

**VILLAGE OF CORNWALL-ON-HUDSON
ZONING BOARD OF APPEALS
THURSDAY DECEMBER 8, 2011 - 7:30 P.M.**

Present Were:

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

Also Present:

Kristen Boyle, Recording Secretary
Mr. Dowd- Attorney

Mr. Osinski called the meeting to order at 7:30 P.M. with a motion by Mr. Quillin and a second by Mr. Maroney.

PUBLIC HEARING

Pointe Equities LLC- 11 Taft Place- Applicant requests a variance to construct a 2 ft x 11 ft enclosed front entry way with a front yard set back of 13.5 feet instead of the required 30 feet : 8 ft wide , full length second story rear addition on piers; and an in-ground swimming pool on a class II steep slope that is setback on 66 feet from a class III steep slope where a 75 foot Steep Slope Buffer Zone is required.

Mr. Osinski read the notice of hearing and the proof of publication was presented by the applicants.

The applicant states the structure is his home. He states the variance is for a lot which is already non conforming. He is asking for approval of an 8 foot extension across the rear of the home, and is wanting to enclose the front overhang, as well as a variance for an in ground pool. The building inspector granted the pool construction but then turned the matter over to the Planning Board who then referred the applicant to the Zoning Board after approving the application for the View Preservation. The lot area is much less then required. The existing structure has a

13.5' setback in the front yard. The proposed changes will not cause further non conformity.

Mr. Osinski states he sees the application as 2 groups of issues. The board was advised that since the survey hadn't been done on the pool, it would not be presented. Mr. Osinski states he is not sure the board can form a proper opinion on the pool since there was no information handed in on it.

The applicant submitted photos. The applicant stated the existing overhang is the result of a prior variance and enclosing it will not further reduce the setback. The Class II slope has been there for a long time with no erosion issues. He states that the swimming pool meets all the requirements. The improvements sought would be with on the characteristics of the neighborhood and surrounding homes. He also states the variance requested is not substantial and the improvements will not change the non conformity which currently exists, infact he feels it help make the home conform more with the neighborhood.

Mr. Osinski asks if there are pictures that show the proposed extensions.

Mr. Petersen asks the applicant to point out where the leech field is.

The applicant provided an affidavit from Mr. Steve Drabick who did the survey of the land. This was also read into the record.

Mr. Osinski stated that there was not an actual plan for the retaining wall and the pool handed in until just tonight.

Mr. Dowd stated that there was a memo from the Building Inspector which stated the only issue he had with the pool was the buffer. The Board has to decide if the buffer relates to the building of the pool. The Board may want to ask for the opinion of Mr. Fitzsimmons. The application should not be split up. The Board should either grant or deny it as a whole. The applicant can withdraw the application for the pool and

resubmit later if they choose to.

The applicant requested to withdraw the pool from their application.

Mr. Dowd states that the application was sent to the County Planning Department and they advised that they do not need to do any further on it.

There was no public comment.

The public hearing was closed at 8:25pm and the meeting was opened.

A motion was made by Mr. Petersen to declare this a type II action under SEQR and was seconded by Mr. Kelly. All voted in favor.

A motion was made to grant a dimensional variance for the structure as requested as well as for the front enclosure and rear addition. This variance will not create an undesirable change in the characteristics of the neighborhood, the requested variance is not substantial and it will not have an adverse impact on the environment. This motion was made by Mr. Kelly and seconded by Mr. Quillin and was carried with all in favor.

Charles Faurot- 45 Lafayette Street- Applicant requests a variance to construct a 16 ft x 16 ft accessory shed where such shed projects nearer to the fronting street than the main building on the lot.

Mr. Osinski read the notice of hearing and the applicant submitted proof of publication.

The applicant states he has brought Mr. Steve Shustack as well as Mr. Gary Vinson with him to help him address the board.

Mr. Vinson states that in August a building permit was applied for and based on the submitted drawings the house was not parallel with the

street. He explained to Mr. Shustack (the contractor for Mr. Faurot) that the shed had to be on a certain spot on the lot and Mr. Vinson then issued the building permit. A complaint was received from a neighbor and Mr. Vinson went and provided options to Mr. Faurot.

Mr. Osinski asks if a stop order was issued to which Mr. Vinson advised he provided the land owner with his options left him to make the decision.

Mr. Maroney asked if there was ever any permanent structures on the existing concrete slab? The applicant advised the only thing he ever had on it was a car trailer.

Mr. Shustack stated he spoke with the home owner. And yes he continued to add siding so that the wood would not be ruined. The home owner advised he would pursue getting a variance for the shed.

Mr. Osinski asked if the applicant was aware that doing further work was ill advised.

Mr. Maroney asked the applicant has looked at the FEMA flood map? Mr. Faurot states that his property was released from the flood zone. Mr. Maroney advised the applicant should have those documents on file. Mr. Faurot also advised that the shed was up during Hurricane Irene and there were no issues.

Mr. Osinski states that he is concerned that there isn't even a foot of room between the shed and the bank of the stream.

Mr. Shustack states the applicant can't go back any further with the shed. The shed could be moved however the concrete pad under it would also need to be moved. The shed can not be relocated to the back due to the mud. It could be turned to gain a few feet but excavating the area could be costly.

Mr. Osinski advised it would be the desire of the board to have the shed in compliance or to do everything they can to see that the applicant has tried.

The applicant states they will see what they can do and will advise the board what they come up as a resolution.

Mr. Osinski welcomed comments from the public.

Martin Leech- 52 Lafayette St- Provided the board with pictures of the property. He states the property is very visible. He advises if the applicant gets the building in compliance then he has no issues.

Mr. Christopher Putnam- read his email to the board into the record Which states he is against this application.

Mr. Osinski states he has letters of support from Jennifer Hanlon, Roseann Storms, William Clark, Jim Clements and Irving Faurot.

A motion was made by Mr. Osinski to adjourn this hearing until Jan 2012 , this was seconded by Mr. Maroney and all voted in favor.

Beth Adams – 3 Grandview Avenue- Applicant requests a variance to construct a covered front porch and a wrap-around rear and side deck to an existing, non-conforming ,single family residence with a front yard setback of 26.7 feet instead of the required 30 feet and one side yard of 4.1 feet instead of the required 15 feet.

John Till the architect for the applicant states that the applicant wishes to add living space on the second floor as well a covered front porch and a rear deck. The lot is currently non conforming. The applicant did also receive approval from the Planning Board for the View Preservation.

Mr. Osinski welcomed comments from the public.

Mrs. Maroney states she is familiar with the property and feels the plan will only enhance it.

A motion was made by Mr. Petersen to declare this a type II action under SEQR and was seconded by Mr. Quillin. All voted in favor.

A motion was made to grant a dimensional variance for the structure as requested as well as for the front enclosure and rear addition. This variance will not create an undesirable change in the characteristics of the neighborhood, the requested variance is not substantial and it will not have an adverse impact on the environment. This motion was made by Mr. Maroney and seconded by Mr. Quillin and was carried with all in favor.

MINUTES

OCTOBER 2011- A motion was made to approve the minutes as written by Mr. Quillin and seconded by Mr. Maroney. All voted in favor.

With there being no further discussion, a motion was made to adjourn the meeting at 9:32 pm by Mr. Quillin this was seconded by Mr. Maroney and all voted in favor.

Respectfully submitted,

Kristen Boyle
Recording Secretary