

February 19, 2008

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TOWN OF CORNWALL
ZONING BOARD OF APPEALS
FEBRUARY 19, 2008

MEMBERS PRESENT: LENORA RANSOM, CHAIRPERSON
MICHAEL MC GUINNESS
TED DOBIAS
WILLIAM LEE

ALSO PRESENT: ADAM RODD, ESQ.
ZONING BOARD ATTORNEY

ABSENT: EILEEN REGAN

MS. RANSOM: The February 19, 2008 meeting of the Cornwall Zoning Board of Appeals will now come to order.

LATIMER_-_CONTINUATION _____

MS. RANSOM: Our first item this evening is the continuation of the public hearing on John and Cynthia Latimer, 10 Sugar Maples. Let the record show that we have received correspondence from Kathi and Craig Ellick dated February 7, we have received correspondence from Gary Vinson to Kathi Ellick dated February 6 and we have received correspondence dated January 29 from Paul E. Johnson, attorney for the Latimers. Mr. Latimer?

MR. LATIMER: All right, tonight I just want to go over a few things regards to the size of the lots, the actual area that will be disturbed and how much of it

will be used. These are maps, they are-

MS. RANSOM: New maps?

MR. LATIMER: They're not new, just more clarified. All right, the maps I have here tonight are not new maps, are without new information, I'm providing these maps in clarify the original information provided on page 4 of the original maps. All right, the area of the lot is 2.55 acres, the maximum area to be disturbed by the construction is only 6, excuse me, only .68 acres which will leave 1.87 acres of the lot to be undisturbed. No trees cut down, no rocks moved, nothing.

MS. RANSOM: What were the numbers again, please?

MR. LATIMER: The lot size is 2.55 acres, I'm only going to at maximum disturb .68 acres which would leave 1.87 acres of totally undisturbed land. All right, the maximum developmental coverage allowed is 50 percent of the lot, I will only be developing 4.8 percent which is less than 1/10 of the allowed area. I know the neighbors have concerns with the trees being removed. I'm willing to remove as few trees as possible within the disturbed area. I plan to leave the trees with a 12 inch diameter or greater that are within the disturbed area but not in the construction footprint in order to preserve the scenic landscape of the neighborhood.

MS. RANSOM: Okay, is the disturbed area then the yellow line?

MR. LATIMER: Yes.

MS. RANSOM: Okay.

MR. LATIMER: So these are the property lines all the black lines all the way to here so this is the maximum

disturbed area which includes for the driveway, the house and the septic area including all the lawn area, so the only area that will be developed is 4.8 percent of the total lot. Everything else once the construction is done, this other disturbed area will be a lawn and, you know, trees, so even within this yellow area any tree 12 inches or greater I don't plan on taking down as long as it's not going to be in danger of the house or, you know, in the way of the house.

MS. RANSOM: And as far as the trees along this lot line so none of those would be disturbed?

MR. LATIMER: No, this is the maximum area of disturbance right there.

MS. RANSOM: Okay.

MR. RODD: Just so I'm clear outside of the highlighted yellow line?

MR. LATIMER: Nothing is being touched.

MR. RODD: Would you stipulate to that?

MR. LATIMER: Yes, absolutely.

MS. RANSOM: How big is the house you're proposing?

MR. LATIMER: It's going to be 1,500 square foot, a single story ranch.

MS. RANSOM: That's your plan is a single story ranch?

MR. LATIMER: Yes, I have a couple pictures of some of the houses if you want me to show them to you.

MS. RANSOM: You've got it as a four bedroom dwelling.

MR. LATIMER: Right.

MS. RANSOM: So how many square foot are you thinking of for a single story ranch?

MR. LATIMER: It's 1,500 square feet probably.

MS. RANSOM: Now, is that, if the board put a, would you agree to only 1,500 square feet if the board approved your variance with that particular stipulation? I mean 1,500 square feet in today's world is kind of small.

MR. LATIMER: Yes, I know, but she's not looking for a large house. So, I mean, the plans I have is for a 1,500 square foot house so, you know, but if when we move a bedroom around here or there and it turns out to be 17 or 1,600 square feet, I'm not building a 3,000 square foot house or 2,400, nothing like that.

MS. RANSOM: And it's definitely a single story?

MR. LATIMER: Yes.

MS. RANSOM: You have expansion area here so does that mean all the trees need to be removed in that expansion area?

MR. LATIMER: They don't need to be removed. Now if there was damage with the system later on then it would be removed later, chances of that are slim.

