

VILLAGE OF CORNWALL-ON-HUDSON
ZONING BOARD OF APPEALS
THURSDAY April 14, 2011 - 7:30 P.M.

Present Were:

Peter Osinski, Chairperson
Andrew Maroney
Mike Kelly
Tom Petersen
Robert Quillin

Also Present:

Kristen Boyle, Recording Secretary
Mr. Dowd- Attorney

Mr. Osinski called the meeting to order at 7:30 P.M.

PUBLIC HEARING

Ann Schroeder and Matthew Greevy- 24 Ave A- Applicant is requesting a variance to permit the construction of two 6' x 8' rear additions to an existing non-conforming residence with a reduced side yard set back.

The applicant submitted the Notice of hearing and proof of publication. The notice of hearing was read by Mr. Osinski.

NOTICE OF PUBLIC HEARING
ZONING BOARD OF APPEALS
VILLAGE OF CORNWALL-ON-HUDSON

PLEASE TAKE NOTICE, that the Zoning Board of Appeals of the Village of Cornwall-on-Hudson will hold a Public Hearing on Thursday, April 14, 2011, at 7:30 P.M. or as soon thereafter as can be heard, at the Village Hall, 325 Hudson Street, Cornwall-on-Hudson, NY to consider the application of Ann Schroeder and Matthew Greevy for variances pursuant to Sections 172-51 and 172-53.2(D) of the Zoning Code of the Village of Cornwall-on-Hudson to permit the construction of two 6ft x 8ft rear additions to an existing, non-conforming residence with a side yard setback of 6.4 feet instead of the required 7.5 feet.

The property is located at 24 Avenue A and is designated on the Village Tax Maps as Section 102, Block 12, Lot 6. The property is located in the SR (Suburban Residential) Zoning District.

At the hearing the Zoning Board of Appeals will consider all verbal and/or written statements from all persons interested. Copies of the application and plans may be inspected at the Village Hall during normal business hours.

**BY ORDER OF THE ZONING BOARD OF APPEALS
OF THE OF VILLAGE OF CORNWALL-ON-
HUDSON**

PETER OSINSKI, CHAIRMAN

The applicant states the back of their home has a mud room and closet. It is their desire to square it off and make the kitchen larger and add a laundry room and bathroom. It will fit with in the existing architecture.

Mr. Petersen asks if the basement entrance will be relocated and where the oil tank will be filled from.

The applicant replied that he is not sure if the entrance will be moved or closed off. The oil tank fill line can be moved.

With there being no public comment the hearing was closed at 7:45 pm and the public meeting was opened.

A motion was made by Mr. Peterson to grant the variance as requested. It is a non conforming lot built prior to current Zoning and this will improve the home and neighborhood. This will not cause a negative impact on the environment. It meets the minimum necessary required to grant the variance. This was seconded by Mr. Maroney and all voted in favor.

Peter Osinski: aye

Andrew Maroney: Second

Mike Kelly: aye

Tom Peterson: motion

Robert Quillin: aye

W&B Realty- 202 and 206 Hudson St- Applicant is requesting an interpretation of the uses of the existing highway garage, an area variance to permit two apartments on the first floor and a professional office on the second floor of an existing structure, an interpretation of a variance granted in 2006, that authorized access to lots which do not have frontage on a public road.

The notice of hearing and proof of publication were submitted and the notice of hearing was read by Mr. Osinski.

**NOTICE OF PUBLIC HEARING
ZONING BOARD OF APPEALS
VILLAGE OF CORNWALL-ON-HUDSON**

PLEASE TAKE NOTICE, that the Zoning Board of Appeals of the Village of Cornwall-on-Hudson will hold a Public Hearing on Thursday, April 14, 2011, at 7:40 P.M. or as soon thereafter as can be heard, at the Village Hall, 325 Hudson Street, Cornwall-on-Hudson, NY to consider the application of W&B Realty, LLC and Half Moon Ridge Realty, LLC for the following interpretations and/or variances:

- 1) Lot 29.1: (a) An interpretation of Section 172-50 of the Village Code as to whether the uses of the building located on this property as a contractor's shop and garage constitute legal, non-conforming uses of the property or, in the alternative, an interpretation of Section 172-9(B)(a) of the Village Code to determine whether the contractor's shop would fall within the permitted use of a retail shop and, if so, whether the garage would be a permitted accessory use under Section 172-9 (C)(1) or (4); (b) An interpretation as to whether the contractor's shop and garage constitute separate uses for the determination of off-street parking requirements of a listed retail shop and/or "unlisted" uses pursuant to Sections 172-46B(15) & C of the Village Code.
- 2) Lot 63: (a) An area variance to permit two apartments on the first floor and a professional office on the second floor of an existing structure; (b) An interpretation or in the alternative, a use variance pursuant to Section 172-70 of the Village Code as to whether the conversion of three apartments into two apartments and professional office constitute a two-family residence, a multi-family residence or two accessory apartments (c) if the variance listed in (b) is granted or if the interpretation does not render a variance necessary, a determination of the number of off-street parking spaces required; (d) If the variance listed in (a) above is granted and following the interpretation or variance in (b) above, an area variance from the off-street parking requirements of Section 172-46B to authorize 6 off-street parking spaces instead of the required 10 spaces.

