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TOWN OF CORNWALL
ZONING BOARD OF APPEALS

APRIL 19, 2010

MEMBERS PRESENT: LENORA RANSOM, CHAIRPERSON
EILEEN REGAN
MICHAEL MC GUINNESS
TED DOBIAS

ALSO PRESENT: ADAM RODD, ESQ.
ZONING BOARD ATTORNEY

ABSENT: WILLIAM LEE

MS. RANSOM: The April 19 meeting of the Cornwall
Zoning Board of Appeals will now come to order.

PAUL_FLORIO,_MARK_FLORIO_&_ANDREA_HUNTER_-_CONTINUATION

MS. RANSOM: We have one piece of business this evening, the continuation of the hearing on the request of Paul Florio relating to property located at 26 Scofield Lane. Let the record show that we have received Orange County Planning and they have left it to local determination. I think the last time we were here there was just a little bit of confusion. The legal notice indicates two decks but I think we finally got down to just the 20 x 37 deck needs the variance.

MR. FLORIO: Yes, ma'am.

MS. RAMSON: Anything else you'd like to add from your presentation last month?

MR. FLORIO: Nope.

MS. RANSOM: Okay, Mike, any questions for Mr. Florio?

MR. MC GUINNESS: No.

MS. REGAN: No.

MR. DOBIAS: Did you sell the house?

MR. FLORIO: No, sir, not yet, we have someone who's interested in it.

MS. RANSOM: Adam, do we have to amend the legal notice or do we have to do anything because there's only really one deck?

MR. RODD: We can just indicate that in the decision that based upon the testimony it has been determined that a variance is needed only for the 20 foot by 37 foot deck.

MS. RANSOM: Okay. Do I have a motion that the board go into closed session to address legal issues with board's counsel?

MS. REGAN: So moved.

MR. MC GUINNESS: Second it.

ROLL CALL

MR. DOBIAS AYE

MS. REGAN AYE

MR. MC GUINNESS AYE

MS. RANSOM AYE

(Whereupon, the board went into closed session.)

(Discussion was held off the record)

MS. RANSOM: Do I have a motion to close the public hearing on the application of Paul Florio relating to property located at 26 Scofield Lane?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MR. DOBIAS	AYE
MS. REGAN	AYE
MR. MC GUINNESS	AYE
MS. RANSOM	AYE

MS. RANSOM: Public hearing is closed. Okay, let's take the grounds for relief one at a time. Will the variance sought produce an undesirable change in the character of neighborhood or be a detriment to nearby properties in the neighborhood in which the applicant's property is situated?

MS. REGAN: No, it's been there for so long and nobody's spoken out against it.

MS. RANSOM: Okay, also let the record show that the legal notice has two decks required a variance but based upon the testimony from the applicant, only the 20 foot by 37 foot wood frame deck has insufficient side yard. The ordinance requires a minimum side yard of 15 feet and the applicant is proposing 10 feet. Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance?

MS. REGAN: Not really.

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MS. RANSOM: Not really. And the deck has as you said it's been there for a long time and the closest thing to it is the chicken coop. Is the requested variance substantial?

MS. REGAN: No, not really.

MS. RANSOM: No, we're being asked to vary 10 feet and because it's not going to affect the neighborhood.

MS. REGAN: Right, and it's pre-existing.

MS. RANSOM: And it's been there. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

MS. REGAN: No.

MS. RANSOM: No, as we pointed out, it's been there. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes.

MS. RANSOM: Yes but again it's been there for a long time.

MS. REGAN: Right.

MS. RANSOM: Do I have a motion that this is a Type 2 Action under SEQRA?

MS. REGAN: So moved.

MR. MC GUINNESS: Second it.

ROLL CALL

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MR. DOBIAS AYE
MS. REGAN AYE
MR. MC GUINNESS AYE
MS. RANSOM AYE

MS. RANSOM: Do I have a motion to approve the request by Paul Florio relating to property located at 26 Scofield Lane to allow a 20 x 37 foot wood frame deck to remain with insufficient side yard? The ordinance requires a minimum side yard of 15 feet and the applicant has 10 feet.

MR. MC GUINNESS: So moved.

MR. DOBIAS: I'll second it.

ROLL CALL

MR. DOBIAS AYE
MS. REGAN AYE
MR. MC GUINNESS AYE
MS. RANSOM AYE

MS. RANSOM: The motion's carried so we'll let the building department know that your deck is okay.

MR. FLORIO: Okay, thank you.

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REGULAR_MEETING _____

APPROVAL_OF_MINUTES_DATED_3/15/10 _____

MS. RANSOM: Okay, the minutes of the March 15 meeting have been distributed, are there any additions or corrections? Hearing none, do I have a motion to approve the minutes?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MR. DOBIAS	AYE
MS. REGAN	AYE
MR. MC GUINNESS	AYE
MS. RANSOM	AYE

MS. RANSOM: With no further business, do I have a motion to adjourn?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MR. DOBIAS	AYE
MS. REGAN	AYE
MR. MC GUINNESS	AYE

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MS. RANSOM

AYE

Respectfully Submitted By:

Frances Roth
Stenographer