

**VILLAGE OF CORNWALL-ON-HUDSON ZONING BOARD OF
APPEALS
THURSDAY APRIL 12, 2012 - 7:30 P.M.**

Present Were:

Peter Osinski, Chairperson
Andrew Maroney
Tom Petersen
Mike Kelly

Also Present:

Kristen Boyle, Recording Secretary
Mr. Dowd- Attorney

Absent Was:

Robert Quillin

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

Pointe Equities LLC- 11 Taft Place- Continued board discussion for a variance from section 172-14.1.C(4) of the Village Code to permit the issuance of a building permit to construct an in-ground swimming pool and retaining wall that are set back only 52.5 feet and 46.25 feet respectively from a class III steep slope where a 75 foot Steep Slope Buffer Zone is required.

Mr. Osinski stated that at the last meeting the ZBA was waiting for the approval of Mr. Fitzsimmons for this plan. Mr. Osinski read a memo into the record from Mr. Fitzsimmons giving his approval.

Mr. Osinski states that in February Mr. Quillin made a site visit and noted that there were footings in the ground. The building inspector went to the site to look and found this to be a part of the septic system. The memo from the building inspector was read into the minutes.

The applicant states that Mr. Quillin saw distribution boxes and not footings. The applicant states he did hire someone to locate the septic system by GPS, he also notes the survey on file for the septic system is not accurate. The septic system will not be inside the retaining wall.

Mr. Osinski asks if the applicant did enough research to find the septic system and see that everything is working.

The applicant replied that yes he hired someone to locate the septic system. He also noted it would be foolish to build over the distribution boxes. Building the wall will not interfere with what is currently there. The lines run parallel with the wall and they are approximately 2.5 feet in the ground.

Mr. Dowd states it wouldn't make sense for the applicant to obstruct their own septic system.

Mr. Osinski asked if the applicant has made any modifications to the sewer. If modifications were down , then the proper approvals would be needed. The applicant advised he only added an clean out, nothing has been changed.

Mr. Dowd states that the plan should show where the septic system is located. A sketch on paper is needed.

Mr. Osinski asked if the person who did the GPS can speak with the building inspector. The applicant stated that no further contact has been made with that person.

Mr. Dowd states that the applicant could submit an affidavit to the board stating the septic tank had been uncovered and mapped by GPS, that the old plans are incorrect. The applicant should state that he was present while this was uncovered and that he knows where the lines are, and it is not impacted by the wall. This will substantiate what is being told to the board.

With there being no comments form the public; the hearing was closed at 8:13 pm.

A motion was made by Mr. Petersen to declare this as a unlisted acting under SEQR. This was seconded by Mr. Kelly and all voted in favor.

A motion was made by Mr. Peterson to grant the varaiance as requested with the condition that the applicant will file the affidavit. This will not change the characteristics of the neighborhood. This was seconded by Mr. Kelly and all voted in favor.

APPROVAL OF MINUTES:

MAR 8,2012- Regular Meeting- A motion was made to accept as written by Mr. Kelly and seconded by Mr.Maroney. All voted in favor.

With there being no further discussion, a motion was made to adjourn the meeting at 8:20 pm by Mr. Petersen this was seconded by Mr. Maroney and all voted in favor.

Respectfully submitted,

Kristen Boyle
Recording Secretary