MS. RANSOM: Where is the proposed well?

MR. LATIMER: All the way down right here. I know there's concern for the stream, you know, from here to here is 130 feet to the stream, from the edge of the property line to the disturbed area is 63 feet plus from here from the disturbed line to the house is about another 40 feet, so all this area right running up along Roaring Brook Road here all these trees that are

there now everything is staying the same there, nothing is being disturbed.

MS. RANSOM: Where are you bringing the driveway?

MR. LATIMER: Right down here the lower corner.

MS. RANSOM: Okay, so it's going to come in and travel across the property?

MR. LATIMER: Yes.

MS. RANSOM: I'm sorry, and can you tell me again how many feet are from the edge of the house to the stream?

MR. LATIMER: About 130 feet.

MS. RANSOM: Does the stream flood?

MR. LATIMER: Yes, well, I mean, there's, we had all the flood plane done, it's a very deep gorge actually so it doesn't really run over the banks.

MS. RANSOM: Is the house in danger of being flooded?

MR. LATIMER: No, no, the house still sits fairly high.

MS. RANSOM: And so these large boulders all the rock formations?

MR. LATIMER: Anything outside the yellow line will stay the same.

MS. RANSOM: Okay, Mike, questions?

MR. MC GUINNESS: No.

MR. DOBIAS: No, I think it looks pretty good.

MR. LEE: No.

MR. LATIMER: Just to clarify this whole map here this whole section was done on page 4 of the original maps and all I did for tonight was put it onto the map to show the actual boundary lines, just give it a perspective.

MS. RANSOM: We'll open it to the audience. Is there anyone who'd like to speak to this issue?

MS. SCHULT: Helen Schult, 15 Roaring Brook Road. We haven't had obviously the opportunity to look over Mr. Latimer's new information. Again, my concerns are the amount of the variance being requested which directly goes against the comprehensive plan which this community embraced. We're going with two non-conforming lots. The original lot which Mr. Latimer's house is on which is orientated and facing Sugar Maples is a 1.8 variance which is about 9 percent. However, the lot which Mr. Latimer would like to orientate towards Roaring Brook Road is a 1.58 lot, 21 percent less variance. Again, I'd like to ask where this is going to stop? I mean, the original plans call for Mr. Latimer to construct a 2,400 square foot four bedroom dwelling. Now he's down to 1,500 square feet. I'd also like to respectfully ask for a definition of the word hardship upon which Mr. Latimer is asking for this variance. Hardship. This case is self-inflicted, he has two families, himself, his wife and four children and his sister-in-law and four children residing in a planned approved one-family dwelling on Sugar Maples. Someone buys a postage stamp piece of property within Cornwall, an acre and goes for a 21 percent less variance do you grant that? I don't understand the guidelines in which this variance to this degree can be granted. And I'm very concerned that information has been provided at this meeting and we have not been subject to study it because we have learned from previous interactions that what has been presented is not truly factual and we would like to

have the opportunity to review the information that's been provided and I'd also like to find out what does hardship mean.

MS. RANSOM: Thank you.

MR. RODD: Do you want the opportunity to look at what's been submitted tonight?

MS. SCHULT: The problem is is that myself and my neighbor, Kathi Ellick who lives on Roaring Brook Road are not the best, we're lay people, we would like to have the opportunity to have this information evaluated by professionals.

MR. RODD: My understanding is that the material that was submitted tonight was material that has already been submitted early in the process.

MS. SCHULT: Apparently, there are new numbers on there and they are distinct measurements and I again request that we have the opportunity to have professionals review the information that's been provided.

MS. RANSOM: Okay, it appears to be the exact same map as on page 2 of the maps that were provided at the initial meeting and these are, what's the date, the last date on this is revision is November 13, 2007. This is when they indicated the electric and the road easements, I mean, this information has been available. Is there anyone else that would like to speak to this issue? Yes?

MS. ELLICK: I'm Kathi Ellick, 5 Roaring Brook and just glancing over the shoulder looking at one of the maps and from what I see it looks as though it's up to the very edges of the land this is available to build on because yeah, there isn't really any other choice to build because the rest of it is in water or it's in an area that's next to an easement. Actually looks like

some of it's even on the easement. This is part of the easement along the road.

MR. LATIMER: No, this is the easement right here, that's the line there.

MS. ELLICK: It's right up to the easement.

MR. LATIMER: Well, that's the driveway cut, the opening has to be somewhere.

