

# Planning Board Meeting Village of Cornwall on Hudson April 16, 2013

Present:

Wynn Klosky

Lee Murphy

Vishwa Chaudry

Mary Ann Odell

Jeff Small- Chairperson

Richard Hoyt- Village Planning Board Attorney

Charles May- Architect for the applicant

Jeff Small opens the meeting by reading the agenda stating that applicant wishes to convert a two family to a three family residence.

Dawn Vacek- 19 Mountain Road- Initial presentation- Charles May speaks on behalf of Dawn Vacek stating the current districts and present configuration of the property as a 4 bedroom unit. Charles shows his sketch of the property and how it can accommodate the 7 parking spaces with 1 of them for a handicap parking. Jeff asks the applicant to discuss the history of the property.

Dawn purchased the house from a family friend and that the house had a flood and she discovered a third kitchen. She has lived in Cornwall her entire life and had knowledge that this property was a three family. She applied for a building permit and was denied by the building inspector.

Jeff states that a three family is not a permitted use in the SR district and that she will need to get a variance from the zoning board. Dawn states that she purchased this property as a two family but it had been a three family since the 1950's. She does not know if it was continuously operated as a three family, but she purchased the house as a two family. Jeff explains to her that she will be referred to the zoning board for a variance and that the planning board is allowed to write a letter to share their opinion with the zoning board. There is no hardship here and so it was a self-created.

Wynn Klosky said she researched this property on the Orange County website and it states that this property is a two family. There are issues with taking this property and converting to a three family. Dawn states that the hook ups were already there and would require a building permit. She did not buy the building with any particular expectation. She spoke to prior building Inspector and said he said there wouldn't be an issue to convert but that the owner needed to acquire a variance. Dawn has a document that states that it was not a permitted use. Jeff states that returning it to a three family should of required a building permit. The board discusses that fact that this could open the gate to property owners wanting to have a three or four family dwellings. Richard reminds the board that the planning board does not interpret the code.

Board discusses about the nonconforming standards. Richard talks about a twelve month period of abandonment of the three family. Since the third kitchen was discovered it must have been a period of time when it was not a three family anymore. Richard would like the determination from the building inspector. Richard Hoyt states that the planning board should refer this application to the zoning board. Jeff discusses a few items on the plans. The bulk table states 15,000 sq feet minimum lot area it should be 1 ½ times for a two family, the code does not address three families.

He also discusses the parking along mountain road. Two issues are that it is adjacent to the stream and a trees and it is alongside of Mountain Road. Mountain Road is narrow there and a downhill area of the road, not a great place to have permanent parking. Parking rules in the Village are extensive and the code should be reviewed and addressed before she returns to the planning board.

Vishwa has concerns about adding more children to the school district.

Richard states there are no legal requirements to notifying the school district but it is a good idea for larger projects. Mary Ann asks what the layout on each floor is. Dawn goes thru each floor and what the uses are of each room on each floor. She states she has not changed the house nor added any bedrooms. The new kitchen was found on the second floor and it was at that time a closet/ laundry room.

Jeff states that the Bulk table states that the building is 25 feet tall but it looks a lot taller. He would request that the dwelling be measured. This lot is not in the View Preservation Area.

Vishwa asks what the layout of the house is presently. Dawn goes thru the entire house describing room layout and location of the stairs/doors to access each apartment.

Vishwa asks if there has been a discussion with the fire chief about fire escape route and Dawn discusses the location of stairs.

Richard states that the application states that Dawn Vacek is the record owner on the application and Peacedale Properties on the survey map. Richard Hoyt asks for a copy of the deed. Charles states that there is a survey in his possession that has Dawn Vacek's name on it. Richard would like both documents to match when the applicant returns to the planning board. Richard wants to know when Dawn acquired the property. Dawn has owned this property since 2008.

Jeff asks if there are any other comments and directs Dawn to apply to the zoning board for a variance. The application is un-approvable and incomplete and there is no time ticking against the board. Even though we do have any application we cannot move it forward. Jeff will write a real simple letter to the zoning board. Richard suggested that a resolution be made if a letter is to be sent to the zoning board. Lee Murphy made the motion to draft a letter with MaryAnn Odell second the motion and all voted in favor.

#### March minutes-

Wynn Klosky votes to accept the corrected minutes for March of 2013 with Lee Murphy second the motion and all voted in favor.

W&B Reality 208 Hudson Street sketch plan status- Richard Hoyt is looking for an application from the applicant after the informal presentation last month. Arlene states that the application is with the building department and the applicant is was not ready to appear at this meeting and asked if this application could be placed on hold. The letter from Maser has been received by the applicant and all fees have been paid. When the application is complete according to the applicant the planning board will look into declaring themselves as lead agency. If the hold on this application goes for an extended period of time the planning board should send a letter.

Lee Murphy makes the motion to adjourn at 7:41 with a second from Vishwa Chaudry and all voted in favor.

Submitted by:

Arlene Roberts

Planning Board

Administrative Assistant