- 3) Lot 64: (a) An interpretation of Section 172-9(B) to permit two existing accessory buildings to remain on a single lot without the existence of a primary or main building or use; (b) an interpretation regarding the location of five “overflow” parking spaces for Lot 64.
- 4) Lots 29.1, 29.21 and 64: An interpretation of a February 13, 2006, variance granted pursuant to Village Law, Section 7-736, that authorized access to said lots which do not have frontage on a public road to determine if said variance is still applicable to said lots.

The property is located at 202 and 206 Hudson Street and is designated on the Village Tax Maps as Section 104, Block 1, Lots 29.1, 29.21, 63 and 64. The property is located in the SR (Suburban Residential) Zoning District and the CBS (Central Business and Shopping) Subdistrict.

At the hearing the Zoning Board of Appeals will consider all verbal and/or written statements from all persons interested. Copies of the application and plans may be inspected at the Village Hall during normal business hours.

**BY ORDER OF THE ZONING BOARD OF APPEALS
OF THE VILLAGE OF CORNWALL-ON-
HUDSON**

PETER OSINSKI, CHAIRMAN

Mr. Osinski read into the minutes letters from Peter Miller & Jeff Armitage in reference to this application.

The applicants’ attorney states that the property was the site of the former DPW building and lots surrounding. The original plan was to build 4 homes and reuse the existing buildings on the surrounding lots; however these plans were changed by the Planning Board and resulted in town houses and reuse of current buildings. The applicants came to the ZBA and received several variances in both 2006 & 2008. In the meantime the economy took a turn for the worse. Banks will not finance the plans due to the economic situation the country is in. The applicant wishes to go back to the Planning Board with a plan that is similar to the original plan presented to the Planning Board. They are proposing a lot line change to put the two barns on their own parcel with parking, the former DPW site will remain on its own lot, the applicants are looking for a confirmation on the variance received in 2006, they wish to use the former DPW site as it is being used currently, the applicant which to put

the 2 apartments on the ground level of the Klofsky house and put the office on the second floor. Also would like to discuss the parking.

Mr. Dowd states that he spoke to the Planning Board attorney and was advised there was no official referral for the application for the Zoning Board. This board shall seek the opinion of the Planning Board as to why they were referred to the ZBA. This is a complicated application and it would be best to get all the questions and answers ahead of time to avoid the back and forth.

Mr. Petersen recommended that the applicant go back to the Planning Board to get the proper referral. To which Mr. Dowd stated that this application can be referred back to the Planning Board for their recommendation.

Mr. Osinski states that reading this application made it hard to see the big picture. He did spend some time looking at the property and personally supports what the applicant is trying to do, however the Planning Board needs to be consulted.

Mr. Petersen stated he likes the concept. The parking behind the Klofsky home shouldn't be a problem as there is space there.

Mr. Whalen states the neighbors do not want stockade fences. Additionally there are 3 spaces on Hudson St that can be used for parking.

Mr. Maroney states that this is the Central Business District. The DPW garage should be classified as a specialty shop.

Mr. Dowd states that it was municipal with municipal uses. What is the building currently used for. Is it retail or supply?

Mr. Whalen states that both Perry Plumbing and Burns & Whalen Contractors use the space. No one comes to the building to purchase anything. The items are made there and then brought to the sites.

Mr. Maroney states it seems to be a specialty shop. In 2006 the same uses were in place and no variances were required then.

There was a lengthy conversation regarding if the use of the DPW changed and what it should be classified as.

There was a discussion regarding the 2 barns. The applicant states that they are only used for storage and there are no utilities in them.

Mr. Dowd spoke about the Klofsky home. The ZBA would need to decide how to define this building. Is it 2 family or multi family?

Mr. Peterson asked what kind of business is run from this location to which the applicant advised that the person who rents sells mobile home insurance to people in FL. No one comes to visit the office.

Mr. James Galiano of 11 Wood Ave- Stated that he is in support of this plan and feels it is a positive change to the site.

Mr. Maroney made a motion to refer this application back to the Planning Board for an official ZBA recommendation. This was seconded by Mr. Petersen and all voted in favor.

Mr. Quillin made a motion to adjourn the public hearing until 5/12/11 and this was seconded by Mr. Kelly. All voted in favor.

INFORMAL BUSINESS

Mr. Osinski will write the Village Board a request regarding training.

Mr. Maroney made a recommendation that the Master Plan be revisited. Mr. Osinski will pass this along.

With there being no further discussion, a motion was made to adjourn

the meeting at 9:00 pm by Mr. Maroney this was seconded by Mr. Quillin and all voted in favor.

Respectfully submitted,

Kristen Boyle
Recording Secretary