

**VILLAGE OF CORNWALL-ON-HUDSON
ZONING BOARD OF APPEALS
THURSDAY, DECEMBER 11, 2014 – 7:00 P.M.**

Present Were:

Mike Kelly, Chairperson
Matthew Bannan
Kevin Finn

Absent:

Philip Adams
Steve Fogarty

Also Present:

Kirsten Boyle, Recording Secretary
Joseph McKay- Attorney
Virginia Borghesan - Applicant

Chairman Kelly called the meeting to order at approximately 7:15 P.M. (no time recorded)

New Business:

Virginia Borghesan- 10 Hirle Street is requesting variances from Sections 172-8 and 172-51 of the Village Code to permit the issuance of a building permit to construct a 12ft x 20ft rear deck onto an existing non-conforming residence with a rear yard setback of 18 feet instead of the required 30 feet.

The Notice of a Public Hearing was read into the record. The notice was published in the Cornwall Local and according to the Board's records was properly mailed by applicant.

Attorney McKay stated that five criteria need to be considered. Each of the five were discussed:

1. Is it a detriment to neighbors? No, no neighbor has come forward despite notices and posting on property announcing request.
2. Benefit to applicant can be achieved in another way? No.
3. Is variance statistically substantial? Yes it is at 40% variance.
4. Is there an adverse effect on physical or environmental conditions in the neighborhood? No. It will not affect neighbors' views or scenic views. There are decks on neighbors' homes as well so it is the norm not the exception. This deck will be low-profile and one of the smallest in the neighborhood.
5. Is the need self-created? Yes.

Other factors considered were that the property is non-conforming as the house was built before zoning code and the house is built on a hill.

Property behind is an empty lot. After end of property there is a ledge and is currently unbuildable.

Discussion ensued regarding scenic view and it was determined that there would be no impact on the views of walkers or other residents.

No application was made to the County as the property is not in any of the categories where it would require such an application.

A motion to close the public hearing portion of the meeting was made and seconded. Although the variance is significant and the need is self-created, it will not negatively affect the neighbors and there is no other way to achieve the benefit.

A motion was made to pass the variance and seconded. All in favor. Variance was granted.

A motion was made to go into closed session with Counsel at approximately 8:00 pm

Respectfully submitted,

Roberta Hastey for Kirsten Boyle
Recording Secretary