

**VILLAGE OF CORNWALL-ON-HUDSON
ZONING BOARD OF APPEALS
THURSDAY, SEPTEMBER 15, 2016 – 7:00 P.M.**

Present Were:

Mike Kelly, Chairperson
Matthew Bannan
Kevin Finn
Steve Fogarty

Absent

Philip Adams

Also Present:

John Furst, Attorney
Roberta Hastey, Recording Secretary
John Ginda, Applicant
Ben Maggio, Building Inspector
Members of the Public

Chairman Kelly called the meeting to order at 7:10 P.M.

New Business

John Ginda- 11 Prospect Street- Applicant is requesting board approval to allow construction of a new structure to replace an existing storage shed that is free standing and not attached to a pre-existing residential dwelling. The code requires that an accessory structure have a floor area no greater than 400 square feet or 10% of the floor area of the main building. The Applicant is proposing to build a 1,500 square foot garage to replace the current 484 square foot barn.

Mr. Bannan read into the record the application and letters from the following:

Peter J. Neuman - against the granting of the application.

Ethel Spencer Bradson – feels the new structure will be too big and present a wall to its neighbors and it would set a bad precedence. Also wondered what happened with the Master Plan.

Dempsy of 7 Prospect – not opposed to new structure despite that it will be larger than the existing structure.

Petition signed by several neighbors – appreciate the thoroughness of the application and the desire of the applicant to clean up his yard, but the new structure will be larger than some homes in area. While there is a large garage on the Carpenter property, the residence is also much larger than Mr. Ginda's home. Suggested Mr. Ginda use existing footprint but make bay large enough to accommodate truck. Don't think the proposed building is consistent with the neighborhood or the natural landscape and that it is commercial in scale. Metal siding looks nice but is more commercial than residential. Is there a way for the siding to match the house? The proposed structure is out of place in the neighborhood but hope a compromise can be reached.

Mr. Ginda presented his proposal. In effort to clear up his property and have enough storage he would like to increase the size of the garage. The siding chosen matches a potting shed on the property and he plans on matching the colors with those already on the house. His plans also include planting shrubs and believes when finished the neighbors won't even notice the garage.

Ben Maggio, Building Inspector. Did a site visit. Feels the application is a bit scarier than the actual plan. From Spruce Avenue end of the property he believes it will be difficult to see the full

length of the garage. The garage will be no higher than the garage next door and set 31 ft back it would meet all required setbacks. One neighbor on Park will be looking directly at front of garage and would see something similar to that on 7 Prospect. The height would be lower than allowed and most would not see the full length of the garage.

Public Comment

The meeting was opened up for public comment.

Carol Durkin of 2 Pine Street concerned objects to size and feels it is too large for a garage in the neighborhood and is a more industrial-looking structure. Ms. Durkin does not think Mr. Ginda is under a hardship as he knew the size of the structure when he bought the property recently. While she appreciates the need for a larger garage, Ms. Durkin hopes a smaller structure with a more traditional exterior can be agreed upon.

Mary Ann McHenry of 1 Park. Worried it would set a precedent for the area and that it might be used for a commercial enterprise in the future. It could also open up the residential area to more traffic and noise. Some additional footage could be understood but this request is for too much of an increase and does not fit in the neighborhood.

LoriBeth Paliotti of 21 Vinebrook – Mr. Ginda runs a small business and the community needs small businesses and should support them. Storage for his tools and construction material is necessary. Mr. Ginda is not asking to run a business out of the garage, just to use if for necessary storage.

Dan Poindexter of 39 Spruce – Garage would be bigger than his house and the neighborhood is not set for commercial enterprises.

Mr. Ginda responded he will not run his business out of the garage, just use it for storage.

AJ 30 Spruce Street understands the need for storage but feels that Mr. Ginda should probably have considered that before buying his home. Also asked if there was some middle ground that could be found between the current shed and a garage triple the size of what is currently there. He also thinks the 11 foot door is huge.

Tom Durkin, 2 Pine Street, maybe a compromise can be found in a clever use of space within the height or possibly using storage elsewhere.

Jim Aspin, 6 Pine Street – Commercial nature worries him. Size is and look is more toward the commercial side.

Ms. Durkin – while Mr. Ginda may not intend to use the property for commercial use, he will not live in house forever and when sold the garage would present a preexisting structure and open to use as a commercial space.

Mr. Ginda replied he plans on living there for the rest of his life and he plans on restoring the house to its original shape.

Joan Winchel of 10 Pine Street suggested Mr. Ginda could rent space in the two-door garage next door to him. While it would be a cost, so would building a brand new structure.

Mr. Maggio noted the property is large enough where you can put such a large rectangle. There is still a large section of yard on the property and though the garage will be a large structure, the lot was large enough to accommodate the expansion.

Mr. Aspin pointed out while it might not impact Mr. Ginda's view it will impact neighbors' view.

Rob Kirshner, 19 River Avenue – asked what kind of equipment will be stored in the garage and what kind of construction will take place within the garage? What will the hours of operation be and, will there be work being done in the garage and what might they expect in regards to the noise level? Will there be power tools? Will there be trucks starting up early in the morning?

Mr. Ginda responded that he will not be working in the garage except for possible cutting of trim for his own home. He is looking for storage and most items will be household items as he has an old home without a basement or attic space and with very limited storage. He believes he purchased the biggest lot in the area and the width of the garage will be just a bit larger. He also decided to go longer so it would not be visible to neighbors. His lot is completely enclosed with bushes and trees. The garage door is high but will be a beautiful door and just a couple of feet higher than the garage now.

Ms. Winchel – John is correct his property is large but it might set a precedent for the neighborhood and others might want to put large structures as well. The garage is too commercial and too large.

Mr. Ginda in his work as a home contractor he goes to other residences and will not be working out of the garage.

Mr. Poindexter noted that the while there are hedges there currently, there is no guarantee that in the future Mr. Ginda would not change the landscaping and remove the shrubs.

Mr. Ginda said he plans on planting more bushes and shrubbery and will keep what is there now.

Mr. Kelly a current preference is not a guarantee that they will remain on the property.

Discussion ensued regarding the height of the garage where Mr. Ginda stated the doors allowed a 1 foot buffer

Ms. Aspin noted part of the reason the garage seems commercial is that it is clad in metal.

Ms. Winchel asked about the current size and noted it would be tripling the footage.

Mr. Ginda much of the increase would be in the length and unseen from the street.

Mr. Maggio feels that the dumpster on the property is more of an eyesore than the garage will be.

Mr. Kirshner Will the garage doors open just onto Park as they do currently or will they now open on Prospect as well? Mr. Ginda responded they would just open up (not out) onto just Park.

A question regarding process was brought up. Atty Furst responded there were many items to go over including letters, additional photos submitted by the applicant, testimony from the building inspector and the residents and the board members might have questions now for the applicant.

Ms. Aspin asked if it was standard for a code enforcement officer to give testimony. Mr. Kelly responded it was not standard.

Mr. Fogarty asked the applicant why go 1100 sq ft? Why metal since that's not the current norm for the area? And why vertical siding?

Mr. Ginda responded he chose 1100 because that is what, after measuring the items that did not fit, would be needed to enclose them. Regarding the metal, he was thinking of doing clap board but chose to match a potting shed on the property and plans on painting it white and same colored roof as he has now.

Mr. Forgarty pointed out that the garage next door is horizontal and it might look better if the new siding was horizontal as well.

Mr. Ginda also noted cost was a consideration since the vertical was ¼ of the price. It is important to him to get items off his lawn and off the street than to save money,

Ms. Winchel questioned where was everything stored before when he lived elsewhere?

Mr. Ginda stated he was had space on a wooded lot and put equipment under a tarp – which was not his preference and that he purposely saved and sought out a space where he could store his items properly. He did not think the added storage would be an issue since the lot was so large and the space was secluded and thought the neighbors would prefer the garage to the current situation with the tarp.

Ms. Winchel stated they thought the blue tarp was temporary so they were cutting him some slack.

Mr. Kelly asked what would a compromise look like to the neighbors?

Some responded that cutting the length in at least half – 600 to 800 instead of 1100. Suggestions were also made to get storage elsewhere or use the next door neighbor's garage. At least one neighbor stated they were glad Mr. Ginda is in the neighborhood and the objections were not to him but they hoped Mr. Ginda would compromise and that it wasn't a choice between blue tarps on the lawn or a huge garage but possibly a smaller garage and additional storage elsewhere.

Mr. John Ginda, Sr. loves Cornwall as well as his son – they discussed the garage and decided to go back so that it would not be an issue for the neighbors. Does not understand the resentment for his son being able to clean up his yard and store the items that are now under a tarp.

Ms. Winchel asked when the current code was put in place and was answered that the latest zoning code was adopted in 1978. Ms. Winchel continued, so someone thought it was a good idea to preserve character of neighborhood. John's addition might look okay but if this is approved could everyone else do the same?

Atty Furst answered each application would need to be looked at separately and that a decision made regarding one property would not apply to every other applicant. The Board would look on this request for variance and each application will be reviewed according to five factors.

Mr. Fogarty - current garage is 22 x 22 so the proposed garage would also be wider at 30 feet?

Mr. Fogarty motioned to close the public hearing. Mr. Bannan seconded. All approved

Atty Furst asked Mr. Ginda if he knew if there any other comparable garages on comparable lots?

Mr. Ginda thought another comparable sized garage was Dr. Carpenter.

Atty Furst - Any others in the community on a similar lot size? Also asked if he had specific plans for landscaping that could offset some of the aesthetic impact of the garage.

Mr. Ginda stated he planned on planting quick growing trees such as poplar or pine as well as leaving what is currently there intact.

Ms. Winchel asked if Mr. Ginda came up with a compromise would he need to reapply.

Atty Furst not a new application but would need be considered and would be part of the deliberation process.

The Board then entered a closed session at 8:15

Meeting reopened at 8:25

Mr. Kelly noted there were many factors to weigh in this matter and more time was required to do due diligence including site visits by Board Members.

The matter will be carried over until the next zoning board meeting on October 13. [*Due to other factors the meeting was rescheduled for October 6*]

Minutes

Motion was made by Mr. Fogarty to approve August 2016 minutes, seconded by Mr. Bannan, approved by all.

Adjournment

Motion to adjourn was made by Mr. Kelly, seconded by Mr. Fogarty, approved by all.

Meeting adjourned at 8:45

Respectfully submitted,
Roberta Hastey, Recording Secretary