

**VILLAGE OF CORNWALL-ON-HUDSON  
ZONING BOARD OF APPEALS  
THURSDAY AUGUST 9, 2012 - 7:30 P.M.**

**Present Were:**

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

**Also Present:**

Kevin Dowd, Esq., Attorney Representing the Village, Benjamin Maggio, Building Inspector, and Jeanne Mahoney, Village Clerk

On a motion from Mr. Kelly and seconded by Mr. Peterson, Chairperson Osinski called the meeting to order at 7:30 P.M.

**OLD BUSINESS**

Herman Leonhardes – 211 Hudson Street - Continuation of Public Meeting on request in which applicant is seeking use variances from Sections 172-9.F(2) and 172-51 of the Village Code to permit the conversion of 1,810sf of first floor commercial space in a mixed use, multi-family residence into a 1,192sp three bedroom apartment and 618sf of commercial space where the entire first floor must be used for commercial purposes and where the building is non-conforming as to various dimensional requirements of the Zoning Code.

Ms. Barbosa of 213A Hudson Street spoke on Mr. Leonhardes' behalf. She indicated that Mr. Leonhardes is requesting a six-month extension on his application in order to seek assistance from an attorney, CPA, and realtor.

Chairman Osinski is in receipt of a letter from Mr. Leonhardes requesting a six-month extension and authorization to finish renovations on the mercantile space. Mr. Osinski indicated that the Zoning Board is concerned that the current plan for commercial space is not viable and not "marketable".

Building Inspector Maggio stated that he is concerned with the current plan to reduce the square footage of mercantile space. He has no objection to the Board granting a six-month extension; however this has been going on for 8 months and a viable plan is needed for the back "storage" space which has become an apartment. If the Board allows renovations to continue in the mercantile (front) area, Mr. Maggio recommends that the kitchen be removed from the apartment.

Attorney for the Village Dowd stated that Mr. Maggio has put a stop work order on the property. No work can be done until the stop work order has been lifted. Mr. Leonhardes has not proven any hardship, and the Board would have to dismiss the request for variance as written. The applicant should consider withdrawing the application and reapply with a revised plan at a future date.

After some discussion Mr. Leonhardes stated that he is withdrawing his application for a use variance.

## NEW BUSINESS – PUBLIC HEARINGS

Beverly Soderberg – 5 Donahue Lane – Public Hearing on application for an area variance from Sections 172-6(c) and 172-51 of the Village Code to permit the issuance of a building permit to construct an 8' x 8' one-story addition to an existing non-conforming residence with a rear yard of 3.1' instead of the required 60', one side yard of 3/7' instead of the required 40' and a total lot area of 39,880sf instead of the required 80,000sf.

The public hearing was opened and the following notice was read.

PLEASE TAKE NOTICE, that the Zoning Board of Appeals of the Village of Cornwall-on-Hudson will hold a Public Hearing on Thursday, August 9, 2012, 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 Beverly Soderberg for variances from Sections 172-6(C) and 172-51 of the Village Code to permit the issuance of a building permit to construct an 8 ft x 8 ft one-story addition to an existing non-conforming residence with a rear yard of 3.1 feet instead of the required 60 feet, one side yard of 3.7 feet instead of the required 40 feet and a total lot area of 39,880 square feet instead of the required 80,000 square feet.

The property is located at 5 Donahue Lane and is designated on the Village Tax Maps as Section 108, Block 1, Lot 9. The property is located in the CR-2 (Conservation 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

Mrs. Soderberg provided the affidavit of publication for the file.

Mrs. Soderberg told the Board she is seeking to put a bathtub on the main floor of her house. It is a "quality of life" issue. The house was built in 1790 and the requested addition will fill in a corner area. It will not extend past the existing structure.

Mr. Maggio stated that he inspected the property and found that both the lot and home are non-conforming. The property pre-dates our zoning, and there is no way to bring either into conformance.

Mr. Maroney stated that the conditions of Section 172-53.2 should be applied to this application since the lot met "zoning requirements at the time the deed to the lot was recorded or the title to the lot was conveyed".

Having no one speak for or against this application, Chairman Osinski declared the public hearing closed and the public meeting opened.

Discussion among Members of the Board followed. Hearing no objections, Chairperson Osinski asked for a motion from the Board.

Mr. Peterson made a motion to declare this a Type 2 action under SEQR which was seconded by Mr. Kelly and carried by a vote of 5 Ayes and 0 Nays.

Mr. Maroney made a motion to grant a variance of Zoning Code §172-6(C) and 172-51 to construct an 8ft x 8ft one-story addition to an existing non-conforming residence. The variance will not produce a detrimental effect to the neighborhood; and the authority grant the variance is provided in zoning paragraph 172-53.2. The motion was seconded by Mr. Peterson and by a vote of 5 ayes and 0 nays, the requested variance was approved.

M Howell – Bellwood Lane – Public Hearing on request for a variance from Section 7-736(2) of the Village Law to permit the subdivision of land into two residential lots where the new lot created will not have access to a public street.

The public hearing was opened and the following notice was read.

PLEASE TAKE NOTICE, that the Zoning Board of Appeals of the Village of Cornwall-on-Hudson will hold a Public Hearing on Thursday, August 9, 2012, 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 M Howell for a variance from Section 7-736(2) of the Village Law to permit the subdivision of land into two residential lots where the new lot created will not have access to a public street.

The property is located at Bellwood Lane and is designated on the Village Tax Maps as Section 119, Block 1, Lot 13.12. The property is located in the CR-2 (Conservation 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  
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PETER OSINSKI, CHAIRMAN

After a brief recess, Ms. Howell provided the affidavit of publication for the file.

Howard Weeden, Surveyor for Ms. Howell, reported that an application for a two-lot subdivision on Bellwood Lane was brought before the Planning Board. The Board did not like the proposed 25' roadway strip for each lot out to Maple Road. They suggested Ms. Howell apply for a variance to permit the front lot to use the entire 50' of available roadway and require the existing house on back lot obtain a right-of-way.

Ms. Howell stated that Bellwood Lane is a private road she co-owns with Joseph Fusillo. There is an existing road maintenance agreement.

Discussion followed regarding whether the proposed driveway width will provide sufficient room for emergency vehicles to access.

Joseph Fusillo of 23 Maple Road stated that he owns property above Ms. Howell. He does not object to construction of a new home there.

Mr. Maroney stated that he almost fails to see how Section 7-736(2) applies in this case.

Mr. Dowd replied that the law does not allow the Planning Board to issue subdivision approval because the property does not front on a "publicly maintained" street. The Zoning Board must grant a variance and may place additional restrictions which the Planning Board must then enforce.

Mr. Peterson made a motion to adjourn this public hearing until September 13, 2012.

The applicant is required to provide the following:

A copy of the existing road maintenance agreement.

A letter from Storm King Engine Company #2 indicating that they have inspected the roadway with recommendations as to its adequacy.

Detailed plans of the proposed road width and make-up for review by the Village Engineer.

The motion was seconded by Mr. Kelly and carried by a vote of 5 Ayes and 0 Nays.

**Approval of Minutes**

Mr. Dowd stated that he was not at the July 12th meeting and his name should be removed from the meeting attendance list.

Mr. Peterson made a motion to approve minutes of the July 12, 2012 meeting as amended which was seconded by Mr. Maroney and carried by a vote of 5 Ayes and 0 Nays.

With no further business to come before the board, Mr. Peterson made a motion to adjourn the meeting at 8:33 P.M. This was seconded by Mr. Quillin and carried by a vote of 5 Ayes and 0 Nays.

Respectfully Submitted,

Jeanne Mahoney  
Village Clerk