MS. ELLICK: Against the property at the top of Roaring Brook that's where my house is, it appears that it is right up to the edge of the land division. And the reason why it is close to the stream that's where the Federal wetlands are. I have submitted photos before of the flood zone area with the water in it and everybody's received photos of that in the past. So the details of the flooding is not really in stone, it's been photographed actually.

MS. RANSOM: Your house is the house that's just above this property?

MS. ELLICK: Yeah, Roaring Brook is the road that leads to the next division of the land that's where my house is right where the curtain drain attaches to the boundary.

MS. RANSOM: So it's your driveway I turned around in this week?

MS. ELLICK: Probably. The expansion, I was also under the impression the expansion field has to be pipes could go in there I think to do an expansion field for a leach field, I don't think you can do that with trees there. And from the facts of what the size of the diameter of the trees are they are not all 12 inch, they are primarily about 8 inch in diameter. There's not that many, it would clear cut is what would happen,

there's a stone wall that runs through the property as you've seen so that would have to be removed as well. That's all I have to say.

MS. RANSOM: Can you address the stone wall issue? Where is the stone wall?

MR. LATIMER: Well, there's rocks everywhere in the property, I don't think they show the stone wall specifically but there's the remnants of an old partial stone wall that probably comes up across the driveway right about here.

MS. RANSOM: So the piece closest to 32 you're going to remove to have that stone wall?

MR. LATIMER: Well, where the driveway's going through, yes. Our intentions are to cut in the driveway cut, dig for the house, put the house in and leave any large tree that we can in this area, you know, even the lawn area, it's still going to be a house in the woods, that's what we're looking for.

MS. RANSOM: Okay, thank you. Is there anyone else who'd like to speak to this issue? Any questions up here? Adam, anything else?

MR. RODD: No.

MS. RANSOM: Okay, as far as screening on this one boundary would you be willing to put evergreens or other trees in there or as far as the expansion area you're not going to know whether you need this expansion area?

MR. LATIMER: Well, the expansion area would be for future, say it's a four bedroom house, the septic design is based on the number of bedrooms. Let's just say 25 years from now somebody wants to make it a 15 bedroom house they're going to have to expand the

septic area. That's when that's going to take place. This house is not changing, we're building a 1,500 square foot house. We have no plans of putting additions on to it. This isn't a way to get around the board and come in with a, for an addition later, that's what we're building.

MS. RANSOM: So then this is at this point you're not anticipating this area will be disturbed?

MR. LATIMER: No, well, right here this is the actual septic field right here, okay, and then it's only four laterals of 48 feet so the expansion will be another four laterals but that's coming further down the hill so this area here will be disturbed but it's within that boundary.

MS. RANSOM: Okay, and do you foresee ever putting any trees or shrubbery or something along the boundary?

MR. LATIMER: I want to make this an easy transition for everybody. I'm willing to do whatever the town asks me, if the neighbors have anything specific they'd like to see if it's within reason I'm willing to do it. But I'm also I'm afraid to commit to anything because I don't know what the planning board is going to say. The planning board might say oh well we want X, Y and Z and I have to provide for them and that might alleviate what I say here tonight.

MS. RANSOM: Okay.

MS. SCHULT: I have a question. In an earlier situation there was a curtain drain that was to be dug and provided for the runoff, those trees all along that entire length will have to come down I'm assuming at least an eight foot wide stretch in order to accommodate curtain drain. Is that marked on there?

MR. LATIMER: Yes.

MS. RANSOM: Can you point that out to us?

MR. LATIMER: Yes, that's this area right here, that's this line right here, curtain drain, this line is the actual curtain drain, so it doesn't go right up along the property edge, starts right here and comes away from it on an angle. So in this area here we're asking if I can put trees and all that's fine, the trees can go in there with no problem, as far as the trench going this would be dug with a two foot wide bucket so the ditch would be two feet wide, it would be the length of, I don't have a ruler right now but whatever that length dictates there and that will all be backfilled. You're not going to see that trench and then the trees can go right alongside.

MS. RANSOM: Okay, thank you. Any other questions?

MR. RODD: Just so I'm clear, the curtain drain is within the building, is within the disturbed area?

MR. LATIMER: Yes and well within the building envelope.

MR. RODD: Okay.

MS. RANSOM: Mike, anything?

MR. MC GUINNESS: No.

MR. DOBIAS: No.

MR. LEE: No.

