

**VILLAGE OF CORNWALL-ON-HUDSON
ZONING BOARD OF APPEALS
THURSDAY, AUGUST 13, 2015 – 7:00 P.M.**

Present Were:

Mike Kelly, Chairperson
Matthew Bannan
Kevin Finn
Steve Fogarty

Absent:

Philip Adams

Also Present:

Roberta Hastey, Recording Secretary
John Furst – Attorney
Vantage Construction/Andrew Bell – Applicant
Bill Norton of Mecurio-Norton-Tarolli-Marshall, Design/Engineers/Surveyors representing Botrac Properties

Chairman Kelly called the meeting to order at 7:15P.M.

Minutes

Motions were made by Kevin Finn to pass December 11, 2014; February 12, 2015; March 12, 2015; March 26, 2015; July 9, 2015 minutes – seconded – approved by all.

Old Business

VANTAGE CONSTRUCTION INC.- 4 Andrews Street- as contract vendee with the **ESTATE OF BONDUR**, by Richard Mills, Executor for a variance of §172.53.2 of the Village Zoning Code to allow for the tear down of an existing residential dwelling and replacement of a new residential dwelling on a non-conforming lot. The property is located in the SR (Suburban Residential) Zoning District and the View Preservation Overlay District. Applicant requests board review and approval of this application.

Discussions started at July Zoning Meeting were continued.

Andrew Bell presented plans that incorporated some of the suggestions to meet the concerns presented at the last meeting. The plans were passed among the attendees.

Public Comment:

Doug Caufaglione of 52 Spruce Street – pleased with changes made to the plan since last Board Meeting. Wanted confirmation on height – and agreed that 24 would be work for them.

Mr. Bell would extend the backyard but keep the front yard in line with Mr. DeFranco’s home.

Some discussion ensued regarding displacement of storm water and drainage effects of placement of the home.

Atty. Furst – Building Inspector is responsible to make sure that regulations are followed before and during construction.

Jerry Jacobwitz – 15 Taft Place- Is there a landscaping plan in place?

Mr. Bell – Although no requirement for creating a landscape plan, it is required to rake and seed.

Marie Fitzgerald – Asked question about future drainage issues and problems with neighbors' drainage.

Mr. Bell - Good porous ground and they will follow all regulations.

Mr. Caufaglione asked if the garage would stay on the left and what the square footage would be.

Mr. Bell – yes regarding the garage and for the square footage minimum of 1750 and maximum of 2200

Mr. Finn - The footprint requested is 25 x 40 and the property needs to fit within that.

A discussion ensued regarding how one would get 2,200 sq ft out of a 1000 sq ft footprint and not have it more than a 2 story.

Mr. Finn explained the board can put limits on square foot. Atty Furst agreed saying the board can put limits to ensure that the home fit in with the character of the neighborhood.

Mr. Bell said he would keep it within the footprint and under 24ft high but looking to put a Cape Cod home with 3 bedrooms and 2 baths on the property.

Karen Caufaglione of 52 Spruce asked if the 2200 was accomplished by putting a back porch.

Mr. Bell is putting a 6x6 porch on the back porch/back entrance and looking to put a patio in the back as well.

Mr. Finn – Mr. Bell needs to state what additions will be put on.

Mr. DeFranco 8 Andrews Place requested that his landscaping be untouched.

Mr. Bell stated there were no plans to touch any of the neighbors' landscaping especially since it enhanced the property.

The public comment portion was closed and the board discussed among themselves and Atty Furst.

Two variances were voted on:

- 1. Variance for the substandard lot*
- 2. Amendment to the application for 8ft variance on front set back*

Motion to approve building on substandard lot with the following conditions:

- 1. Height not to exceed 24ft*
- 2. Size not to exceed 2200 sq ft including garage*
- 3. Garage on left*
- 4. Back Porch 6ft x 6ft*
- 5. Patio – will need to be made as to not adversely affect drainage .*
- 6. Compliance with Village drainage/storm water regulations – will be monitored by Village inspector and Village Engineer when plans are submitted.*
- 7. Shrubs/landscaping on Mr. DeFranco’s property left untouched.*

*Motion was made by Mr. Bannan, seconded by Mr. Fogarty and Chair Kelly Approved
Mr. Finn Opposed*

*Motion to approve a 22 ft setback/8 ft variance was made by Mr. Bannan, seconded by
Mr. Fogarty and Chair Kelly Approved
Mr. Finn Opposed*

New Business

BOTRAC PROPERTIES, LLC as contract vendee with JOHN F. BENNETT & HILDA M. BENNETT, property owners, for a variance of §172-8.c- 2 Taft Place- (1) of the Village Zoning Code to allow construction of a new residential dwelling on a lot that does not comply with the lot area requirements. The property is situated at section 108, block 4, lot 8 in the Village of Cornwall-on-Hudson. The property is located in the SR (Suburban Residential) Zoning District. The property is also located in the View Preservation Overlay Zone. Applicant requests board review and approval of this application.

Mr. Finn read notice into record.

Bill Norton representing Mecurio-Norton-Tarolli-Marshall, Design/Engineers/Surveyors gave some history of the property and presented blue prints of the proposed design.

A letter from the property owners, John F. Bennet and Hilda M. Bennett, written on August 7, 2015 was read into the record by Mr. Norton. The property was bought in 1973 with the idea of building a home. Residential taxes have been paid on said property since that time.

Mr. Norton - The blueprints were created without knowledge that a deck could cause an issue regarding the setback. As of now the deck set back is currently at 10 feet

Building Inspector was presented with full plans including plans for the deck and drainage.

Atty Furst – Since Village Building Inspector was presented with full plans and did not raise issue with deck, it did not need a variance.

Public Comment

Anthony Cucci 46 Clark Avenue asked about retaining wall because of the different elevations of the lots. Also asked about the trees since it is a heavily treed lot.

- No retaining wall. Mature trees in good health will be left.

Jonathan Chase of Taft Place has no objections if it is just an area variance before the Board and if the builders will be using the plans being shown.

Bob Shuller 151 Bayview Avenue. No objections.

Jerry Jacobowitz – 15 Taft Place - will there be a landscaping plan and is it possible to put conditions on the variance regarding landscaping.

- Foundation plants will be used to cover the foundation

Joe G 191 Bayview Glad to see someone is building but personal opinion is that most of the trees are not salvageable and did not want damaged trees left to topple towards his house.

Mr. Norton - Damaged trees would not be salvaged

Public Comment Section was closed

For the record Mr. Finn read letter from Orange County Department of Planning as the lot is within 500 feet of NYS Route 218. The letter dated July 16 from David Church, Commissioner stated it does not appear inter-municipal or county-wide impacts will result if the board finds in favor of granting this variance.

Atty Furst also wanted noted that this was a Type 2 under SEQRA and is exempt from environmental review under SEQRA.

Mr. Bannan motioned to approve the variance with the condition that the tree line is worked out with the Building Inspector for minimal impact to the drainage and surrounding properties.

Mr. Fogarty seconded. All approved

Meeting adjourned at 8:45

Respectfully submitted,

Roberta Hastey
Recording Secretary