

**VILLAGE OF CORNWALL-ON-HUDSON
ZONING BOARD OF APPEALS
SPECIAL MEETING
THURSDAY, MARCH 26, 2015 – 7:00 P.M.**

Present Were:

Mike Kelly, Chairperson
Philip Adams
Matthew Bannan
Kevin Finn
Steve Fogarty

Also Present:

Roberta Hasteley, Recording Secretary
John Furst - Attorney
John Till, Jessica Danahy and Ken Fishell, architect and applicants for 28 Andrews Street
Members of the public were in attendance.

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

Old Business

**Jessica Danahy-28 Andrews Street
Adjusted Variance**

A letter from the Building Inspector was read into record in answer to the question of whether a variance was needed for percentage of lot. Benjamin Maggio's letter read that no variance was needed.

Andrew Featherston's opinion was read into record – recommendation regarding drainage.

Haig Sarkissian's letter read into record.

Points of Mr. Sarkissian's letter were addressed. Points 1, 2, 4, 5 were previously addressed. Point 3 was previously addressed except for new claim regarding flooding in basement and issues with drywells. The drainage issues and drywells sizing were addressed in recommendation by Village Engineer. Point 6. Lot percentage question was clarified by letter from Building Inspector

Questions regarding time line of the alleged flooding were raised by Jessica Danahy.

Mr. Fishell (co-applicant) said it was 4th time he has heard the same basic letter with small changes. Now the issue is rainwater from the garage. Nothing is being changed with the garage.

Mr. Finn: Discussion should be kept to area of variance and not expanded to pre-existing conditions.

Mr. Till presented adaptations to the plan based on recommendations of the Planning Board and Village Engineer from meeting on March 24, 2015. Mr. Till stated that although the meeting

only happened two days prior, the plans have been altered to accommodate the recommendations. Mr. Till's new plans incorporate silt fencing during construction and splitting the downspouts with some going towards regular drainage and the "nuisance" spots to drywells. The runoff from the garage as an added measure would also be redirected to the drywells. Although they did not find any evidence of the garage runoff flowing towards the south of the property or toward 11 Braden, the redirection will be done as a preventative measure.

Mary Davidian, 11 Braden Place. Agreed that the redirection would help but that not enough concern has been placed on erosion of cliff.

Mr. Till felt the plans would help improve runoff and would not create more of an issue.

Discussion ensued between Ms. Danahy and Ms. Davidian when Atty Furst asked that comments need to be made to the Board and not between parties. Also to keep the discussion to changes created by addition and not to outside issues.

Ms. Davidian - erosion is not the only issue and would like to know what constitutes a reasonable variation. She feels the request is not reasonable and the addition encroaches on her privacy.

Mr. Kelly asked if there were any more comments. At which time a copy of a letter sent to Mike Kelly from one of her neighbors was presented by Mary Davidian but due to the fact it was not sent to the Zoning Board but to Mr. Kelly at his home address and, therefore, was not received prior to the meeting it was not read into the record.

Other Letters

Several residents of Andrews Street, including Kimberly Smith, Robert and Rebecca Cella, had letters handed in as well stating their support for the variance and were read into the record. There were also neighbors in attendance that stated their support of the addition including Sandy Welch and John Welch. Statements were made that many of the lots on Andrews were non-conforming and that variances had been granted to residents on the street.

Discussion was closed and the Board was then polled to see if there were any outstanding questions in regards to the variance before them. As there were none, Philip Adams made a motion to approve the variance. It was seconded by Matthew Bannan. The motion passed with the stipulation that the variance meet the conditions set by the Village Engineer and subject to further comments and recommendations by the Engineer.

Ms. Davidian asked if it was normal to grant such a large variance. Whereby Atty Furst explained that variances can be granted based on balancing of five factors.

The meeting adjourned at 8:02pm

Respectfully submitted,

Roberta Hastey
Recording Secretary