

VILLAGE OF CORNWALL-ON-HUDSON
ZONING BOARD OF APPEALS
THURSDAY, SEPTEMBER 13, 2018 – 7:00 P.M.

Present:

Kevin Finn, Chairperson
Philip Adams
Matthew Bannan
Steve Fogarty

Absent:

Michael E. Doyle

Also Present:

Brendan & Caitlin Hogan, applicants & Steven NeJame for applicants
Richard McDonald, applicant
Joseph McKay, Village Attorney
Roberta Hastey, Recording Secretary

Mr. Finn called the meeting to order at 7:00 P.M. and opened the hearing by reading the notice.

NEW BUSINESS

Brendan and Caitlin Hogan- 13 Vinebrook Ave- Applicants are requesting an area variance from §172-43.C of the Village Zoning Code to permit an in-ground pool within ten (10) feet of the rear property line when the Code requires a twenty (20) foot setback. The area variance will allow the installation of a 360 square foot in-ground swimming pool in the back yard of an existing single-family home.

Mr. NeJame of NeJame Pools presented the project explaining the requested variance. He was asked about the fencing and retaining wall. No dirt will be pushed toward the retaining wall during construction. A new unilock retaining wall will be installed where the current wall is which is 2 feet within the property line. Currently have a 5-6ft fence. Less likelihood of erosion than there is currently because the pool will collect water. There will be a cartridge filter system so no discharge on the property from the pool's normal operation. There will be less run off than there is now with permeable pavers around the pool. There might be some drainage from the wall will go through the yard before hitting the street. As far as trees and foliage goes, trees will stay and lower neighbor who is now looking at a retaining wall and fence will be seeing a better fence on top of the interlock retaining wall.

Close of Public Hearing

Mr. Finn closed the public comment part of the hearing.

Ben Maggio addressed a letter to the board regarding the retaining wall (addressed by Mr. NeJame) and included photos of the back yard.

Mr. Finn stated that in regards to SEQRA it is a type II action no further consideration needs to be made.

Motions to Approve the Variances

A Motion was made by Mr. Bannan to approve the variance, seconded by Mr. Adams, approved by all.

Richard F. McDonald- 13 Wood Avenue-Applicants is requesting an area variance from §172-43.C and §172-38.C of the Village Zoning Code to permit an above surface-type pool with deck within four (4) feet of the rear and side property lines when the Code requires a ten (10) foot setback. The area variance will allow the installation of a 15 x 24 oval above ground pool with a 9 by 15 feet deck in the back yard of an existing single-family home.

Mr. McDonald presented his requested for an above ground pool. He noted there was a sloping area which is why he has moved the pool further towards his property line. Another reason for the push towards the line was to keep the pool from street view and also to keep the pool in the sun and away from the shade of a neighbor's tree. There is a buffer zone behind his property.

Close of Public Hearing

Mr. Finn closed the public comment part of the hearing.

County in a letter dated 8/21/18 left the application up to local determination. It was noted that in regards to SEQRA it is a type II action no further review is needed.

Mr. Finn noted the previous variance set a precedence for 7' 5" set back which seemed a reasonable compromise. While it is understood that the applicant would like to maintain a decent amount yard and that the neighbors had no issue with the pool being that close to the property line. It was also noted that neighbors do change and this would be setting a new precedent for the area. Many possibilities were discussed for moving the pool over slightly (18") to maintain the current line and how much of a hardship it would be for the applicant to do so. It was noted when the pool is installed there would be some disturbance to the slope anyway and it would keep the current line and not impose further on an already reduced buffer-zone between the next-door neighbors. After much discussion and many options presented it was felt that the full variance would set a negative precedent and that outweighed the relative hardship to the applicant.

Mr. Finn gave the applicant the option to present at the next meeting when there would a full board or to modify the variance request. Mr. McDonald agreed to the move the pool over the 18 inches from the side so the requested was amended to:

permit an above surface-type pool with deck within four (4) feet of the rear and seven (7) feet of the side property lines

Motions to Approve the Modified Variances

A Motion was made by Mr. Fogarty to approve a variance to allow a pool to be built within four (4) feet of the rear property line and seven (7) feet of the side property line, seconded by Mr. Bannan, approved by all.

MINUTES

Motion was made by Mr. Bannan to approve July 12, 2018 minutes, seconded by Mr. Fogarty, approved by all.

ADJOURNMENT

Motion to adjourn was made by Mr. Finn, approved by all.

Meeting adjourned at 8:40pm

Respectfully submitted,

Roberta Hastey,
Recording Secretary