering that area of the parking lot; and

(3) a variance for the structure's height, which is approximately thirteen (13) feet at the peak and which exceeds the code's maximum is ten (10) feet.

Mr. Brian Powers, representing the applicant, briefly explained all three variance requests.

Chairman Simmons asked if the structure would be single slant or a "V" shape. The structure will be a single slant and will allow for rainwater to drain between the panels. The higher side of the slant will be towards the parking lot. Mr. Powers clarified that there would be no change to water runoff.

Motion by Mr. Ennis, seconded by Mr. Hipsman, to close the public hearing at 7:25 p.m.

AYE: 6 NAY: 0

Public Comment: none was given

Approval of Minutes: Motion by Mr. Gonzalez, seconded by Mr. Ennis, to approve the July 1, 2025 meeting minutes with one (1) correction to the year of the October 1, 2024 minutes approved at that meeting.

AYE: 6 NAY: 0

Discussion of the Public Hearing:

149 Pike Street LLC

Mr. Hipsman stated there are City laws in place and violations would be issued if Mr. Weinberger fails to keep the trash enclosure according to City rules and regulations.

Chairman Simmons reviewed the five (5) criteria:

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the variance requested?
 - a. No, the proposed enclosure will be placed to the left of the stairs.
2. Can the benefit be achieved by some feasible method other than the variance?
 - a. No, both parties cannot agree to a lease or easement, so there are no alternative methods.
3. Is the requested variance substantial?
 - a. Yes, the enclosure will be close to the cub line.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
 - a. No, the issue of the odor from the trash does not change with relocating the trash in the front.
5. Is the alleged difficulty self-created?
 - a. No

Mr. Vicchiarello informed the Board that Pike Street is both a federal and state highway, and there are safety standards for within twenty-five (25) feet of the center line. Although the City has permitted requests in the past, it could lose federal funds if this regulation is violated, and the property owner could be required to remove the trash enclosure.

Chairman Simmons reviewed the following Impact Assessment questions:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No, or small impact may occur
2. Will the proposed action result in a change in the use or intensity of use of land? No, or small impact may occur
3. Will the proposed action impair the character or quality of the existing community? No, or small impact may occur
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No, or small impact may occur
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No, or small impact may occur
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewal energy opportunities? No, or small impact may occur
7. Will the proposed action impact existing public/private water supplies and/or public/private wastewater treatment utilities? No, or small impact may occur
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No, or small impact may occur
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)? No, or small impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No, or small impact may occur
11. Will the proposed action create a hazard to environmental resources or human health? No, or small impact may occur

Motion by Mr. Hipsman, seconded by Mr. Thompson, to declare a negative declaration under SEQR.

AYE: 6 NAY: 0

Motion by Mr. Ennis, seconded by Mr. Hipsman, to declare the Port Jervis Zoning Board of Appeals as Lead Agency under SEQR for this application.

AYE: 6 NAY: 0

Motion by Mr. Ennis, seconded by Mr. Hipsman, to approve the application, as presented, via a roll call vote.

AYE: 4 (Ennis, Hipsman, Gonzalez, Thompson) NAY: 1 (Simmons) ABSTAIN: 1 (Lewis)

Discussion of Public Hearing:

Black & Veach on behalf of JP Morgan Chase Bank

Mr. Vicchiarello commented that this applicant also had an application before the Planning Board and was referred to the Zoning Board for variances. Orange County Department of Planning reviewed the Planning Board application and noted the need for variances.

Chairman Simmons reviewed the five (5) criteria:

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the variance requested?
 - b. No
2. Can the benefit be achieved by some feasible method other than the variance?
 - c. No
3. Is the requested variance substantial?
 - d. No
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
 - e. No
5. Is the alleged difficulty self-created?
 - f. Yes

Motion by Mr. Ennis, seconded by Mr. Thompson, to consent to the Port Jervis Planning Board as Lead Agency under SEQR for this application.

AYE: 6 NAY: 0

Motion by Mr. Hipsman, seconded by Mr. Ennis, to approve this application as presented.

AYE: 6 NAY: 0

Pre-Submission(s): none

Old Business: none was given

New Business: none was given

Planning Board Report: Mr. Vicchiarello shared that the public hearing scheduled for the July Planning Board meeting was postponed due to the lack of a quorum, and it will be held at the next meeting on August 19, 2025.

Code Enforcement Report: Mrs. Powrie reported there are currently no applications in the immediate future for the Zoning Board.

Council Liaison Report: Councilman O'Connell reviewed recent Council items, which included the passage of Local Law #5 and funding for the Latini property.

Motion by Mr. Lewis, seconded by Mr. Hipsman, to adjourn the meeting at 7:58 p.m.

AYE: 6 NAY: 0

Respectfully submitted,
Robyn Hendershot
Planning Board Secretary

The next regular meeting is tentatively scheduled for **September 2, 2025 at 7:00 p.m. in the Common Council Chambers.**