

**VILLAGE OF CORNWALL-ON-HUDSON
ZONING BOARD OF APPEALS
THURSDAY JUNE 14, 2012 - 7:30 P.M.**

Present Were:

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

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. Kelly and a second by Mr. Petersen.

OLD BUSINESS:

Mary Ellen Roth & John Hohman- 4 Summerwinds Court- for variances from sections 172-38(A) and 172-38 (F) of the Village Code to permit the issuance of a building permit to construct a 24'x30' detached 2 story garage, where such garage has a maximum height of 20' 3" to the roof ridge and 24'10" to the top of the copula where the maximum height permitted is 17'6" and which has a total floor area of 1080 sq ft where 400 sq ft is permitted.

The applicant states the footprint was reduced since the last meeting. The roof is now only 2' above the maximum. It will be 22' x 30' single story with overhead storage space. This is not considered livable space. There will be no copula on the roof.

Mr. Osinski states that there is a deed restriction and asks if the applicant is aware of it. The applicant states he is aware.

Mr. Dowd states that the deed restriction is not for the board to consider. They are to proceed with the criteria only for the variance.

Mr. Maroney states it is bothersome to know of the covenant.

Mr. Dowd states that the covenant has nothing to do with Zoning law. It would be up to the neighbors to act on the covenant.

Mr. Osinski states that he is not trying to cross over into territory that the Zoning Board can not act on. He just wants to ensure the applicant knows of the covenant.

With there being no comments from the public, the Public meeting was closed and the hearing was opened at 7:49 pm.

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

A motion was made by Mr. Petersen to grant the variance as requested. This will not create a negative impact on surrounding properties; this is for a 22' x 30' 1 story detached garage with a max height of 19.6' and 660 square feet. This was seconded by Mt. Kelly and all voted in favor.

New Business:

Herman Leonhardes- 211 Hudson Street-

The notice of hearing was read and proof of publication submitted.

Mr. Osinski stated he has 2 letters from the Orange County Dept of Planning which will be added to the file.

AJ Capolla- Architect for the applicant- stated the applicant is proposing to change a portion of the 1st floor from all retail space to mixed retail/apartment space. Currently the structure houses 3 apartments upstairs and a large retail space downstairs. The storefront will remain retail but the rest will be converted into a 3

bedroom apartment to be accessed off Cherry Street. The storage/utility area will remain. There is very little market for a large storefront , the applicant has not been successful in renting it out. There was some work started prior to Mr. Capolla being involved in this project and a stop work order had been issued. If you walk into the building now, it does look like there is an apartment there, however there are still code issues that need to be handled. There are other properties in the area which have apartments on the first floor.

The applicant states that he has owned this building for 2 years, but have lived there for several years. He states there have always been issues with renting out the large space due to utility costs. It is oil heat which costs the tenant \$6,000 a year. He did not get a realtor involved as he thought this would be the best way to make this space marketable.

Mr. Osinski asks the applicant for financial evidence.

The applicant went over the taxes and utility costs verbally for the board. He states he has been loosing money since he purchased the building.

Mr. Osinski asks if it occurred to the applicant this would be a loosing proposition at the time of purchase.

The applicant explains that he inherited this building from the previous owner but still has a mortgage that had to be taken over. The applicant states he made a mistake by not following Zoning and getting a permit first for the apartment. He apologized to the board for his mistake.

Mr. Osinski asked why the applicant would want to take the building knowing there were issues with renting space.

The applicant advised that he thought he could make it work. He tried hard to figure a way to work it out when the former owner suggested he rent it as an apartment. The applicant advised that he lives in 1 of the apartments which is upstairs.

Public Comment

Carol O'Keefe-2 Payson Rd- Stated that at the last Village Board meeting there was a discussion that 1 of the parking spaces in front of the building would be eliminated and this is a concern because parking is an issue.

Jay Zeigler- 7 Cherry Ave- Stated that he has never seen this space advertised and considers it to be a white elephant.

Doug Land- 208 Hudson St- Applicant is a very good neighbor. There are not many retail spaces in the area. He can understand the hardships but he is not convinced that there is no desire for retail space.

Anthony Fiore- 5 Cherry Ave- Provided a picture of parking to the board and advised people park on Cherry.

The architect advised that this lot belongs to the applicants parcel.

The applicant advised that sometimes the neighbors use the lot.

The applicant and his architect request that the board table the meeting so that they can come back and address some of the concerns of the board.

A motion was made by Mr.Osinski to adjourn the public meeting until July, this was seconded by Mr. Kelly and all voted in favor.

William and Karen Detorres- 63 Academy Ave

The notice of hearing was read and proof of publication submitted.

Mr.Osinski states that it has come to the boards attention that this is actually a use variance that is needed.

The applicant states that they have a 2 family home that they have owned for 12 years. The one area is rather large and they have had issues renting it out. Nothing changes on the existing apartment, just the larger space will be divided and a door added so that 2 apartments are created. Not only is it hard to find reliable tenants, the rent from the smaller apartment will not pay the rent.

Mr. Osinski advised the applicants to come back in July proving financial hardship so the board can make an educated decision.

A motion was made by Mr. Quillin to adjourn the meeting until July and this was seconded by Mr. Petersen. All voted in favor.

APPROVAL OF MINUTES:

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

With there being no further discussion, a motion was made to adjourn the meeting at 9:25 pm by Mr. Petersen this was seconded by Mr. Kelly and all voted in favor.

Respectfully submitted,

Kristen Boyle
Recording Secretary