

**VILLAGE OF CORNWALL-ON-HUDSON
ZONING BOARD OF APPEALS
THURSDAY, MARCH 12, 2015 – 7:00 P.M.**

Present Were:

Mike Kelly, Chairperson
Steve Fogarty
Matthew Bannan
Philip Adams

Also Present:

Roberta Hastey, Recording Secretary
John Furst - Attorney

Absent:

Kevin Finn

Chairman Kelly called the meeting to order at 7:10 P.M.

Jessica Danahy-28 Andrews Street

Adjusted Variance request read

John Till, Architect for Applicants Jessica Danahy and Ken Fishell, gave a brief synopsis:

- Front of home will be expanded 2.4 ft.
- Rear yard will be 19 ft. an increase over the 16.4 previously requested
- Drainage Plans presented
- Feel plan is reasonable and appropriate for site
- No public views will be impacted by variance
- In response to some questions from prior meeting additional materials and information were presented including:
 - Photos showing overhead, side and front views of other properties on Andrews Street.
 - Photos showing tree line, fence line and space between properties to show norms of the neighborhood
 - Pulled back set back from 16.4 to 19
 - Drainage proposal

Public Comment:

Haig Sarkissian and Mary Davidian (11 Braden Place) requested to be able to view photos and plans. They also both spoke regarding a letter placed into record with objections to variation: undesirable change to neighborhood and out of character for area. The addition they feel will be detrimental to nearby property and create a loss of privacy. Unreasonable substantial amount of variance. They are concerned with the integrity of slope to drainage and erosion issues. Reiterated the closeness to their property as well as other issues with applicants' intent and prior knowledge of current zoning restrictions. Requested clarification of area coverage percent requirements stated by Village code. Also requested an engineering study be done regarding drainage plans.

Atty Furst - There is no need for lot variance as the variance is not needed for lot size. The only two issues are front and rear yard setbacks.

Mr. Sarkissian reiterated concern for lot coverage and drainage.

Mr. Till stated changes will not affect sheet flow for entire neighborhood but footprint might be disturbing 3-4 feet around perimeter and there are now plans to add dry wells. An engineering study would not be practical.

Jessica Danahy – Andrews Street has a different feel than that of Braden Place and their plans are in keeping with Andrews Street. They have worked diligently to protect the hill and keep the integrity of the cliff.

Mr. Till mentioned addition will be 30 – 40 feet away from slope.

Ms. Danahy then addressed privacy concerns stating the addition will protect privacy for the Sarkissian/Davidians as the planned windows will angle out and not face directly into the Sarkissian/Davidian property as their current window does.

The applicant had polled many of her neighbors to get their opinion on the plans to make sure they were comfortable with the changes. Many of these neighbors attended to express their support of the plan.

Mr. Welch of 23 Andrews felt the addition/changes would benefit the street and mentioned several other variances previously granted including two for him.

Ms. Landro of 21 Andrews said she appreciated the changes and the fact views would not be impacted.

Ms. Davidian spoke regarding what she feels is a substantial decrease in distance between her property and Ms. Danahy's. Mr. Sarkissian reiterated concerns about drainage.

Chairman Kelly – wasn't sure there was a major drainage issue.

Atty Furst suggested the drainage plans be brought before the Planning Board for the Village Engineer to look at the plans and get the Planning Board and engineer's advice but as there was no impact to public view there was no requirement to bring it before the Planning Board on the public view issue.

Mr. Sarkissian read law regarding unreasonableness, undesirableness and felt that meant the variance should not be allowed,

Atty Furst explained that when changes are outside code they are not automatically disqualified but require a variance and to be brought before the zoning board. The reason for variance is because it does vary from the code. It is not against the law to vary but an applicant must prove why a variance is needed and reasonable.

Motion was made to adjourn the matter until next meeting. Originally it was to be continued at the April Zoning Board. Mr. Till requested a decision at the current meeting so construction could be scheduled as the weather begins to allow.

Member Forgarty felt it would be very helpful to hear back from the Planning Board on the drainage matter before a decision was made.

A compromise was reached by scheduling another Zoning Board meeting 2 days after the Planning Board. It was also felt this would give the Board more time to study the large amount of material presented at the meeting.

Mr. Sarkissian reiterated his feeling an engineering study should be done.

Atty Furst mentioned the impact on the environment would need to be considered by the Village Engineer, Andrew Fetherston.

Ken Fishell applicant – Reason for need for expedience is due to combining families in June. Feels drainage issue has been overstated.

Mr. Sarkissian and Ms. Davidian mentioned the major drainage issues and erosion from prior years and thought it should be taken into account.

Atty Furst recommended to refer drainage plan to Planning Board and Andrew Featerson. Chairman Kelly motioned to continue matter after planning board meets to get the engineer's advice on the drainage plan with the caveat that the planning board may not be able to add this onto their agenda. Motion passed. Thursday, March 26 was tentatively scheduled for the next meeting.

New Business:

Rick Gioia – Hudson Street

He asked for advice on mitigating the noise and light pollution coming from a business across from his home. Mr. Gioia read a letter written to the Village Board but was bringing before the Zoning board for advice. The letter was concerning the issues of sound and light pollution. The sound or lighting ordinances tend to be unenforced or not go far enough and this presents a real quality of life issue. Although the business in question escapes most of the restrictions due to being grandfathered in under old ordinances, this might be addressed by an adoption of a master plan. Mr. Gioia read code 107-7 as he felt this spoke to his some part of his concern.

Discussion ensued on possible solutions and at the end it was decided this was really an issue for the Village Board.

With there being no further discussion, a motion was made to adjourn the meeting at 8:40 pm by Member Fogarty this was seconded by Member Bannan and all voted in favor.

Respectfully submitted,

Roberta Hastey
Recording Secretary