

**VILLAGE OF CORNWALL-ON-HUDSON  
PLANNING BOARD  
TUESDAY MAY 20, 2014 - 7:00 P.M.**

Present Were:

Lee Murphy  
Jeffrey Small, Chairperson  
Vishwa Chaudry  
MaryAnne O'Dell  
Wynn Klosky

Also Present:

Village Engineer  
Joe McKay, Attorney  
Kristen Boyle, Recording Secretary

**The meeting was called to order by Mr. Small at 7 pm.**

**CONTINUATION OF PUBLIC HEARING**

**Sciple-Kiefer-Bayview Ave- The subject property is a 2.68± acre parcel with one existing residence. The proposal is to subdivide 1a 1.7± acre vacant parcel upon which a new residence is to be constructed. The property is known as Tax Map Section 112 Block 1 Lot 16.2 with a sliver of land known as Section 112 Block 1 Lot 15.1. The property is in the View Preservation Overlay District. Access for the new lot is proposed to be over Mountain House Lane, a private road.**

The attorney for the applicant stated that this is a two lot subdivision with an existing historic home on the property. It was originally planned to donate this home to the historical society, however they are not ready to accept the donation. The applicants are still looking to subdivide the property and have use of the existing private road. The project engineer met with the Powells and discussed revisions to the swale based of his concerns. The applicants are only looking for relief from the road width.

Ms. O'Dell asked if the existing driveway remains for the existing home. The applicant's attorney advised that yes it does.

Mr. Chaudhry asks if the original home could be torn down. The applicant's attorney advises that it is a possibility.

There was a lengthy discussion regarding the road width and the right of way.

The applicant's attorney advised that if the applicant needs to go before the Zoning Board then it is understandable but he would like to know of any other issues currently.

Mr. Small stated that the Planning Board wanted to be the first to get a crack at the application.

Mr. Murphy states that he can not support this project as the regulations require a certain amount of frontage which this application does not meet. He will remain opposed to this application.

The applicant's attorney advised that the applicant can create two lots with enough frontage but it is a matter of safer access.

Mr. Murphy stated that to his knowledge there has never been any accident at this location.

Ms. O'Dell stated that just because there hasn't been an accident doesn't mean one won't happen. The applicant came up with an esthetic way to access the lots.

Mr. Chaudhry advised that he is against flag lots because if 1 is granted then other could follow. He is also concerned with McMansions being built.

Ms. Klosky stated she feels the same way but have to go with what is legally advised.

Mr. Small stated that there is nothing in the code that says the board has to go with the applicant.

The applicant's attorney advised that two homes could be put up without the Planning Boards approval. They would just have to change the lines for the lots. This application is just a better configuration. It is likely that the property owners would use the access because it is there.

Mr. Small advised that he generally doesn't like flag lots. If going to get two houses anyway, then the question is which scheme is better. In this case the flag lot would be better. Perhaps the applicant should show both options so everyone can see.

Mr. Murphy stated it could remain as one lot and still look marvelous.

Mr. McKay stated there is 1 existing lot which the applicants can do as they wish with it. That is not a factor in this case. The homes can be built with in the code. Density issues should not be looked at in this case as legally two lots can be created.

A motion was made to hold the hearing open and if the applicant isn't able to show what is needed within the next week, then a referral to the Zoning Board will be started by Mr. Murphy, this was seconded by Mr. Chaudhry and all voted in favor.

## **PUBLIC HEARING**

**Rock Wall Pub & Grub- 55 Academy Ave- Applicant is requesting site plan approval to place a 19.9' x 20' patio on the right side of an existing building.**

The applicant advised they submitted a diagram showing the plan with the hours of operation noted on the plan.

Mr. Small stated that the hours for the outdoor seating is what needs to be established.

The application stated that people smoke in that area now and there have been no issues. The last food seating during the week at 9:00 pm and 9:30 during the weekend.

Ms. O'Dell asks what is currently where the patio is going. The applicant advised it is currently item 4 gravel. There is fencing along the property and it will need to be entirely fenced in due to the liquor license.

Mr. Small advised the building inspector mentioned the dumpster in the back needing to be fenced in and added to the plan.

Mr. Chaudhry advised that there seems to be hesitation for the hours.

The applicant advised there are people going out there now to smoke so doesn't see the need for set hours.

Ms. O'Dell states no one is saying people can't go out for a smoke.

Ms. Klosky advised the Board just wants to see peace kept with the neighbors.

Mr. Murphy advised that Painters closes their terrace at 10:30pm and there is a lot of noise up until that point. He advises he sees an issue keeping the patio open until midnight if the kitchen is closed at 10:00 pm.

Ms. Small advised there is also a light above the side door and that needs to be addressed.

The applicant provided a picture of the light. Also the applicant advised that the closest house to the light is a ways away. The light will light up the patio area. There have never been any complaints about it and it can be put on a timer.

## **Public Comment**

**Bruce- The applicants neighbor-** Advises his home is right next door, the clientele isn't bad. There are a few concerns. He wants to be sure any garbage, cigarette butts, etc. are kept cleaned up as he doesn't want it to end up in his yard. Would like the privacy increased so that people can't look through the fence into their property. The light is a non-issue. He would like to see the patio closed at 10:00pm on the week nights.

The applicant advised that they will look into making the fencing more closed.

Mr. Small advised he would like to see the patio close at 10:00 pm Sunday to Thursday and 11:30 Friday and Saturday. Can always revisit it in a year and renegotiate. The drawing needs to be resubmitted to show the dumpster.

A resolution was made to close the public hearing by Mr. Murphy and seconded by Ms. Klosky. All voted in favor.

A resolution to declare this application an unlisted action under SEQR, declare the Planning Board as lead agent, and grant conditional approval with updated drawing to show the screening and dumpster location, a note to indicate that the outside light will be turned off at closing or motion activated, and the hours for patio closing to be 10:00 pm M-Th and 11:30 pm Fri-Sat was made by Ms. Klosky, this was seconded by Mr. Murphy and all voted in favor.

### **OLD BUSINESS**

#### **Toni Minuta- 276 Hudson St- Applicant is requesting a change of use from the past use of a counseling center to a hair stylist service center.**

Mr. Small advised that the only change from last month to this month was the addition of an office on the second floor for the business.

A resolution was made by Ms. O'Dell to approve this change of use, this was seconded by Ms. Klosky and all voted in favor.

A motion was made to declare the Planning Board as lead agent by Mr. Murphy and seconded by Mr. Chaudhry. It is also to be noted that no public hearing is required for this application. All voted in favor.

#### **18 Church St-** Applicant is requesting site plan review of new plans and approval of a two lot subdivision.

Mr. Dominic Cordisco- Attorney for the applicant advised that the applicant obtained a variance to allow the lot to be created without access to the street. The fire chief advised there is adequate width for emergency access. An easement must be created with a maintenance agreement among the shared lots. This is a minor subdivision and 2 public hearings were held for the Zoning Board.

Mr. Small went over the conditions set forth by the Zoning Board.

The Village Engineer advised that there was concern about the storm water running into the cemetery.

There was a conversation regarding the EAF and anything that is incorrect on it will need to be corrected.

A resolution was made to schedule a public hearing for June 17<sup>th</sup>, this is an unlisted action under SEQR and the Planning Board will be declared as lead agent by Mr. Murphy, and seconded by Mr. Chaudhry. All voted in favor.

### **MINUTES**

**March 2014-** A motion was made to approve the minutes as corrected by Mr. Murphy and seconded by Ms. O'Dell and all voted in favor.

**April 2014-** A motion was made to approve the minutes as corrected by Mr. Murphy and seconded by Ms. Klosky and all voted in favor.

With no further business to come before the board the meeting was adjourned at 9:08 pm with a motion by Ms. O'Dell and a second by Mr. Murphy and all voted in favor.

Respectfully submitted,

Kristen Boyle  
Recording Secretary