MS. RANSOM: Anyone else like to speak to this issue? Anything else you'd like to add?

MR. LATIMER: No.

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MS. RANSOM: Thank you very much.

ELMES_-_CONTINUATION _____

MS. RANSOM: Our next public hearing this evening is the continuation on the request of Karen Elmes, 16 Deerfield Lane. Good evening, Miss Babcock, will you please address the board?

MS. BABCOCK: Good evening. We were here last month and made initial presentation to the board. The only outstanding issue was the referral to the Orange County Department of Public Works. Since the last meeting the application has been referred by the planning board engineer as well as revised plans have been submitted to the planning board and these plans depict stabilized construction entrance details, typical driveway fill cross-sections, proposed driveway entrance profiles as well as sight distance requirements. And all of this has been submitted to the planning board engineer for review and this plan has been referred to the DPW. At this time, we believe that all outstanding issues have been addressed and that the record is complete and we would respectfully ask the board to close the public hearing and make a decision on this application.

MS. RANSOM: Have you heard anything about the curb cut whether that's been approved or not?

MS. BABCOCK: No, the county has not made a formal decision as to date.

MS. RANSOM: But if you don't get a curb cut onto Angola Road you basically have a landlocked piece of property.

MS. BABCOCK: Well, we would also have--

MS. RANSOM: Lot 2 would not have any access.

MS. BABCOCK: We would also have the ability to apply to this board for a variance application to allow an

additional lot to access across Deerfield Lane. However, we are comfortable, unfortunately, the land surveyor couldn't be here this evening cause he does have the flu, he did give me some basics on applications for curb cuts to the County as far as design of profile, set radius required, drop-in slope, relation to adjoining property lines, I can go into this in slight detail. Of course, all of these things have been discussed between him and the planning board engineer. I can tell you that we meet all of these requirements in the application that was submitted to the DPW and we do expect to receive approval for the current proposed plan.

MS. RANSOM: Is there any way to make this driveway shorter and bring it out onto Deerfield? Is there any possibility that can be done?

MS. BABCOCK: Well, at this time, the maximum number of lots currently have access off Deerfield Lane so without a variance from this board the answer would be no.

MS. RANSOM: Okay, is there any, if this is turned down, is there any plan to come back and to access this lot off of Deerfield to shorten this driveway and to shorten all this, I mean, you had mentioned that it was 350 feet?

MS. BABCOCK: I did scale it and it is approximately 800 feet.

MS. RANSOM: So if it is an 800 foot driveway there is there any way that an easement across lot 1 could be done or is there any other configuration that you can do to lessen this driveway?

MS. BABCOCK: To lessen it, that's merely what you're looking to do?

MS. RANSOM: Yes.

MS. BABCOCK: As far as the length goes, we don't have any major storm water impacts, those are being reviewed by the planning board. I'm sure you're aware of that. At this time, we're comfortable that the DPW is going to approve our application and so that it wouldn't be necessary to cross over lot number 1.

MS. RANSOM: And that includes some sort of bridge over the stream?

MS. BABCOCK: Actually, it will be a culvert. Currently, there's a culvert under Angola Road that's 30 inches in diameter and which was reviewed by the planning board engineer and he had requested that we provide something either the same size if not larger on the property and so we're proposing 36 inch culvert.

MS. RANSOM: And you testified last month that the road frontage is a combination of the property that fronts on Angola and on Deerfield?

MS. BABCOCK: That's correct, that was verified with the building inspector that we do meet that code provision as well as when this application was referred to your board by the planning board they concurred with that and that's why the only application before you is for lot width.

MS. RANSOM: Mike, questions?

MR. MC GUINNESS: No.

MR. DOBIAS: Nope.

MR. LEE: No.

MR. RODD: Do you know when you anticipate hearing from the county with respect to the curb cut?

MS. BABCOCK: I do not know.

MR. RODD: They haven't given you a timeframe?

MS. BABCOCK: No, the land surveyor did contact them as late as today trying to get some indication and unfortunately, they did not call him back.

MS. RANSOM: We'll open it to the public. Is there anyone in the audience who'd like to speak to this issue? Can we have your name and address for the record, please?

MR. MANISCALCO: Frank Maniscalco, 580 Angola Road. Do you have the map? May I approach you?

MS. RANSOM: Yes.

MR. ANISCALCO: Basically, I live here, here's the road and my concern is water. We have had issues with water over the years from Deerfield Lane, from this field here, we have been flooded out a few times and my concern is water coming down here. I believe this is the stream here and if it floods it goes downhill to my garage.

MS. RANSOM: Can you show me on this map which is your home? This is your home?

MR. MANISCALCO: Yes, I'm on Angola Road and here's my garage, here's the house so my main concern is water flowing down on the, to this garage which is over a hundred years old so the foundation's kind of rocky and dust, the dirt because we get it from here so and there's all trees and all kinds of growth so now it's going to be a major issue.

MR. DOBIAS: The dust?

MR. MANISCALCO: Yes, they say it's a dustless road, maybe in Arizona but not here, I mean, Deerfield Lane I'm talking about I mean that comes over, there's trees there now and we're a pretty good distance away but the main issue is water cause we're all downhill from it.

MS. RANSOM: Okay, thank you very much. Miss Babcock, how wide is the driveway going to be?

MS. BABCOCK: I believe it's 15 feet.

MS. RANSOM: And what's your plan as far as the screenage, does seem to be a lot of trees and underbrush there now, are you planning to take all of that out, is this going to be--

MS. BABCOCK: Well, in the area of the proposed driveway, yes.

MS. RANSOM: But around it is it going to be lawn or is it going to be left?

MS. BABCOCK: My understanding is that it will be left in its current state. And just in response to the last gentleman's comment, the planning board is requiring that we include soil erosion and sediment prevention measures on the plan.

MS. RANSOM: And how big a home are you proposing for this lot?

MS. BABCOCK: It's 2,500, we're guessing, I mean, these are really just an initial application to the planning board.

MS. RANSOM: You're thinking it's going to be a minimum of 2,500 square feet?

MS. BABCOCK: Approximately.

MR. MC GUINNESS: How close will it be to the Melvin house or the Romaine house which is off of Raccoon is that Raccoon Lane?

MS. RANSOM: Yes.

MS. BABCOCK: I don't believe that Raccoon Lane is depicted on this plan so unfortunately I could not provide you based off the plan that we have submitted that information.

MR. MC GUINNESS: Okay.

MS. BABCOCK: We're required to show all properties I believe it's within 500 feet so I would say that therefore that road would be at least that far.

MR. MC GUINNESS: Well, what I meant was the Melvin or the Romaine property from the back of their house the proposed new house.

MS. BABCOCK: Melvin's house it must be far enough off the plan cause it is not depicted. There's half of a structure, unfortunately, I wouldn't be able to tell you whether that was a home, a shed, what type of structure that is.

MS. RANSOM: Ted, any questions?

MR. DOBIAS: No.

MR. LEE: No.

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

MR. MELVIN: I'm Dan Melvin and I live at 11 Raccoon Lane and I just want to clarify the question, the house that's shown as Romaine is actually where I live so

where it says Romaine it should say Melvin.

MS. RANSOM: Where it says Melvin?

MR. MELVIN: Should say Zumo and the structure at the back is on that piece of property that says Romaine, the structure at the back is the back of our house.

MS. RANSOM: Can you give us an idea how far that is off your property line?

MR. MELVIN: No but I can do a quick estimate.

MS. RANSOM: Okay.

MS. BABCOCK: The house from the property line looks to be about a hundred feet, I mean, if you want to here's--

MS. RANSOM: So and Miss Babcock, how many feet off the property line is the proposed dwelling?

MS. BABCOCK: Well, the side yard required is 30 feet for a total of 80 feet. At this point we're saying that it's going to meet zoning so the house location hasn't been finally determined by the planning board yet but at a minimum it will meet the side yard setback requirement. Currently appears to be about 75 feet from the property line.

MS. RANSOM: Okay, do you have any additional comments?

MR. MELVIN: Just to say that it's about 80 feet from the back of the deck and about, I'm sorry, 70 feet from the back of the deck, 80 feet from the back of the house.

MS. RANSOM: Do you have any additional comments, Mr. Melvin?

MR. MELVIN: No.

MS. RANSOM: Would anyone else like to speak to this issue?

MR. DUMOULIN: My name is Todd DuMoulin. I live on Raccoon Lane. I have been here before but I just would like to read a statement that I have written here concerning this subdivision which I believe is flawed. The zoning requirement for the SLR, use group B are very specific. The zoning law of the Town of Cornwall, New York was approved I believe in August of '06. I have to believe that the authors of this law and the town when it was approved truly wanted to control development in a way that makes Cornwall a desirable place to live and that the zoning law was in the interest of the protection and promotion of the public health, safety and welfare. I don't believe there should be any willingness to compromise on the creation of a new subdivision unless it meets all the requirements of the zoning law. I realize that there will be variances on existing properties, this is expected and also more tolerable. A homeowner's desire to expand homes, build garages and a few feet of variance here and there to allow them to better their quality of life I believe is justifiable. As I have previously stated in the January meeting there should be no guarantee that a piece of land can be built upon unless it meets all the zoning requirements set forth by the law. Thank you.

MS. RANSOM: Thank you. Anyone else like to speak to this issue? Any questions up here? Anything else, Miss Babcock, anything else you'd like to add?

MS. BABCOCK: Just in closing the last statement stated that the variances on existing properties, as you know from last month we're not proposing any change in the lot width. This lot width has always been the same. If the approval of the subdivision is granted, this lot

width will not be changed. So we're comfortable that we have met the five prong balancing test and unless the board has any other comments or questions.

MS. RANSOM: Anything else?

MS. BABCOCK: I can submit this plan into the record, this is the plan that was submitted to the planning board which does show all of the requirements from the County DPW for the application of the curb cut permit. If I may?

MS. RANSOM: Thank you.

MS. BABCOCK: Thank you.

MS. RANSOM: Mr. DuMoulin, do you want to add something?

MR. DUMOULIN: I have a question. How is the existing lot width relevant? It was brought up numerous times at the last meeting and also this meeting, I don't understand that. Could you please explain that to me?

MS. RANSOM: Well, they are not changing the lot width of the property.

MR. DUMOULIN: I know but it doesn't meet the requirements of the two acre zoning.

MS. RANSOM: Yes, it does, the two acre zoning, the lot width has not changed whether it was a five acre plot or a two two acre plots, it still does meet, this has not changed the width of the property. Correct?

MS. BABCOCK: That's correct.

MR. DUMOULIN: Where the building is being proposed I believe the lot width does not meet the requirements with the building sitting on it, is that not true?

MS. RANSOM: The property as it stands right now without the subdivision does not meet the lot width, correct.

MS. BABCOCK: That's correct, it's a pre-existing condition there.

MR. DUMOULIN: Thank you.

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

MR. RODD: I think someone else does.

MR. MELVIN: I just wanted to understand the 64 foot variance off of the 200 requirement and the 147 off of the 160 requirement, does that apply to where the house, the proposed house is being built?

MS. RANSOM: Okay, it's to the whole piece of property, it's to the, not just where the house is but to the piece of property.

MS. BABCOCK: If I may, the way the code defines it for the lot width is it's measured at the front yard and the rear yard setback. So, for example, the front yard setback is 60 feet so we're required to measure 60 feet in and that would be where the lot width is taken. Same thing within the rear yard, the rear yard is also 60 feet so we're required to come back 60 feet and then take the lot width.

MR. MELVIN: Thanks.

MS. RANSOM: Okay, we're going to leave this open for now, Miss Babcock, and the board will make a decision after our next hearing.

MS. BABCOCK: Can I ask the purpose for holding the

hearing open again?

MS. RANSOM: Well, just, you know, until after our next hearing we need to discuss it, if there's something else we may want to see or and personally, I think that the curb cut is pretty fundamental to this decision. So that would be my feeling but there are four other members that we'll get an opinion from.

MS. BABCOCK: With all due respect, I do believe the issue of access is out of the scope of the board's review in balancing the five factors to consider the area variance application. And again I would urge the board to close the public hearing this evening.

MS. RANSOM: Okay, we'll take that into consideration.

MS. BABCOCK: Thank you very much. Have a good evening.

KNAPP_-_PUBLIC_HEARING _____

MS. RANSOM: Okay, our next public hearing this evening on the request of Harry and Diane Knapp at 39 Alder drive. Are the Knapps here?

MR. KNAPP: I'm here.

MS. RANSOM: Notice is here by 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 February 19, 2008 at 7:30 p.m. or soon thereafter as the matter can be heard on the application of Harry and Diane Knapp relating to property located at 39 Alder Drive and designated on the tax map as Section 2, Block 12, Lot 9. The applicant seeks an area variance to Section 158-32 of the zoning ordinance in order to construct a 22 foot by 26 foot two car garage with a building height of 20 foot seven inches with insufficient side yard. The ordinance requires a minimum side yard of 10 feet and the applicant proposes five feet. Zoning Board 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: January 16, 2008, by Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson. Mr. Knapp?

MR. KNAPP: Yes, my name is Harry Knapp and I'm from Beaver Dam like. I'm interested in putting up a two car garage with a loft in it. And my reason is I want to make a better place to live. I was going to build a house upstate in the Adirondacks, that's not going to happen, so we're staying here and I want to make the improvements on the house. I need room in my house, it's very small and I need to, the upstairs my wife made the bedroom when the kids got married and moved out she made that into a sewing room. Now I'm going to put that out there in the loft, now we have

grandchildren and no place for them to sleep.

MS. RANSOM: So over the garage you're planning to have living space?

MR. KNAPP: It's going to be like crafting, not going to be living space, going to be a sewing room.

MS. RANSOM: But it's going to be heated? It's going to have, is there going to be a bathroom?

MR. KNAPP: No, no bathroom, electric heat maybe.

MS. RANSOM: Okay, now, there was a car or a truck and some sort of backhoe or bulldozer or something in the front yard.

MR. KNAPP: That's my neighbor's, that's not mine.

MS. RANSOM: So where--

MR. KNAPP: The garage would go down if you probably been there down on the back where I'm parked in the back where the boat is that's where the garage would go.

MS. RANSOM: More opposite your deck and the pool as compared to the house?

MR. KNAPP: Would be parallel with the deck, it would run the same way, the deck and everything is lined up, there's a shed in the back, basically I park my cars down in the hole is basically where the garage would go.

MS. RANSOM: Okay, so is the shed going to remain?

MR. KNAPP: I think I'm going to take it down once I get everything rearranged.

MS. RANSOM: And so looking at the shed how far from the shed will the garage actually be?

MR. KNAPP: It's about 15 feet from there from the shed.

MS. RANSOM: Okay, and how far off of--

MR. KNAPP: Off the back line it's about 30 feet off the property line.

MS. RANSOM: How far off Alder Drive will it be?

MR. KNAPP: The front of the garage?

MS. RANSOM: Yes.

MR. KNAPP: About 70 feet.

MS. RANSOM: The 22 feet by 26 feet, is that a normal garage?

MR. KNAPP: It's normal but I may have to make it smaller because of the size of the lot, I may have to make it 20 foot.

MS. RANSOM: Okay.

MR. KNAPP: I have no prints or nothing yet made up.

MS. RANSOM: And that five feet between your nearest neighbor and your proposed garage, how are you going to screen that? Is there any natural vegetation?

MR. KNAPP: It's just lawn, that's all it is now.

MS. RANSOM: Would you be willing to put some sort of shrubbery along the garage to mitigate the--

MR. KNAPP: Yes, I have a letter from my neighbor for

that, he says he has no problem with it at all.

MS. RANSOM: Do you want to read that into the record or submit it to the board?

MR. KNAPP: I can give up the main copy, right?

MS. RANSOM: Thank you.

MR. KNAPP: This is the neighbor who would have the most impact on the garage.

MS. RANSOM: So Mr. Cascino's property is the one that's five feet from your garage?

MR. KNAPP: He's the one who is going to have the brunt of the garage.

MR. MC GUINNESS: I'm still not clear on where the garage is going to go, adjacent to the decks?

MR. KNAPP: It's going to be parallel to the deck. Have you been out there? When you look down where the little piece of equipment is parked down there there was the black truck, the Avalanche?

MR. MC GUINNESS: No.

MR. KNAPP: Passed the boat would be passed the front of the boat and 26 foot back, I don't know how far back that is.

MR. MC GUINNESS: The first deck or second deck will be parallel?

MR. KNAPP: Probably parallel with the second deck that goes around the pool.

MS. RANSOM: Are you going to finish this garage? What's the outside going to look like?

MR. KNAPP: Probably match the house, probably be vinyl.

MS. RANSOM: Same color as your house probably?

MR. KNAPP: Yeah, I've had that house 25 years, I totally renovated when I moved in, that was a little summer bungalow when I moved in there, did a lot of work to it.

MS. RANSOM: So the upstairs, the whole upstairs is going to be extra?

MR. KNAPP: Going to be an open loft, like I said, she made the bedroom into a sewing room, now we have no room for grandkids when they come over, it was a thought on my behalf.

MS. RANSOM: There will definitely be no plumbing?

MR. KNAPP: No, only electric for the garage and whatever upstairs, couple lights or whatever and electric heat.

MS. RANSOM: Questions, Ted?

MR. DOBIAS: No.

MR. LEE: No.

MR. MC GUINNESS: No.

MS. RANSOM: Is there anyone in the audience who'd like to speak to this issue? Okay, Mr. Knapp, is there anything else you'd like to add?

MR. KNAPP: No, that's it.

MS. RANSOM: Okay.

MR. KNAPP: You have a sketch of the printout there right up here is where the Kabota is parked, there's a little land in here, then my boat was parked right here and this is where the garage would go.

MS. RANSOM: So the Kabota is actually parked on your property?

MR. KNAPP: Actually, it's parked on the town property, they own that whole thing.

MS. RANSOM: But it's parked in front of your house as compared to your neighbor's?

MR. KNAPP: Right, my property line's way back here, here's the land is right here, this is where the Kabota's parked and there's the lines right here, property line.

MS. RANSOM: This is also your property line and the Kabota belongs to this guy here?

MR. KNAPP: I want to put the garage right here, this is 26 foot, the back deck to the pool here is 26 foot off the back line.

MS. RANSOM: It's only five feet off the side property line?

MR. KNAPP: Yes.

MS. RANSOM: You don't happen to have a sketch of what you envision the garage to look like, do you?

MR. KNAPP: No, I gave Gary one, he said it's really no point in doing that because until you sit down and, you know.

MS. RANSOM: So--

MR. KNAPP: As long as I keep the height of the building like 20 foot is what it's for.

MR. RODD: Is there some sort of sketch plan indicating where the garage is going to be, I mean, you're referring to--

MS. RANSOM: I've got this. Do you have this?

MR. RODD: No.

MS. RANSOM: Would you pass that over to counsel, please?

MR. RODD: So the proposed garage would be if you're standing on Alder Drive it would be on the left side of your dwelling?

MR. KNAPP: Right.

MR. RODD: Okay, we didn't get that.

MR. DOBIAS: I was out there.

MS. RANSOM: With five feet will you be able to put a ladder up against your new garage and still be on your property?

MR. KNAPP: Well, yeah, I think so.

MS. RANSOM: Okay, any other questions? Okay, thank you very much.

MR. KNAPP: Thanks for your time.

REGULAR_MEETING _____

MS. RANSOM: Okay, the minutes of the January meeting have been distributed, are there any additions or corrections?

MR. DOBIAS: No.

MS. RANSOM: Do I have a motion to approve the minutes as submitted?

MR. DOBIAS: I so move.

MR. LEE: Second it.

ROLL CALL

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

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

MR. MC GUINNESS: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

(Whereupon, the board went into closed session.)
(Discussion was held off the record)

LATIMER_-_DECISION _____

MS. RANSOM: Our first hearing was the continuation of the hearing for John and Cynthia Latimer, 10 Sugar Maples. Do I have a motion to close the public hearing with only one thing left open and that is to allow the public access to the February 7, 2008 map and that the public hearing for March will only be to address items specific to the map? Do I have a motion?

MR. LEE: So moved.

MR. DOBIAS: I'll second it.

ROLL CALL

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

MS. RANSOM: Mr. Latimer, the public hearing will remain open, I'm sorry, will be closed with the exception of allowing your neighbors to view the map that was revised on February 7th that will be in the building department and then we'll take this issue up next month.

MR. LATIMER: Okay, great, thank you.

MS. RANSOM: So any discussion next month will be strictly limited to what's on the map.

MR. LATIMER: Very good, thank you.

ELMES_-_DECISION _____

MS. RANSOM: Our next public hearing this evening was on the request of Karen Elmes, 16 Deerfield Lane. Miss Babcock, the board has decided to leave the public hearing open until we find out about the curb cut for Angola Road because we feel that this is an issue that needs to be resolved before we can take the five factors for a variance.

MS. BABCOCK: Very good. What day will the meeting be continued to?

MS. RANSOM: The March meeting is the 17th, St. Patrick's Day.

MS. BABCOCK: Thank you very much.

MS. RANSOM: You're welcome.

KNAPP_-_DECISION

MS. RANSOM: And our third hearing this evening was on the request of Harry and Diane Knapp. Mr. Knapp, the board would like to get a sketch of what your garage is going to look like. We'd like to know how your garage, the height is going to compare with other garages in the area and with a normal garage. And we'd like to kind oversee a site plan how that garage is going to be cited on your property.

MR. KNAPP: Okay, all right.

MS. RANSOM: Thank you. Anything else to come before the board? Motion to adjourn?

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer