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TOWN OF CORNWALL
ZONING BOARD OF APPEALS
AUGUST 18, 2008

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

ALSO PRESENT: ADAM RODD, ESQ.
ZONING BOARD ATTORNEY

GARY VINSON
BUILDING INSPECTOR

ABSENT: WILLIAM LEE

MS. RANSOM: The August 18, 2008 meeting of the Cornwall Zoning Board of Appeals will now come to order. We have an ambitious agenda tonight.

JOHN_&_GINA_TIGHE_-_CONTINUATION

MS. RANSOM: The first public hearing is the continuation of the request of John and Gina Tighe, 101 Filomina Drive. Dr. Tighe, would you like to make your presentation to the board please?

DR. TIGHE: Since our last meeting if I may approach the board since our last meeting we submitted plans drawn up by Bill Hildreth for consideration. Just to reiterate the initial proposal that we submitted to the board was to place a pool in the back yard, there's insufficient back yard really didn't make that work so after a discussion and a meeting here we did what the board recommended that we revise it and have an alternate site chosen and the site we felt probably the best proposed site for that by the board and actually by ourselves was the front yard on the side of the property. And the original reservation we had in going forward with that one was where it's located in so much as it's the front yard though this was probably not going to start but we elected to have that drawn up and you'll see on the plans the proposed location of the pool places it on the side yard where there's a side drive, part of the original structure of the house when it was a model home. It's placed within the setback line that bounds the property in all but about 8 feet which is on the rear setback line placing about 22 feet from the property line 32 feet from the end of the lot towards the street. So it sits in a pretty good location there. We propose a 16 x 36 foot pool in a rectangular shape, around that we propose erecting a four foot privacy fence and 10 feet of deck on one side of that pool, the property fence, one is facing the street and one facing our neighbors and four Jarith aluminum fence on the other two sides of the property, there's a gate and all are submitted for your review.

MS. RANSOM: How about landscaping?

DR. TIGHE: We have rows of trees, arborvitae or something similar to that either along the property line to both sides of the privacy fence and the outside of that the one on the street and the one facing our neighbors.

MS. RANSOM: When you say your neighbors, that would be the Farrell's?

DR. TIGHE: Yes, property of Farrells.

MS. RANSOM: So if this, that was part of the decision to have reasonable landscaping on the Farrell's side as well as the Filomina Drive side that would be agreeable to you?

DR. TIGHE: Yes, in fact, we did propose that, we didn't draw that but that's part of our working plan as how we want to landscape it when it's done.

MS. RANSOM: So something that's relatively tall?

DR. TIGHE: Yeah, large trees about 20 feet apart to allow for avid growth of root balls.

MS. RANSOM: Deck is going on which side?

DR. TIGHE: Interior of the fence 10 feet facing Filomina, 4 feet on all three remaining sides of the pool.

MS. RANSOM: And where would the access to your pool be?

DR. TIGHE: There's a walkway that leads up to the second driveway and you can see that indicated here, it's marked concrete walk, taking that walkway with the group of arborvitae into the gate.

MS. RANSOM: One proposed gate?

DR. TIGHE: That would be the location of the gate, yeah.

MS. RANSOM: Okay, so then--

MR. MC GUINNESS: You show 22 feet and is that minus, there's a walk, is the walkway 4 feet wide?

DR. TIGHE: No, from down to the pool.

MR. MC GUINNESS: So it would be 18 feet to the rock wall?

DR. TIGHE: Right to the rock wall.

MR. MC GUINNESS: Okay.

MR. RODD: Just to clarify the pool is going to be 22 feet from what's considered the rear yard, correct?

DR. TIGHE: Twenty-two feet towards our neighbors from the property line bounding our lot.

MR. RODD: From the rear yard lot line?

DR. TIGHE: From our neighbor, Farrell.

MR. RODD: From Filomina Drive on the side it's going to be set back 32 feet?

DR. TIGHE: Thirty-two feet, that's actually from the end of the usable part of the property there's an eight foot easement in front of the property there but that's not taken into consideration.

MS. RANSOM: So do we still need a rear yard variance then or is that still considered a side yard?

MR. RODD: Well, it would seem to me that pursuant to

the statute that we're looking at a side yard variance, that part of the pool is located in the side yard.

MR. VINSON: The lot has two front yards so it's between a principal building and the street line, it would be in a required front yard, it would be a variance to allow the 16 x 32 above-ground pool in a required front yard on the Filomina side.

MS. RANSOM: But it still needs to be a certain distance from the property line of the Farrells.

MR. VINSON: If we were using that as a side yard 15 foot is what would be required.

MS. RANSOM: So and he's got 18.

MR. VINSON: I wouldn't identify that as a side cause the ordinance says corner lot you're required to have two front yards, one of the other yards is deemed the rear and then the other one is deemed a side, so we would deem the side Farrell, the rear to the left where it says Dempsey would be the side and they have two front yards on Filomina, that would be the way the building department would approach it.

MR. RODD: So we're talking according to the code then as a setback to place a pool?

MR. VINSON: In a required front yard.

MR. RODD: In a required front yard.

MR. VINSON: Yes, and that's based on the direction that the board gave the applicant to proceed.

MR. RODD: Okay.

MS. RANSOM: We don't need any setback variances?

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MR. VINSON: Correct.

MS. RANSOM: Ted, any questions?

MR. DOBIAS: No, ma'am.

MS. RANSOM: Is there anyone in the audience who'd like to speak to this issue? I guess the only other question I have is how far apart are you planning to plant the trees?

DR. TIGHE: Well, we have been instructed by an arborist to put trees that size about 20 feet apart.

MS. RANSOM: Anything else?

MS. REGAN: No.

MS. RANSOM: Anything else you'd like to add? We have a long night, you're welcome to stay or contact Gary in the morning.

DR. TICHE: I'll have to leave, I'm on call this evening.

MS. RANSOM: Okay, thank you.

HENNESSEY, _LOPRESTI_ & _FUNCK_ - _CONTINUATION

MS. RANSOM: Next public hearing is the continuation of Hennessey, LoPresti & Funck, 20 North Street seeking an area variance for insufficient road frontage for the Funck. Let the record show that we have received additional correspondence from Patricia and Henry Kryzak as well as a letter dated August 12 from the Kryzaks, a letter dated August 5 from Patricia Kryzak as well as additional documents.

MS. RANSOM: Mr. LoPresti, would like to make your presentation? We'll open it for the public.

MR. LOPRESTI: Yes, good evening, Madam Chairman and members of the board, we're here tonight to discuss the continuation of a waiver for a variance for the Funck lot is what we're here for. We're seeking a variance for the Funck lot for insufficient road frontage. As it's to my understanding the planning board has received all the information and all the documentation and the maps and we're asked, I also have some other information that I'd like to submit if at all possible.

MS. RANSOM: Okay.

MR. LOPRESTI: May I approach?

MS. RANSOM: Yes, please.

MR. LOPRESTI: There's some of the reasons, there's some pictures about the drainage issues that were one of the concerns for the road.

MS. RANSOM: Well, the drainage is not an issue before this board so that's a planning board issue, give those back to you.

MR. LOPRESTI: Not a problem. This is the seven letters here after reviewing the information that Mr.

and Mrs. Kryzak had submitted to the board I'd like to submit.

MS. RANSOM: Before we get too crazy tonight, we're here only for a variance for road frontage. This board does not have the authority to decide anything to do with access to one's house, that's not within our realm of responsibility. So we're not going to entertain any additional comments about access to the Kryzak's home.

MR. LOPRESTI: That's great, actually. So as far as I understand it in the board's favor--

MS. RANSOM: So we're talking then strictly about the Funck property will have the only access they'll have is on Stonybrook.

MR. LOPRESTI: Yes, which I also have pictures of the Funck's property that might also clarify some of the confusion on how the Funcks access and what exactly--

MS. RANSOM: Just to reiterate, you're not making any changes to the property? There are two houses--

MR. LOPRESTI: Yes, ma'am.

MS. RANSOM: --on the property. The only thing you're going to do is put two houses on separate lots, nothing else is changing on this parcel.

MR. LOPRESTI: Nothing at all is changing on the parcel, just on official subdivision between the two existing structures that are on the same parcel.

MS. RANSOM: And your private driveway is known as North Street?

MR. LOPRESTI: North Street Extension, thank you. These are the pictures, that's the bridge that the Funcks access their property through, if you flip

through you can see pretty much it shows you a little detail.

MS. RANSOM: Okay. Anything else you'd like to add?

MR. LOPRESTI: No, that's all, Madam Chairman.

MS. REGAN: I have a quick question. The framed barn that's on the property, what are you going to do with that?

MR. LOPRESTI: We'd like to restore it and pretty much use it for tool storage.

MS. REGAN: Which lot will that stay with?

MR. LOPRESTI: With the first lot which is with the smaller house over here cause it stays on that parcel right there.

MS. RANSOM: So that's across the private drive though?

MR. LOPRESTI: Yes, ma'am, yes, it is.

MS. RANSOM: That's lot 2, correct?

MS. REGAN: Yes.

MR. LOPRESTI: Yes, ma'am.

MS. RANSOM: Then the only road frontage Mr. Funck will have is the 20 feet on Stonybrook?

MR. LOPRESTI: Yes, ma'am, which he accesses through the bridge, the bridge is 12 foot so it's less than the 20 foot that he needs to have as of right now but that would be the only entrance to and from his parcel.

MS. RANSOM: Mike, any other questions?

MR. MC GUINNESS: Not at this particular time.

MS. REGAN: No.

MR. DOBIAS: No.

MS. RANSOM: I'm going to open it to the public but we're going to stick strictly to the question at hand, we're not going to discuss access. Could I have your name and address for the record, please?

MR. KRYZAK: Harry Kryzak. This is from the attorney.

MS. RANSOM: Thank you.

MR. KRYZAK: My name is Harry Kryzak, I live on the corner and I have no objection what the gentleman is doing down there except the frontage. There were probably 200 people when the piece of proper was on the market, 200 people who were turned down because the building department says it cannot be divided, cannot be subdivided so there must have been about 100 or 200 people who are turned away from the piece of property till those two boys came along and bought it and most problems are Mr. Funck if they get the subdivision then they'll buy that right-of-way so. Since then they have been harassing us, they beat my son up that gentleman actually pushed my wife.

MS. RANSOM: We're not going to discuss civil issues, this is a zoning board.

MR. KRYZAK: There's no frontage here, the frontage begins after our property, it's just a 22 foot inside the property and that comes directly to our house to our left house, we have been taking care of the drainage, we have been taking care of the bushes for many years.

MS. RANSOM: As was discussed last month it is a

request for a 70 foot variance cause there's no road frontage. This board is aware of that. Anything new you'd like to add?

MR. KRYZAK: We object for the record therefore because of the harassment they have given us and the tremendous traffic that will accumulate on that piece of property. They are trying to turn that piece of property into a commercial property and we have to consider also water is a very important thing now according to the gentleman in the back he says he wants to put a 7,000 square foot home there with a swimming pool. Where is the water coming from?

MS. RANSOM: Wait a minute, nothing has been presented to this board that anything about a 7,000 square foot home, we're talking about two houses that already exist, that's it, that's all we have in front of us right now. So if we can stick to that.

MR. KRYZAK: Why are they going for a subdivision, they want to build?

MS. RANSOM: They're looking to put these two houses on two separate lots instead of one lot.

MR. KRYZAK: That's a historical house, why are they taking that house away?

MS. RANSOM: No one said anything about taking the house away, I haven't heard a thing to that testimony.

MR. KRYZAK: There's a reason, everything in life has a reason, I believe very strongly that they are going for subdivision, once they get the subdivision they'll go for other things, other things.

MR. VINSON: But they are entitled to do that. Anyone is entitled to do that after, that's not the question at hand here tonight.

MR. KRYZAK: Yeah, but what bugs me so much is that so many people were turned away by the building department because it cannot be subdivided. I will rest my case. Thank you.

MS. RANSOM: Can we have your name?

MRS. KRYZAK: Patricia Kryzak. I would like to reiterate that I am totally against this proposed variance because I would also like to reiterate that the Funck property which is adjacent to us and which is involved in this proposed decision I would say proposed again has been taken care of, maintained notoriously by us, by us for seven years. And I have a letter from the people that was there before for 37 years, they maintained it openly and notoriously and we took care of the hedges, the property, the culvert, at the time that there was a big leakage about three years ago when the water main broke it was right in our property and we assisted in that and I keep that drain open all the time. And I was stopped, my son was slammed down on the road and three men went on him of those people and my grandson.

MS. RANSOM: We have to stick to the zoning issue please, this is not a court of law, this is not a civil court, this is a zoning board, we're strictly speaking to the zoning issues please.

MRS. KRYZAK: I'm scared, I'm scared of these people.

MS. RANSOM: This is a police matter, that's a court matter, it is not a zoning issue.

MRS. KRYZAK: The police were there four or five times, we were threatened big time and they said they were going to bulldoze the property.

MS. RANSOM: Again, this is not a zoning issue, we need

to stick strictly, we'll enter the information that has been submitted by Daniel Bloom, the attorney for the Kryzaks into the record, but any additional comments have to be strictly related to the request for the variance, not about any personal issues, any maintenance of the property, those are not in question here.

MRS. KRYZAK: And the easement that we have also.

MS. RANSOM: That again is a civil matter.

MRS. KRYZAK: Well, it definitely has to do with this proposed variance that they are looking for. I don't know why it is a separate matter if it's involved with it, I can't understand that.

MS. RANSOM: That's not the issue here whether you have access to that property is not an issue that this board has any jurisdiction to decide. This board strictly has the authority to grant a variance, that's all we have the authority to do.

MRS. KRYZAK: And I totally am against that variance because of what I said. Thank you.

MS. RANSOM: We'll take that into consideration. Thank you for your comments.

MRS. KRYZAK: Thank you.

MS. RANSOM: Mr. LoPresti, anything else you'd like to add?

MR. LOPRESTI: I'd like nothing else.

MS. RANSOM: Anyone else who'd like to speak to this issue? Okay, I don't know if we'll get to this tonight, if there's anything else, any other questions up here? Thank you very much.

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MR. LOPRESTI: Thank you.

GINSBERG_DEVELOPMENT_COMPANIES_-_CONTINUATION

MS. RANSOM: Next is the continuation of the request of Ginsberg Development Companies to allow a sign on Route 9W.

Mr. Jack O'Connell appeared before the board for this proposal.

MR. O'CONNELL: Good evening, as we were here last month I think everything was stated, I don't think we really have anything much to add other than we received a letter from the county that said it's a local determination. And we just ask that the board consider this in this hard market that we're in that we're able to place a sign along Route 9W, it's single faced parallel to the road and it's below the required size.

MS. RANSOM: And you're agreeable if the board should decide to limit the hours of illumination?

MR. O'CONNELL: Depending on the, what the hours are, sure.

MS. RANSOM: Okay, I know the sign on Willow Avenue goes off at what time?

MR. O'CONNELL: I do not know that, I'm sorry.

MS. RANSOM: But that's in a residential area, this is on 9W but what hour would you feel is fair and agreeable should the board choose to shut the lights off on the sign?

MR. O'CONNELL: Midnight.

MS. RANSOM: That's your, I think the board will discuss it, but that would be your request, is that it, stay on till midnight?

MR. O'CONNELL: Sure. Actually, I would request that if we decide to leave it on all night that we'd be allowed only cause it's not glaring on anyone else's property, no residential, not even on commercial property, it's not a bright light, it's only illuminating directly onto the sign and nothing else so I would ask that we be allowed.

MR. VINSON: You're asking for no restriction?

MR. O'CONNELL: No restriction.

MS. RANSOM: So it's a small light that's going to shine from the ground up on the sign?

MR. O'CONNELL: Yes.

MS. RANSOM: And you're no longer requesting the sign variance because it's going to be the 19 square feet that's within code?

MR. O'CONNELL: Correct.

MS. RANSOM: Is there anyone in the audience who'd like to speak to this issue? Mike, any questions?

MR. MC GUINNESS: No.

MS. REGAN: I just I asked it the last meeting, how will people know where it is? Should you put maybe exit here so people know where it is, if you just have that sign how do people not familiar find it?

MR. VINSON: Talking about the construction entrance, what's to prevent them from going into the construction entrance.

MR. O'CONNELL: Construction says construction access only, the sign is on the property. I do understand what you're talking about but then that specific

driveway is a construction access only.

MS. REGAN: But if you said exit here, that kind of puts them right where you want them to be, otherwise, they don't have a clue where it is.

MR. O'CONNELL: Okay, well, just a, I'm thinking out loud here, so if since we already have the application for the larger sign variance and I don't even know if it would be required but if we had a hanging, like a realtor sign?

MR. VINSON: If they put it in the decision they'd like it I'll allow it.

MR. O'CONNELL: Just a hanging arrow to this exit or exit Willow Avenue or exit Willow would be big enough to see hanging below.

MS. REGAN: Cause people go by, they don't know where they're going.

MS. RANSOM: So now we're asking for a sign that meets the requirements with a little extra. That doesn't--

MR. O'CONNELL: But I'm not sure if it requires a variance to be quite honest with you because it would hang underneath so--

MS. RANSOM: But if it exceeds 19 square feet overall it would need a variance.

MR. VINSON: But he's not asking for it, the board members are asking for him to do it.

MS. REGAN: No, no, it was a suggestion so people aren't confused, that's all.

MS. RANSOM: Are we modifying this request or are we talking about 19 square feet?

MR. O'CONNELL: We'd like to keep it 19 square feet because it has the information, has the website and the phone number on it.

MS. RANSOM: Okay. Anyone else like to speak to this issue? Okay, thank you.

MR. O'CONNELL: Just another comment, it's more informative, not directional, so thank you.

THOMAS_DOBSON

MS. REGAN: Next is the request by Thomas Dobson, 8 Country Lane. We're going to read the notice. Notice is hereby given that the Zoning Board of Appeals of the Town of Cornwall, County of Orange, State of New York will hold a public hearing at the Town Hall, 183 Main Street, Cornwall, New York on August 18, 2008 at 7:30 p.m. or soon thereafter as the matter can be heard on the application of Thomas Dobson relating to property located at 8 Country Lane and designated on the tax map as section 39, block 5, lot 3. The applicant seeks an area variance to Section 158-12, Part 1, SLR district, use group be, column number 5 and 6 of the zoning ordinance in order to construct a 29 foot by 22 foot one story addition and a 12 foot by 16 feet six inch deck with insufficient front yard and side yard. The ordinance requires 60 foot front yard and a minimum side yard of 30 feet with a total side yard of 80 feet. The applicant proposes a 20 foot front yard, a minimum side yard of 25 feet and a total side yard of 65 feet. The Zoning Board of Appeals will at the above time and place hear all persons interested in the application. All written communication should be received by the board at or prior to the hearing. Dated: July 22, 2008 by Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

Mr. Thomas Dobson appeared before the board for this proposal.

MR. DOBSON: Hello. Basically, I'm requesting this simply because it's really the only option I have to expand my house. The existing house is on piers so I didn't have the option to go up, to go out the back would put it over my septic field so that was not an option either. To put it out the front was the best compromise, the lot is narrow to begin with and the house existing does not meet the existing codes as it is today. In order to keep the property in the

character of the neighborhood a cottage style I felt that this was the best compromise available. The front property goes to the property line but it does extend somewhat beyond that, that property that I have been taking care of because that goes actually to the lane being a private road. So it looks considerably longer than 20 feet, 20 feet is the actual property line. The side yard for me to stay within the code the building couldn't be anymore than 10 feet wide and obviously that's not a lot of space.

MS. RANSOM: So you're requesting a 40 foot front yard variance basically?

MR. DOBSON: I believe so, yes.

MS. RANSOM: Is there a house passed you on Country Lane?

MR. DOBSON: Yes, there is, it's the first home, it's at the very end, actually, he's the closest one to the addition and Mr. Fryer has made a request, there's presently a natural screening between the properties but Mr. Fryer is requesting that I put up a 6 foot fence, privacy fence along that area and I certainly have no objection to doing that.

MS. RANSOM: When you say a 6 foot fence you're talking about along the side of your addition?

MR. DOBSON: If I may approach?

MS. RANSOM: Yes, please.

MR. DOBSON: The Fryer's property is here from the corner here to behind this spruce tree and that will block the view from his property to mine.

MS. RANSOM: What kind of vegetation is there other than the blue spruce?

MR. DOBSON: Nature has taken over, there is a variety of shrubs there but fox grape and wisteria and so forth that's overgrown.

MR. DOBIAS: Stone wall in good shape?

MR. DOBSON: Relatively good shape, certainly hasn't been disturbed except by the occasional deer.

MR. RODD: Just to identify the fence by compass direction, would that be on the east side yard?

MR. DOBSON: From this corner here up.

MR. RODD: That would be the east?

MR. DOBSON: Yes.

MR. RODD: How long would the fence be?

MR. DOBSON: I really haven't determined, I would have to figure it would be at least 40 feet.

MS. RANSOM: Let the record show we have received correspondence from John and Susan Rhea (phonetic), Chris and Dee Fryer, James Niblo and Andrea Schneider and those are here if anyone would like to take a look at them.

MR. DOBSON: Thank you.

MS. RANSOM: Okay, I don't think the board's done yet.

MR. DOBSON: I didn't want to invade your space.

MS. RANSOM: Okay.

MR. DOBSON: One other thing it shows an optional deck, this was an addition that my architect made, I really

don't intend to put a deck there, it really doesn't make sense. It's basically a flat area, I would eventually probably put a patio there but certainly not a deck.

MS. RANSOM: So then the house, is the house itself is going to be 40 feet from the or 20 feet from the road?

MR. DOBSON: Exactly.

MS. RANSOM: Not the deck?

MR. DOBSON: Right.

MS. RANSOM: And you're going to redo your current house?

MR. DOBSON: Yes, I am.

MS. RANSOM: So when you add this addition you're going to re-side the whole thing?

MR. DOBSON: Exactly, and one area near the fireplace I'm going to put a bay window that will match a bay in the master bedroom creating a little bit of courtyard around the red maple right in the area.

MS. RANSOM: Are you planning to put any, you mentioned that nature had taken over here along this line you share with the Fryers, had you planned to do any actual planting of anything other than put the fence up?

MR. DOBSON: I would like to, it's, I certainly want to make sure to soften it and to put some shrubs that are manageable in front of it every probably every six or eight feet.

MS. RANSOM: Now you're not going to move the driveway, the driveway that's along the--

MR. DOBSON: No.

MS. RANSOM: Going to remain?

MR. DOBSON: No changes in that regard.

MR. RODD: You're not asking for the deck?

MR. DOBSON: No, I am not asking for the deck.

MR. RODD: Okay, so the 12 foot by 10 foot 6 inch deck is not going to be a part of this?

MR. DOBSON: It's not going to be there. I really didn't intend it, I mentioned that I wanted a patio and the architect became generous quite frankly. Within that area is my well, it wouldn't make any sense for me to put a deck there.

MS. RANSOM: Gary, we still stick with the side yard setbacks that they have?

MR. VINSON: Yes.

MS. RANSOM: Cause the deck wasn't really involved.

MR. VINSON: No, the addition would be in line with it.

MS. RANSOM: The addition required these setbacks?

MR. VINSON: Yes.

MS. RANSOM: Is there anyone in the audience who'd like to speak to this issue? Can we have your name and address?

MR. FRYER: My name is Chris Fryer and I'm at 10 Country Lane just below Tom's house. And if I could just present this, this is just a note that we drafted between us just reiterating that Mr. Dobson will put up

a privacy fence along the property line between us.

MS. RANSOM: Okay, now, you have 6 feet to 8 feet in height and you know the ordinance does not allow anything over 6 1/2 feet?

MR. FRYER: Well then fine, whatever meets the ordinance, we don't need a variance for that and otherwise we have no objection.

MS. RANSOM: Thank you. Is there anyone else who'd like to speak?

MS. SCHNEIDER: I'm Andrea Schneider from 6 Country Lane and I totally want construction or the addition, anything that brings my house value up I'm all for it.

MS. RANSOM: Thank you very much. Anything else you'd like to add for the record?

MR. DOBSON: That's all. The only thing is that I have been in this dwelling for almost 15 years, I have been planning to do this for a long time. My wife passed away some 10 years ago and to be honest, investment here is the only thing I have to leave my children so I'd like to make the most of it.

MS. RANSOM: You're doubling the size of your living area.

MR. DOBSON: Just about, it's a very small home to begin with.

MS. RANSOM: It's 800 square feet right, going, to 1,555.

MR. DOBSON: Right.

MS. RANSOM: Okay, Ted, anything else?

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MR. DOBIAS: No, ma'am.

MS. RANSOM: Thank you very much.

MR. DOBSON: Thank you for your time.

MAPLE_HILL_ROAD,_LLC

MS. RANSOM: Next is Maple Hill Road, request of Maple Hill Road, LLC. Notice is hereby given that the Zoning Board of Appeals of the Town of Cornwall, County of Orange, State of New York will hold a public hearing at the Town Hall, 183 Main Street, Cornwall, New York on August 18, 2008 at 7:30 p.m. or soon thereafter as the matter can be heard on the application of Maple Hill Road, LLC relating to property located at 451 Maple Hill Road and designated on the tax map as section 33, block 1, lot 32,2. The applicant seeks a variance to Section 280-a of Town Law in order to construct a single family dwelling on an existing lot that does not front on an existing roadway and will be accessed via an easement on the adjoining lot. The Zoning Board of Appeals will at the above time and place hear all persons interested in the application. All written communication should be received by the board at or prior to the hearing. Dated: July 30, 2008 by Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

MR. O'ROURKE: Good evening, I'm John O'Rourke with Lanc & Tully Engineering representing the applicant. Basically, what you read is why we're here. There's an existing lot, our survey department researched it, it was created prior to 1910 is the earliest reference in Orange County Clerk's Office but they do reference a previous subdivision in the late 1800s. There's an existing lot, what we propose to do is have an access easement over the adjoining lot with the paved drive down to this lot. Again, it has no road frontage, unfortunately, the lot was existing, the road was never extended that far. We submitted plans if you want to, I also have the affidavit of publication.

MS. RANSOM: This lot is a long ways down.

MR. O'ROURKE: That's correct.

MS. RANSOM: The County, I'm sure you saw the County's response.

MR. O'ROURKE: No, we have not received the County's response.

MS. RANSOM: They are very concerned about the hundred year flood plain and drainage and the fact that you have two streams right there as well as, so I guess, I mean, obviously you need an awful lot of fill to even get a road down there.

MR. O'ROURKE: Yes, if you look at the--

MR. VINSON: That's the Planning Department response.

MS. RANSOM: I didn't see in the package anything from either the fire department or other emergency services, mostly the fire department that they can adequately get apparatus in and out of this location.

MR. O'ROURKE: That's correct, we had submitted to the fire chief, we have not heard back from him. My understanding he's on vacation at the moment. Any conditions that he wants we certainly would cooperate, we did show a proposed turnaround at the base of the driveway for any emergency vehicles here, this is the road up here and this would be the access down through here. We also propose the access to be paved as well we do show grading around the house to raise it out of the flood zone.

MS. RANSOM: So what's, I mean, what's the slope to get down there though?

MR. O'ROURKE: The proposed driveway slope is I think 15 percent.

MR. VINSON: That's the maximum the code allows, Madam

Chairman.

MS. RANSOM: Thank you. Okay, so obviously we can't do anything until the fire department tells us that they can get vehicles in and out of that location.

MR. O'ROURKE: We understand unfortunately because of the vacation schedule he didn't get anything out to you.

MS. RANSOM: Mike, questions being our resident fire person?

MR. MC GUINNESS: You're saying the slopes are going to be no more than 15 percent?

MR. O'ROURKE: That's correct, and that's what we have shown on the design.

MS. RANSOM: Is there any way that Maple Hill Road could be counted down through there, I mean, is it--

MR. O'ROURKE: Not meeting town specifications, no.

MS. RANSOM: So how wide are you proposing that this road is going to be though?

MR. O'ROURKE: The access drive I believe is 12 feet in width.

MS. RANSOM: Is that wide enough for a fire truck?

MR. DOBIAS: I don't think so.

MR. VINSON: I think he'd like to refer to the fire chief is what his desire is.

MS. RANSOM: That doesn't seem wide enough.

MR. O'ROURKE: Well, again, if the fire chief would

like 15 feet we'll give him that. Basically we'll give him whatever he wants. We want to have the house safe as well.

MS. RANSOM: Okay, so you have the turnaround, how many feet is the turnaround from the proposed driveway that's going to be by the house, how far is this?

MR. O'ROURKE: If I may, this is a 30 scale so from here to here is, from here to the house is approximately 60 feet.

MS. RANSOM: Ted, any questions?

MR. DOBIAS: No.

MS. REGAN: No.

MR. MC GUINNESS: Not at this time.

MS. RANSOM: Is there anyone in the audience who'd like to speak to this issue?

MR. O'ROURKE: We're just trying to make the best of a situation that's existing, it's a lot that's previous and basically getting the easement over the neighbors is the best way we can see to do it.

MS. RANSOM: I would have two things that I feel we would need some sort of response to the County's concerns, they have left it to local determination but they certainly point out some interesting concerns as well as we need something from the fire department that the proposed driveway can be accessed by all emergency equipment.

MR. O'ROURKE: Certainly, what we can do is we can respond to this in writing to your board and then in the meantime we'll get ahold of the fire chief and get his response. Our hope is to meet with him beforehand

if he has anything we can put it on the plan, if he doesn't we can get a letter from him stating that it's okay.

MS. RANSOM: Then at this point we'll leave the hearing open until our September meeting.

MR. O'ROURKE: Thank you very much for your time.

MR. VINSON: If you're not able to secure that document for September's meeting that you write and request to come later on, there's no sense to come if you don't have it.

MR. O'ROURKE: That's not a problem. Thank you.

JEHOVAH'S_WITNESSES-CORNWALL_CONGREGATION

MS. RANSOM: Next public hearing this evening is on the request of the Jehovah Witness-Cornwall Congregation, 25 Beakes Road. Notice is hereby given that the Zoning Board of Appeals of the Town of Cornwall, County of Orange, State of New York will hold a public hearing at the Town Hall, 183 Main Street, Cornwall, New York on August 18, 2008 at 7:30 p.m. or soon thereafter as the matter can be heard on the application of The Cornwall Congregation of Jehovah's Witnesses relating to property located at 25 Beakes Road and designated on the tax map as section 4, block 3, lot 10 and 11. The applicant seeks an area variance to Section 158-12, Part One, SR-1 District, Use Group E, Column #3, 5 and 6 of the Zoning Ordinance in order to construct a new worship hall with insufficient lot area, front yard and minimum side yard areas. The applicant proposes a gross lot area of 89,063 square feet, a net lot area of 49,113 square feet where 80,000 square feet is required. The applicant proposes a 22.6' front yard where 50' is required, and a minimum side yard of 35.5' where 50' is required. In addition, the applicant also seeks a variance to Section 158-18 H (2) (1)(2) of the Zoning Ordinance in order to allow a 30 square foot sign where 12 square foot is permitted. The Zoning Board of Appeals will at the above time and place hear all persons interested in the application. All written communication should be received by the board at or prior to the hearing. Dated: July 30, 2008 by Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

Mr. James Pendergraft appeared before the board for this proposal.

MR. PENDERGRAFT: Good evening, Miss Ransom and board members, thank you for giving me an opportunity to speak on this. Essentially, I'd just like to give you a just a brief thumbnail sketch of the history--

MS. RANSOM: Can we get your name and address?

MR. PENDERGRAFT: My name is James Pendergraft,
P-E-N-D-E-R-G-R-A-F-T.

MS. RANSOM: And are you a member of the, of this
congregation or are you the attorney?

MR. PENDERGRAFT: No, I'm one of gentlemen who is a
Witness and I work with the congregation with the
construction of Kingdom Halls in New York State.

MS. RANSOM: Thank you.

MR. PENDERGRAFT: So, essentially, what we have here is
just showing what the existing Kingdom Hall looks like
and the current site conditions. The existing hall is
about 3,000 square feet but it has two floors which
gives a usable, of about 5,800 square feet and as you
see there's stairs coming into the rear of the building
as well as the front and then there's a set of stairs
going down the end of the lower level. Both levels are
fully usable. There's been a lot of time and money
spent over the years to mitigate moisture problems with
the building. Right now, we have a masonry foundation
and as a result it's become problematic for us. So
also too as you note we do have a handicapped ramp
coming up the back side of the building, this was
installed later, the building is about 40 years old so
this was put in afterwards but for elderly parishioners
as well as handicapped individuals. It does make the
somewhat problematic to get into the main auditorium as
well as to have access fully to both levels of the
building. So what we have done we have designed
another building as is shown here and the proposed
Kingdom Hall is 5,000 square feet with 180 seatatorium,
it's a slab on grade construction with the handicapped
accessibility, no steps, so this way a platform and
everything, every aspect of it would be accessible both

from a handicapped as well as for our elderly parishioners. There's currently a line here that indicates two lots which we own both lots would be combined in the process. We're also going to be installing a storm water management system. Currently, we have sheet flow coming off the property into the back and down to Route 32 but with the storm water requirements we'll have an galley system here which will manage that storm water runoff per current requirements of New York State. So the new building would also be efficient and give access, greater accessibility to elderly and handicapped both in our congregation as well as to the community. So I thought I'd go through the five points if I could. The first one is why will the variance not produce an undesirable change in the character of the neighborhood? The existing parking and building area as you note are very similar in size. I can just put this down here and you can graphically see the our grassed area is about the same, the amount of area that would be mowed. The paved area represents about an 18 percent increase over what we currently have. The side area variance as shown in the picture there's a stone wall here, it's about 3 feet high as well as some vegetation that provides additional screening and I will comment a little bit about that later. The front yard we would also need a variance for that. The reason why the building is positioned here and not farther back is because we have a steep slope greater than 25 percent. So as a result it would require expensive retaining walls in order to move the building farther back, that's why we need that variance there. Currently our septic system, our leach field is in this area. Our engineer did some test pits and we found that the only percable ground was really up in this area, so that's another thing that caused us to move the building to the northern side where it's located. The sign's existing, there's two signs that are 3 x 5 and they predated the current requirements and I will have some pictures I'd like to show you of this as well. So what

we're proposing is requesting a variance for this as well which would give us a roughly the same signage area. So why can the benefits sought not be obtained by some method other than an area variance? Well, the lot area in order to construct a new facility with a slab on grade without a basement is why we need the variance to be granted for the lot area. And then as mentioned, this construction slab on grade facility would be friendlier for handicapped as well as elderly members of the congregation. Also too if we were to take and try to renovate this building to create a similar condition again it's really not feasible, this elevation is about three to four feet above this grade and this is several feet above this grade so it would require additional fill which just wouldn't be practical for the site. And again we mentioned about the side yard variance being requested as well, the reason for that if we were to bring this to a 50 foot setback what that would do is cause us to lose some of parking spaces. Now the current code requires one parking space for every three seats so this gives us adequate parking for the 180 seat auditorium. And the front yard variance is needed due to the positioning of the building and again we have a steep slope requirement so we can't move the building back. That's why we're requesting this as well. The signage again we're requesting that, we do have visiting speakers and also ones that we invite to our meetings and this would just facilitate their being able to locate the hall a little bit easier. Why is the requested variance not substantial and list any mitigating factors? Well, the required lot area is 80,000 square feet, by combining both lots, we own about 89,000 square feet, but the problem is with the steep slope requirement we lose about 25,000 square feet with that, we lose about 6,000 square feet with the New York State right-of-way and also we're dedicating 8,700 square feet to the town to give the road a future. So this is the reason why we're requesting the lot area variance. As far as side area maybe I can show you a picture here, it might,

I'll straighten it a little bit better. I hope this is okay. You can see that this picture is taken, well, I can show you exactly where it's taken, it's taken about this location looking back this way so really this site plan doesn't show this adequately, this wall it's about three foot high on the other side the adjacent property slopes down so it's actually higher. These three trees are shown in the pictures here but you also see additional growth here which we would maintain on its current location and some of that growth too is on the other side of the stone wall so it illustrates the screening that we have. As far as the front yard is concerned, the requirement is 50 feet, we're proposing 22.6 feet and again a mitigating factor here is that we're dedicating a portion of this to the town which if we weren't doing that then the requirement variance would not be as great. The sign, let's see, the required sign area is 12 square feet, we're asking for 30 square feet, put this up here you can see it, I don't know if you've been by the facility or not, perhaps you have but these are the current signage that we have in place. This triangular cluster of trees one sign is facing south, the other one here is facing north, so you see it blends in well with the environment. Now, on our plan that I gave to you as part of our submittal package we were showing brick piers on each side of the sign and then we were showing some plantings in the front to make it look like a garden so that would be also well maintained. But if you would have a suggestion on something else you would want there we would certainly do that as well.

MR. RODD: How large is the existing sign?

MR. PENDERGRAFT: Square feet it's 3 x 5 and there's one on this side and this side and again this has been here for many decades so it predated the 12 square foot requirement.

MR. RODD: So the current sign is 30 square feet?

MR. PENDERGRAFT: That's correct. And again with the landscaping we would duplicate what we have with this. So to explain why the proposed variances will not have an adverse affect or impact on the environmental conditions in the neighborhood, in the district. The use of the building would remain the same as it has for the last 40 years, the building will be more energy efficient, there wouldn't be any additional traffic. Now, currently we have two congregations that meet here, one is English and the other is Spanish. Right now, the English and the Spanish have three meetings per week, in January of '09, that arrangement will be changed for all Kingdom Halls earthwide to where we'll be going to two meetings a week. So actually the usage of the building will decrease as far as having the flow there. But again what we represent is what's currently in place so it will not have any negative impact that way and of course with the new building it would be more energy efficient therefore more environmentally friendly. So we're asked to explain how the hardship imposed upon the applicant by the applicable zoning regulations arose, specifically stating if the situation was self-created. Well, these variances we're requesting are due to the construction of the new Kingdom Hall on the existing site, if the site were somewhere else, we wouldn't have the steep slope required, we wouldn't have the requirements for New York State DOT and so forth. So that's kind of a thumbnail sketch of what we're proposing and the variances we're asking for.

MS. RANSOM: Okay, so the old hall is going to remain until the new one is completed?

MR. PENDERGRAFT: Well, what we would do is our first phase of construction we would demolish the existing hall, we would have to of course put in our silt fence and hay bales for our storm water management system around the perimeter of the property and this building

would be removed and then the new hall would be constructed on the other side.

MS. RANSOM: So the new hall is going to be on the other side of the property?

MR. PENDERGRAFT: That's correct. Let me just put this down here if I could, the existing hall is down in this area here and the new hall is on the northern end of the property.

MS. RANSOM: And that's the best design rather than placing the hall more in the center and putting the parking on both sides?

MR. PENDERGRAFT: We attempted to do that and again with the percable ground that was our first problem where can we find percable ground. This is the best ground we have for perc here for the septic system. Currently, we have a strip back here that we're using and again it's been in place for 40 years, we have it inspected on a regular basis but it was felt that it would be best to relocate that to a different area.

MS. RANSOM: Does the hall own the property down to 32?

MR. PENDERGRAFT: Yes.

MS. RANSOM: So that's all part of this site so between Beakes Road and 32?

MR. PENDERGRAFT: Yes.

MS. RANSOM: Is there a house on this property right now?

MR. PENDERGRAFT: No, that's a little shed that would be a new shed, this is an existing shed that we have here currently and that's just for lawn maintenance equipment, that type of thing rather than storing that

in the building itself.

MS. RANSOM: And you say the new shed is going to be constructed on the site or is that shed going to be, it can't be utilized because that's kind of in the middle of the building now right.

MR. PENDERGRAFT: No, we'd construct a new shed and we'd want the roof to match the proposed roof.

MS. RANSOM: But the shed is going to be right off of the proposed building, it's not going to be in the back?

MR. PENDERGRAFT: It's in the back and I believe there's 10 or 15 feet between where the shed is located here and the proposed building so it would be off the southeast corner.

MS. RANSOM: Okay.

MR. PENDERGRAFT: But the existing shed would be removed.

MS. RANSOM: So right now you own both of these parcels?

MR. PENDERGRAFT: Yes, that is correct.

MS. RANSOM: But right now the hall is only on one of the parcels and the shed is on the other?

MR. PENDERGRAFT: That's correct, what happened was there was a house here and when the person moved we purchased this and then basically you see this area here it's somewhat gray, we use this as parking as well but it's kind of a small gravelly type material, it's not paved whereas this area is asphalt through here.

MS. RANSOM: Mike?

MR. MC GUINNESS: How much higher is the new building going to be?

MR. PENDERGRAFT: That's a good question. I believe it will be at or just slightly above, I'm actually thinking it would be equal to or possibly less than.

MR. MC GUINNESS: Okay.

MR. PENDERGRAFT: Because here and I don't have the picture showing it very well but coming into the building we actually come up five stairs to this landing and then we have that level and then we have the full basement area as well so this grade is fairly flat through here as you can see so I believe it would be very close to that elevation.

MR. MC GUINNESS: You stated that it was going to be slab on grade so I was just curious how much higher it was going to be?

MR. PENDERGRAFT: We're not going for tow levels, it would be one flat level and this would facilitate elderly members of the congregation having full access without encumbrance.

MS. RANSOM: How many square feet is the current hall versus the second new hall?

MR. PENDERGRAFT: The current hall is just over 3,000 square feet on as a footprint with the two levels together it's just over 6,000, this would be I believe it's about 4,800 or it's 5,000 square feet with the new structure.

MS. RANSOM: And a two story building is not a question because of your elderly parishioners you want them to have access to the entire building?

MR. PENDERGRAFT: That's correct. Essentially, what we have and I don't really show a floor plan here but we have a main auditorium here and then we have several rooms adjacent to that that we use for schools and smaller meetings and we have a place for literature and place for sound by the primary and at this end of the building we have a small platform about this high about six inches high and we have a lectern. With the current design when people drive in they can get wet, there's canopies here but you can't really drive through so here they would be able to drive through and have access coming directly into the building.

MS. REGAN: What material are you proposing for the exterior of the building?

MR. PENDERGRAFT: That's under review, we're currently looking at brick. We want something that aesthetically fits in with the neighboring homes. The Orange County Planning Department in their review made a comment that it is a very handsome building the way it is and it is but when you get up close and look at it you can see it's 40 plus years old. I was going to bring some pictures of other projects that we have had in the area, I neglected to do this and I apologize but this building would be a gem in the community.

MS. REGAN: I was just going to ask that the one on Little Britain Road near DeAlfonso Drive, what's the square footage of that hall?

MR. PENDERGRAFT: That's about 10 to 12,000 square feet.

MS. REGAN: So it would be approximately half the size in the same sort of style?

MR. PENDERGRAFT: That's a, it would be in the same sort of style, yes, they have a massive canopy, essentially, that's a larger building because there's

two congregations that can meet there simultaneously in separate auditoriums and of course they have bathroom facilities to accommodate a much larger group so this of course is considerably smaller.

MS. RANSOM: Is there another hall on Unity Drive?

MR. PENDERGRAFT: That's what we call an assembly hall that's used primarily on weekends, that's a building that's about 63,000 square feet and that was constructed, I work with what's called a regional building committee and with New York State we have four regional building committees, we have them all across the country, in fact, all around the world, essentially, that particular project was constructed by over 10,000 volunteers as well as the road Unity Place which connects 17K to DeAlfonso Road that was also constructed all by volunteers.

MS. REGAN: Would this be constructed by volunteers as well?

MR. PENDERGRAFT: Yes, ma'am. Now, in our region we have about 1,200 skilled craftsman. We also have architects, engineers and again I draw your attention back to the frontage here, we're showing minimal landscaping here, we have a landscape architect on staff that would be intimately involved with giving direction to make this as beautiful or more so than the existing building.

MS. RANSOM: So you haven't submitted a landscape plan yet but you do plan to be sure that the hall is shielded from the neighbors cause this is in the middle of a residential neighborhood?

MR. PENDERGRAFT: Yes, ma'am, that's correct, in fact, one of the comments from the Orange County plan review was that they wanted to make sure that we did not, we'll create something that was less attractive than

what we have here and I assure you we would not, we never have.

MS. RANSOM: Okay, the sign looks kind of massive with these brick pillars and, I mean, the sign that's there now kind of just blends in, you've got the wooden fence across the front there and the wooden sign, I mean, this looks like it's a rather--

MR. PENDERGRAFT: Rather large.

MS. RANSOM: Yes.

MR. PENDERGRAFT: I thought the same thing. So in your request if you'd like we'd replicate or duplicate something more closely resembling what we currently have without the, we also have architects on staff and that's how we have done some other facilities in the area with the brick piers so but certainly if that's objectionable we can delete that detail and simplify that.

MS. RANSOM: It's not my imagination, it is pretty massive.

MR. PENDERGRAFT: Yeah, their thought is that with the landscaping in front of it it would look like a little garden in front of the signage but we would certainly make that adjustment.

MS. RANSOM: Cause I mean to me this looks more like the entrance to the housing development we just had before as compared to a religious order.

MR. PENDERGRAFT: I understand and it's a good observation.

MS. RANSOM: One side's going to be in Spanish, one side's going to be in English?

MR. PENDERGRAFT: That's correct. Currently what we have is English and Spanish on one side and English and Spanish on the other side so either direction they would be able to see it in their language.

MS. RANSOM: So the new sign is going to be English and Spanish on both sides as well?

MR. PENDERGRAFT: Yes.

MS. REGAN: Cause that's not how it appears here.

MS. RANSOM: Cause in the schematic here it's not shown that way.

MR. PENDERGRAFT: Yeah, I apologize for that, that would be, it would be in English and Spanish on both sides.

MS. RANSOM: Are we doubling the size of this rendering?

MR. PENDERGRAFT: That current rendering is a 3 x 5 sign and there's two of them, one on each side and that's currently what we have with this one there's a 3 x 5 sign on this side and then a 3 x 5 sign on that side. The landscaping forms a little bit of a triangle, these shrubs here and then we have the sign on either side facing the road.

MS. RANSOM: But the sign, so the sign that I'm looking at is in English and Spanish on both sides?

MR. PENDERGRAFT: Yes, that's correct.

MS. RANSOM: Would anyone in the audience like to speak to this issue? Can we have your name?

MR. LEOMBRUNO: My name is John Leombruno and I own the irrevocable living trust which is at 7 Beakes Road

which adjoins this property. So first off I'd like to know how can this board entertain any variance when it's approximately this height or approximately that height or signage that's going to be approximately 30 square feet and the signs that they have right now are two of them and each one is 3 x 5, based on what this gentleman just said so that makes them 15 square feet each. He's incorporating that into one sign or two signs. I'd like to know I've never seen this plan of what the variance is that they're requesting.

MS. RANSOM: Well, the maps have the variances on them and it also says that the building height is pretty much 45 feet.

MR. LEEOMBRUNO: Forty-five feet is the existing building 45 feet high?

MR. PENDERGRAFT: We show the existing building on there. May I get the plans? I have a copy of them back here. We only show the required and proposed so I do not have that on the plan.

MR. LEOMBRUNO: So we don't know what the existing one is but we know that the new one's going to be 45 feet?

MR. PENDERGRAFT: Well, no, that's incorrect, it says less than or equal to 45 feet so we know it would be less than, there wouldn't be the need for anything that high.

MR. LEOMBRUNO: In order for this board to consider a variance, don't you have to know exactly what it's going to be?

MS. RANSOM: We have to make sure that it's within the requirements.

MR. VINSON: If it's a question of building height that's not one of the variances they're asking for so

the board doesn't need to know that.

MR. LEOMBRUNO: So asking you what the existing building height now is irrelevant?

MR. VINSON: I'm not saying that but building height isn't a variance request that the applicant is making.

MR. LEOMBRUNO: It's not?

MR. VINSON: No.

MR. LEOMBRUNO: So how would we know that it's going to be the same if we don't know what the existing height is?

MR. VINSON: If they submit building plans that exceed the building height I would not issue them a building permit. So the applicant is clearly cautioned to make sure that they are within the height restrictions, that's not what they're asking for a variance for this evening.

MR. LEOMBRUNO: Did anybody ask for a traffic study?

MR. VINSON: That's a planning board issue.

MS. RANSOM: This is a planning board issue, we're here strictly for the area variances.

MR. VINSON: Of which they are seeking four.

MS. RANSOM: So we're not discussing drainage, we're not discussing, we're just, this board has limited jurisdiction and it is for the area variances requested.

MR. LEOMBRUNO: I object, I live there and I fully object to moving the building from here to there.

MS. REGAN: Where do you live, sir?

MR. LEOMBRUNO: Right here.

MR. VINSON: The address please?

MR. LEOMBRUNO: 7 Beakes Road.

MR. VINSON: Thank you.

MS. RANSOM: How far is your home from the property line?

MR. LEOMBRUNO: I'm going to have to approximate cause I haven't looked at the site plan but I'm going to say it's 45 to 50 feet maybe so now they're going to be how many feet from the, from here to their property line? Doesn't say.

MR. PENDERGRAFT: It's 35.5 feet.

MR. LEOMBRUNO: The amount of people and traffic, we have lived there now for close to 25 years, there's quite a bit and now with that much larger square footage wise smaller there's going to be a heck of a lot more traffic and I know it's just a variance but I fully object to it and I would like to see the plans with all the dimensions.

MS. RANSOM: Well, Gary, the plans are available in your office during the week.

MR. VINSON: Sure, you're welcome to look.

MR. LEOMBRUNO: I can't get a set of plans to go with me? I have to come to your office to see them?

MR. VINSON: That's the way the process works, yes.

MR. LEOMBRUNO: Okay. On the record, I object.

MS. RANSOM: Thank you very much. Is there anyone else? You wanted to speak to this issue? can we have your name and address?

MR. DECKER: My name is Frank Decker, I'm at 33 Beakes Road. I own the adjoining property on the south side from Beakes Road all the way down to Route 32. I think first before any comments I'd like to know what your proposal is for the driveway based on our discussion because I don't see it incorporated in that plan.

MR. PENDERGRAFT: Okay.

MR. DECKER: I just want to back up for a second and explain that I have a shared driveway with the Jehovah Witness the first maybe approximate 50 feet is shared presently and it comes up and it splits three ways, I own the two breakoffs to the right and then to the left enters the existing parking lot. So we have had some discussions about they have requested splitting the driveway. I have let them know that I am against splitting the driveway, that I am happy with the setup how it is now and it's the present entrance to the property was established about 40 years ago and I'm okay with it, they would like to change it. I just want to know what's proposed and what the plan is at this point?

MR. PENDERGRAFT: We weren't requesting a variance relative to this, if you'd like we can discuss that issue, the planning board has asked that question be addressed and when we meet with the planning board and their public hearing we had planned to address it then but for this meeting and for this venue it's the four variances that we're asking to review so respectfully that's--

MS. RANSOM: The driveway would be a planning board issue.

MR. DECKER: Okay, and on the matter of the sign, I'm also very concerned about that sign, about the present sign does fit in very well with the neighborhood and I think it blends in well. I'm concerned about anything that's going to look commercial whether or not it's going to be lit from inside or whether it's going to have spotlights on it. The idea of the pillars on the sides sounds very commercial to me, I didn't see the drawing that you have, I'd like to see the sign stay similar in design to what they have now. I guess the size of it is fine, I'm not concerned about that but I just don't want it to look commercial, want to keep in mind that this is a residential neighborhood and I don't want to see it look commercial so and if that's the planning board issue on a driveway and parking I guess we'll take that up then so I think that's it.

MS. RANSOM: Thank you. Anyone else like to speak on this issue? Okay, Mike, any questions?

MR. MC GUINNESS: No.

MS. REGAN: No.

MR. DOBIAS: No.

MR. RODD: Just so I'm clear on the signage you have currently two signs?

MR. PENDERGRAFT: Yeah, we currently have two signs, I apologize that's not very clear but I will just draw it on here, there's one there and one there, they're 3 foot by 5 foot so that's 15 for square feet times two, that's where we came up with the 30.

MR. RODD: Is it 30 just so I'm clear cause I'm not familiar with the signs, is it 30 feet per sign?

MR. PENDERGRAFT: No, it's 15 square feet per sign and

there's two of them to face north and south.

MS. RANSOM: But they're both in that picture, right?

MR. PENDERGRAFT: That's correct, I had to take it I guess I would have taken a picture from the front here but this one faces the south side and this one faces the north side.

MR. RODD: So with your new proposal you're also proposing two signs?

MR. PENDERGRAFT: Yes, roughly the same configuration and then a planting bed in front with some shrubs behind it similar to what we have here.

MR. RODD: I have same size.

MR. PENDERGRAFT: Yes.

MS. RANSOM: But they're going to be adjacent to each other.

MR. PENDERGRAFT: Yes.

MS. RANSOM: With all this brick how can that be cause these do not look like they're able to be angled like those are?

MR. PENDERGRAFT: Right, well, and I basically with the sign here and a sign here we could have a brick pier here, one here and one here like this, that would accommodate that triangular configuration with some plantings out front and some shrubs around here.

MS. RANSOM: But that's not what's depicted in the renderings.

MR. PENDERGRAFT: Right.

MS. RANSOM: And I'm afraid I have to agree with the gentleman, these appear to me to be commercial and I think this kind of signage would be definitely a detriment to the local area so I guess I don't know how the rest of the board feels but I really feel that these are a little overwhelming.

MS. REGAN: Well, the other signage has worked fine for all the years.

MR. PENDERGRAFT: Yes and I appreciate and respect that comment and I will advise our architectural group that we need to give that attention. The signage square footage is what we're requesting but I understand your perspective with the brick piers, it makes it look too massive and commercial and we respect that and we'll change that.

MS. RANSOM: Okay, because, I mean, it looks to me like there are two distinct signs.

MR. LEOMBRUNO: I understand the clarity like the sign is it 30 square feet of each new sign?

MS. RANSOM: No, 15.

MR. PENDERGRAFT: No, we want to duplicate what we currently have that's about 3 x 5 and 3 x 5 but I apologize if we didn't convey that.

MR. LEOMBRUNO: That's all right.

MS. RANSOM: Have you indicated additional parking or are you just meeting the ordinance?

MR. PENDERGRAFT: We're meeting the ordinance, there's three seats, one space rather for every three seats.

MS. RANSOM: Because it appears to be a lot of parking area on the new plan, is it basically because the

building is on one side or do you have more spaces and more concrete than the current plan?

MR. VINSON: Overflow that's unpaved.

MR. PENDERGRAFT: Right, and essentially it's not overutilized but we wouldn't want anyone to be parking on residential street so for that reason we wanted to have a bit of overflow here but with the 180 seats in the auditorium there's, it's, there's I think there's less members of the congregation at 180 but it provides a comfortable environment for that group and again for as many seats we have to provide a certain amount of parking.

MS. REGAN: How many spaces are you planning on according to that with the overflow?

MR. PENDERGRAFT: Sixty.

MS. REGAN: So 60 times 3 is 180 so there really isn't overflow then.

MR. LEOMBRUNO: Excuse me, how many do you have now parking spaces?

MS. RANSOM: Please wait to be recognized. You can answer but please.

MR. PENDERGRAFT: I'm sorry, yes, I'm not sure how many spaces we currently have between the two lots, you can see that this gravel area plus this paved area it's a very close similarity so it's just configured a little bit differently here, it's more of a longer lot than it is as illustrated here.

MS. RANSOM: So the new site is really the only place that this can go because of the well and the septic there's no other configuration that you can do where you can meet the front yard and the side yard setbacks

better?

MR. PENDERGRAFT: That's correct, we do have town water okay so we'll tie into the water line but the problem is percable ground and the percable ground that exists up here would be best for the septic. If we were to go to a different design with a mount system or something that would not be as attractive and it would not look as good so that's why.

MR. LEOMBRUNO: Can I be recognized?

MS. RANSOM: So there's no way to move this where you can meet the front yard or the side yard setbacks with this much property?

MR. PENDERGRAFT: That's correct because in the back of the property we have a steep slope.

MS. RANSOM: That's what goes down to 32?

MR. PENDERGRAFT: That's correct.

MR. VINSON: That's what's necessitating the lot area variance because gross area and net areas we have to deduct.

MS. REGAN: What's the reason it can't be built on the existing site where the existing building is?

MR. PENDERGRAFT: Well, that's a very good question. Let's see essentially up here we have more of a plateau where this drops off toward the back and as you can see here with it right now we have with the current building entrance up to get to the upper level and then again this comes from the back side of the building with the two canopies so it would not work because of this difference in elevation so that would be the primary reason.

MS. REGAN: What do you mean difference in elevation, if it was on slab if you built a new building on slab on that same footprint but, you know, larger or whatever why would that not work?

MR. PENDERGRAFT: Well because this elevation from front to back this is a plateau through here and then from here to about back in here it drops three to four feet so it slopes back. In addition to that we have to because of DEC regulations we have to retain our first flush on the site. Right now currently what happens is when it rains there's sheet flow that goes off in into an area here and that's how the water dissipated so with this new design we have to retain our first flush on the site which means we have to plan for 100 year event and that type of surge being captured by the roof area as well but what we have here on the asphalt paved area so that has to be retained and then there is a control release structure that would distribute it over the hundred year event into the drop manholes which would discharge down onto Route 32.

MS. REGAN: I recall as I drive down Beakes it does flood over there, is that anything relative to what you're talking about? On the right-hand side of the road it generally puddles.

MR. VINSON: In front of the Logan residences, notorious duck pond, it's after them but it's in their area.

MS. RANSOM: Do you have a design of what this is going to look like?

MR. PENDERGRAFT: We don't have any architectural elevations as part of what we gave to you.

MS. RANSOM: I think we'd like to see what the neighborhood is going to be seeing.

MR. PENDERGRAFT: Okay.

MR. MC GUINNESS: Could you point out proposed location of the new signs by the new driveway?

MR. PENDERGRAFT: Yeah, that's right here.

MR. MC GUINNESS: And visibility is okay from the I believe it would be the north?

MR. PENDERGRAFT: Coming from both directions it would be yes but that's why the signs are located right here.

MS. RANSOM: I think the board would like to see a rendering of what the building is going to look like and also what kind of landscaping you're proposing to have especially along the side that you only have 22.6 feet where you're requesting a variance.

MR. PENDERGRAFT: Okay.

MS. RANSOM: I'm sorry, that's the front, along the side yard you have 35 1/2 feet.

MR. PENDERGRAFT: Right, we were including the canopy where that, the building sits farther back from the road, that's what mandated that because we put the canopy here so parishioners are able to exit the cars and enter the building.

MS. RANSOM: Without the canopy how close to the road is the building?

MR. PENDERGRAFT: I don't have that figure on the plan here but it's--

MS. RANSOM: You can't put the canopy in the back?

MR. PENDERGRAFT: Yeah, we have it delineated.

MS. RANSOM: So I guess like the canopy so if you didn't have the canopy how much of a front yard variance would you need?

MR. PENDERGRAFT: Okay, we would still need that, it would be less than that, if I could show you C13, I think you have that, I also have it here if you'd like I see the 50 foot setback and where the 22.6 feet is up by the proposed sign.

MS. RANSOM: Right, so it's without the canopy it would be, it would meet the requirements of a front yard 50 feet?

MR. PENDERGRAFT: No, it would still encroach on that 50 feet.

MS. RANSOM: Can you tell me by how much?

MR. PENDERGRAFT: Ten feet.

MS. RANSOM: So the canopy can't be put on the side of the building by the parking lots to cut down on the need for a front yard variance?

MR. PENDERGRAFT: That's correct because of the configuration of the auditorium.

MR. PENDERGRAFT: If we were to put the canopy on the ends of the building then there's a steep turn here and another turn here, we would also lose some parking spaces because of that.

MS. RANSOM: So you can't move the building into the parking lot and put parking on the other side?

MR. PENDERGRAFT: Put parking back over in here?

MS. RANSOM: Yes.

MR. PENDERGRAFT: Well--

MS. RANSOM: That would lessen the impact on that neighbor that is 35 1/2 feet off of that.

MR. PENDERGRAFT: Okay, that's something that could be considered.

MR. MC GUINNESS: That would be the required variance, right?

MS. RANSOM: Our job is to grant the least possible variance needed and if there's, if this can be changed so that the variances you can either do away with some of them or they could be less impactful if there is such a word that would be a good thing.

MR. PENDERGRAFT: Right, by moving it farther south even 20 or 30 feet or so it's true you could possibly get some vehicles back here but we would need at least 40 feet or so in order to be able to provide some way for them to get in and back out again so it would also take away from some of the--

MS. RANSOM: Does the current hall have a canopy?

MR. PENDERGRAFT: No, it does not, it has an entrance canopy in the front and in the back but nothing to where you can drive up to it and permit elderly ones to exit the vehicles.

MS. REGAN: Is there any sewer in that area whether it be on Route 32 or--

MR. PENDERGRAFT: If there was, we would utilize it without question.

MR. VINSON: There is none.

MS. RANSOM: Is there something else you'd like to add?

MR. LEOMBRUNO: When do you vote and when is it official?

MS. RANSOM: Well, it's up to the board and the board has heard a lot of information tonight and I think that we'll definitely not vote tonight so September we'll be back here again, I'm sure.

MR. LEOMBRUNO: Okay, I'll be back.

MS. RANSOM: Thank you.

MR. DOBIAS: You're always welcome.

MS. RANSOM: Mike, any questions?

MR. MC GUINNESS: No.

MS. REGAN: No.

MR. DOBIAS: Nothing.

MR. RODD: Nothing.

MS. RANSOM: Anyone else like to speak to the issue?

MR. DECKER: I just have one quick question regarding zoning, are there zoning regulations regarding the setback for the parking lot? In other words, is there a requirement for certain number of feet from my property line to the beginning of the blacktop?

MR. VINSON: Just that it be adequately screened.

MR. DECKER: Has to be adequately screened?

MR. VINSON: Adequately screened.

MR. DECKER: Okay.

MS. RANSOM: So I think the board would like to see what the building's going to look like and I think the board would like to see what kind of--

MR. VINSON: All four views on the architectural are you looking for or just certain sides?

MS. RANSOM: Front and side, the side affecting the neighbors.

MR. VINSON: Leombruno's side to the north.

MS. RANSOM: I'm thinking all four sides and also is there lighting on this sign?

MR. PENDERGRAFT: Yes, it was intended to be too small floodlights.

MS. RANSOM: I think that I find the sign totally overpowering, I would like to see an alternate plan if that's a possibility.

MR. PENDERGRAFT: Absolutely.

MS. RANSOM: What kind of outside lighting are you proposing for the building?

MR. PENDERGRAFT: We have a lighting plan, it's on C1.6.

MR. VINSON: I do not believe the planning board engineer has reviewed that portion of the project as of yet.

MS. RANSOM: Okay.

MR. PENDERGRAFT: We included that for reference.

MS. RANSOM: Also the question I would have is there

any way to reposition the building to make the impact or lessen the variances required, whether you move the canopy or you move the building and get put the driveway going all the way around?

MR. PENDERGRAFT: Having the driveway go all the way around would add to our area which would affect our storm water design, we currently have an area roughly 30 x 60 where we have a galleys retain that first hundred year flush, we can certainly take a look at that though and get back to you.

MS. RANSOM: Okay, I'm just trying to put it more in the center so we don't need quite so much variance.

MR. VINSON: Did you see the dotted lines on the plans that indicate the setbacks especially where you're asking about a canopy?

MR. MC GUINNESS: C13.

MR. VINSON: If you're looking on C1, do you see this dotted line? So where you're asking about the canopy even if they remove the canopy from this building so but this is your setback line so if you can have them, if they're able to show you they can put it and shift it, does that make sense to you?

MR. MC GUINNESS: What Laurie was looking at to try to move this back to conform within these lines.

MR. VINSON: Even though he wouldn't give you exact numbers if even they reduced the building necessitates that.

MS. RANSOM: That's why I'm trying to move it back a little bit.

MR. VINSON: That's why we have the lines placed on there to try to help you with that.

MS. RANSOM: Thank you. Is there anything else you'd like to add at this point?

MR. PENDERGRAFT: No, just thank you for meeting with us.

MS. RANSOM: We'll leave this hearing open then till our September meeting, September 15.

MR. PENDERGRAFT: Thank you.

MR. VINSON: Which means that you want to follow the submission deadlines for the September meeting for the materials that they have asked for and as I had advised the other applicant if you are unable to provide them please write a letter asking for it to be adjourned to the next meeting, it does not make sense to come back if you don't have these items or if you cannot get them.

MR. PENDERGRAFT: Understood, thank you.

MS. RANSOM: Thank you.

REGULAR_MEETING _____

APPROVAL_OF_MINUTES _____

MS. RANSOM: I think we just got the minutes this evening so did anybody get a chance to look at them? So we'll hold off approving the minutes. Okay, do I have a motion that the board go into closed session to address legal issues with counsel?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

(Whereupon, the board went into executive session)

(Discussion was held off the record)

TIGHE_-_DECISION

MS. RANSOM: Our first public hearing was on the request of John and Gina Tighe relating to property at 101 Filomina Drive. Basically, they're seeking an area variance to allow an inground swimming pool in a front yard because they're on a corner lot. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. MC GUINNESS: Second it.

ROLL CALL

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

MS. RANSOM: Let's take the factors one at a time please. Will the variance sought produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties in the neighborhood in which the applicant's property is situated?

MS. REGAN: No.

MS. RANSOM: No, I think that by moving the pool away from the neighbors that were concerned originally that that's a very good thing that it won't produce an undesirable change or be a detriment to the nearby property. He also said that he was going to do significant amounts of screening so I think that would also lessen the impact of the neighbors, plus the people driving along Filomina Drive. Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance?

MS. REGAN: No.

MS. RANSOM: I believe he testified the first time that there was really no other place on the property due to drainage issues to put the pool. Is the requested variance substantial? I don't think so based on the fact that this is the only place on the property to put the pool and by moving it, it does lessen the impact to the neighbors. Will the requested variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

MS. REGAN: No.

MR. DOBIAS: No.

MS. RANSOM: No, there are pools in the neighborhood and I think the new location again is a good compromise. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes.

MS. RANSOM: Yes but I don't think it should carry a lot of weight since the other four factors there's no impact. Do I have a motion that this is a Type 2 Action under SEQRA?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

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MS. RANSOM: Do I have a motion to approve the request of John and Gina Tighe for a variance for a pool in a front yard?

MS. REGAN: So moved.

MR. MC GUINNESS: Second it.

ROLL CALL

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

HENNESSEY, _LOPRESTI, _FUNCK_ - _DECISION

MS. RANSOM: The next public hearing this evening was on the request of Hennessey, Lopresti and Funck. The applicant is seeking an area variance to eliminate basically 70 feet of road frontage that the Funck lot has on North Street leaving only 20 feet of road frontage on Stonybrook Lane where the ordinance requires 70 feet. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

MS. RANSOM: Let's take the factors one at a time. Will the variance sought produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties in the neighborhood in which the applicant's property is situated?

MR. DOBIAS: No.

MR. MC GUINNESS: No, really won't change the property at all, there's two houses on one lot.

MS. RANSOM: Okay, there's no new construction proposed at this time, there won't be any physical changes to the property. There are two existing houses and the goal is to put them on separate lots so it's not going to produce an undesirable change in the character of the neighborhood. Can the benefits sought by the applicants be achieved by some method feasible for the

applicant other than an area variance? No, there's no other method to put these two houses on separate lots other than an area variance. Is the requested variance substantial? Basically, the Funcks don't access this road anyway, the Funcks total access is off of Stonybrook they don't use North Street at all so the proposed variance really isn't affecting that property at all, so I don't feel that it is a substantial request since they don't use it. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

MS. REGAN: No.

MR. DOBIAS: No.

MS. RANSOM: No. Again, the houses are existing and they're just trying to put them on separate lots. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes.

MS. RANSOM: Yes, but I don't think it should carry a lot of weight based on the other four factors. Okay, do I have a motion to approve the request by Hennessey, Lopresti and Funck to eliminate road frontage for Funck on North Street leaving only 20 feet of road frontage on Stonybrook Lane?

MS. REGAN: So moved.

MR. DOBIAS: I'll second it.

ROLL CALL

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

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MS. RANSOM AYE

MS. RANSOM: We'll let the building department know tomorrow.

GINSBERG_DEVELOPMENT_COMPANIES_-_DECISION

MS. RANSOM: Next public hearing was on the request of Ginsberg Development Companies for Stone Hollow subdivision for a sign on Route 9W. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

MS. RANSOM: Let's take the factors for an area variance one at a time. Will the variance sought produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties in the neighborhood in which the applicant's property is situated?

MS. REGAN: No.

MR. DOBIAS: No.

MS. RANSOM: No, the sign is going to be totally on their property, it's a commercial area, there's the store there, there's the garage across the street, there's Dr. Mishra's office, it's a temporary sign so I don't feel that it is going to produce a detriment to nearby properties. Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance?

MS. REGAN: No.

MR. DOBIAS: No.

MS. RANSOM: Not really, again, it is their property where the sign's going to be situated and it will not have an adverse affect on the neighborhood. Is the requested variance substantial? I don't think so, we're talking about a 19 square foot sign and again it's a temporary situation. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

MS. REGAN: No.

MR. DOBIAS: No.

MS. RANSOM: I don't believe so. And is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes.

MS. RANSOM: Yes, but again it's a temporary situation while the development, while they're selling the houses. Do I have a motion that this is a Type 2 Action under SEQRA?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

MS. RANSOM: Do I have a motion to approve the request for a variance to allow a second subdivision sign

facing Route 9W where only one sign is permitted and currently exists on Willow Avenue?

MS. REGAN: So moved.

MR. MC GUINNESS: Second it.

ROLL CALL

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

MS. RANSOM: The motion's carried with no stipulations. We'll let the building department know tomorrow.

DOBSON_-_DECISION

MS. RANSOM: Our next public hearing was on the request of Thomas Dobson, 8 Country Lane. We do not have Orange County Planning at this time so any decision we make would be subject to Orange County Planning approval. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. MC GUINNESS: Second it.

ROLL CALL

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

MS. RANSOM: Mr. Dobson is seeking an area variance to construct a 29 foot by 22 foot one story addition. He has excluded the deck from his request. The ordinance requires 60 feet front and a minimum side yard of 30 with a total side yard of 80, the applicant is proposing 20 feet side yard a minimum side yard of 25 feet and a total side yard of 65 feet. So shall we take the grounds for relief one at a time? Will the variance sought produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties in the neighborhood in which the applicant's property is situated?

MS. REGAN: No.

MS. RANSOM: One of the neighbors testified that it was a good change that it would probably increase the value of the property. It is a very small house and all of his neighbors sent in letters that said they were okay with the addition. Can the benefits sought by the

applicant be achieved by some method feasible for the applicant other than an area variance? It's a pretty small piece of property, it's a very small house basically you do any kind of construction he would need a variance. Is the requested variance substantial? I think the front yard variance is substantial but he's almost to the end of Country Lane and the neighbors passed him are fine with the construction as long as he agrees to put up a fence that meets the zoning ordinances that's at least 40 feet in length prior to the commencement of the construction. So I think that the request is not substantial based on the fact that it is not going to be a detriment to the neighborhood and the neighbors are in favor of it. Will the proposed variance have an adverse affect or impact on the physical an environmental conditions in the neighborhood or district?

MR. MC GUINNESS: No.

MS. REGAN: No.

MS. RANSOM: No. Is the applicant's alleged difficulty in complying with applicable zoning self-created? Yes, but I don't think it should carry a lot of weight because it's going to improve his home, it's going to improve the neighborhood. Okay, do I have a motion that this is a Type 2 Action under SEQRA?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

MS. RANSOM: Do I have a motion to approve the request by Thomas Dobson seeking an area variance to construct a 29 foot by 22 foot addition to his home with insufficient front, minimum side and total side yard with a stipulation that a fence be constructed within the limits of the zoning ordinance that's at least 40 feet in length prior to commencement of construction along the border with the Fryer property?

MS. REGAN: So moved.

MR. MC GUINNESS: Second it.

ROLL CALL

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

MS. RANSOM: Motion's carried again contingent upon Orange County Planning.

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MAPLE_HILL_ROAD,_LLC_-_DECISION

MS. RANSOM: Maple Hill Road, we need additional information from the fire department and we need a response to the concerns.

JEHOVAH'S_WITNESSES-CORNWALL_CONGREGATION_-_DECISION

MS. RANSOM: We need additional information from the Cornwall Congregation of the Jehovah's Witnesses.

Anything else to come before the board? Motion to adjourn?

MS. REGAN: So moved.

MR. MC GUINNESS: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer