

November 30, 2009

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TOWN OF CORNWALL
ZONING BOARD OF APPEALS
NOVEMBER 30, 2009

MEMBERS PRESENT: LENORA RANSOM, CHAIRPERSON
EILEEN REGAN
TED DOBIAS
WILLIAM LEE

ALSO PRESENT: ADAM RODD, ESQ.
ZONING BOARD ATTORNEY

GARY VINSON
BUILDING INSPECTOR

ABSENT: MICHAEL MC GUINNESS

MS. RANSOM: I'd like to call to order the November 30, 2009 meeting of the Town of Cornwall Zoning Board of Appeals.

DAVID_RUDY_-_CONTINUATION

MS. RANSOM: We have the continuations, the first one is on the request of David Rudy, 39 Roe Avenue.

MR. COPPOLA: Evening everyone, my name is A. J. Coppola, I'm the project architect. We presented this variance request at the last zoning board meeting. I believe it's for a simple side yard setback. Mr. Rudy wants to do a new two level addition to the rear of his house, this is in line with the existing side yard, the existing side yard of his property of his existing

buildings, so we're in line with that. And basically the request is for 6 1/2 feet, meets his existing, the corner of his existing house and 8 feet is where the corner of the addition is and I believe it's a 15 foot requirement.

MS. RANSOM: Right, so the side yard, the 15 he's proposing 6 1/2 so it's an 8 1/2 foot variance but the house currently stands 6 1/2 feet off the property line?

MR. COPPOLA: Exactly right.

MS. RANSOM: I know that we were waiting for Orange County Planning. Let the record show that the board has received Orange County Planning and they have left it to local determination. Anyone in the audience who'd like to speak to this issue? Bill, anything?

MR. LEE: No.

MR. DOBIAS: No.

MS. REGAN: No.

MS. RANSOM: You presented well last month and now we have Orange County Planning, the board can make a decision this evening.

MR. COPPOLA: Thank you very much.

ADVANCED_AUTO/TOM_FLORIO _____

MS. RANSOM: Okay our next public hearing is on the request of Advanced Auto, Mr. Florio. Let the record show that we have received Orange County Planning, they have left it to local determination.

MR. FLORIO: My name is Tom Florio, Advanced Automotive, 2450 Route 32. I want to make a clarification. At the last meeting I mentioned that my neighbor across the street from me might or not might have conforming signs and in no way was that to reflect negatively on our code enforcement officer. My property is half in Cornwall, half in New Windsor with Cornwall being lead agency. The property across the street from me is half Cornwall, half New Windsor with New Windsor being lead agency. So I just wanted to make that clarification. At the last meeting, there were questions about the internally illuminated sign, what it may look like in the evening. If I may approach and show you this is what it should look like in the evening. If there are concerns about it being left on all night, I'm sure we can install a timer.

MS. RANSOM: So the sign is 64 square feet where 32 is what the ordinance allows?

MR. FLORIO: Correct.

MS. RANSOM: How tall are the letters? Could you just refresh?

MR. FLORIO: Those letters are approximately 12 inches tall on the yellow portion that states Advanced Auto.

MS. RANSOM: The other ones are a little bit smaller?

MR. FLORIO: Yes.

MS. RANSOM: How tall is your logo?

MR. FLORIO: The logo's approximately, oh, the truss on the top?

MS. RANSOM: Yes.

MR. FLORIO: I'd say it's probably 14 to 16 inches.

MS. RANSOM: Okay, and what kind of stanchions?

MS. REGAN: Posts.

MS. RANSOM: Is this going to be on--

MR. FLORIO: Uprights.

MS. RANSOM: --uprights, thank you.

MR. FLORIO: Posts are going to be, you're going to have anodized covers to match the silver on the upper portion of the sign.

MS. RANSOM: And how far off the ground is it going to be?

MR. FLORIO: Well, initially the illustrations that I presented last month showed it very high. What I have done here is I had them move the sign closer to its location and brought it down much lower where it's much more appealing than being high.

MS. RANSOM: Does this help mitigate those trees that your neighbor has overhanging a little bit?

MR. FLORIO: I think it does and I think part of the problem also is that the, I have three Bradford pears out front that have a very large canopy so it's also going to help my own trees.

MS. REGAN: The canopy is high though.

MR. FLORIO: Yeah, and then this is another drawing that we did, this is showing a conforming sign and working with a graphic artist and looking at a conforming sign and looking at the sign that we propose, I might be thinking that the sign that we originally proposed might be a little bit large and maybe the conforming sign might be a little bit too small so I'm just wondering if there's a, now that I've worked it out with the graphic designer and not a salesperson, I have worked it out that it could scale nicely.

MS. RANSOM: What are you proposing, Mr. Florio?

MR. FLORIO: I would think that something in the neighborhood of maybe 24 square feet which would be a 40 inch tall by 86 long as opposed to the original proposal which is 48 by 96 which would have given us 32 square feet.

MS. RANSOM: So I'm sorry, you're saying what would the size be?

MR. FLORIO: The original size that I proposed was 48 by 96 which was the 32 square feet and what I'm proposing now would be 40 by 86 which would give us our 24 square feet.

MS. RANSOM: Twenty-four square feet times two would be 48, okay, so then your proposed sign is somewhere between those two signs that you've just given us?

MR. FLORIO: Right.

MS. RANSOM: Do you want to ask a question about the legs?

MS. REGAN: What if the legs were black so it just kind of, you know, you just see the sign as opposed to the

anodized?

MR. FLORIO: I think that could work, maybe anodizing sounds a little bit too bright.

MS. REGAN: The legs stand out, this way if the legs just fade away, the sign is the only thing that you can see which is better for you.

MR. FLORIO: That could work also and by reducing the height of the legs that's helpful also.

MS. RANSOM: So are you modifying your request now to a 48 square foot sign?

MR. FLORIO: Yes.

MS. RANSOM: Okay.

MS. REGAN: With black legs?

MR. FLORIO: Something like that, yes.

MS. REGAN: I think the sign would stick out more, you know, just that's all your gonna see.

MR. FLORIO: That's right because when you want to hide something in landscaping it's black.

MS. RANSOM: Ted, any questions?

MR. DOBIAS: No.

MR. LEE: No.

MR. RODD: If you can refresh my memory, the dimensions of the sign for 48 square feet would be how large on each side, I mean how wide, how tall?

MR. FLORIO: Forty-eight square foot would be 40 by 86.

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MS. RANSOM: Is there anyone in the audience who'd like to speak to this issue? So you're comfortable then at 48 square feet will give you the exposure you need without being overpowering?

MR. FLORIO: I believe so.

MS. RANSOM: Okay, anything else? Okay, thank you very much.

MR. FLORIO: Thank you.

CHRISTOPHER_MEE _____

MS. RANSOM: Our next public hearing is on the request of Christopher Mee, 6 Hinkson Place.

MR. MEE: Good evening.

MS. RANSOM: We're just going to read the public 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 November 30, 2009 at 7:30 p.m. or soon thereafter as the matter can be heard on the application of Christopher Mee relating to property located at 6 Hinkson Place and designated on the tax map as section 36, block 1, lot 31. The applicant seeks an area variance to Section 158-12, Part 1, SLR district, use group B, column number 7 of the zoning ordinance in order to replace an existing 8 x 12 foot deck with insufficient rear yard. The ordinance requires a 60 foot rear yard and the applicant proposes 6 feet. The 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 our prior to the hearing. This is dated October 20, 2009. By Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

Let the record show that we have received Orange County Planning and they have left it to local determination. Would you like to make your presentation?

MR. MEE: So, yes, as it stated, it's an existing deck, when I bought the house, it was existing. So in order to replace this, I would need the variance. This would be of the same materials in keeping with the location of the house. I don't know if you have driven by but it's set back pretty far in the woods and it basically backs up to wilderness. Natural wood, most likely

cedar with the exact same dimensions as it's been standing for the past 17 years that I've owned it and that's what I'm here to propose.

MS. RANSOM: Okay, so is the deck unsafe?

MR. MEE: Not at the moment, no, it's something that I wanted to upgrade, no, by no means I was on it last night.

MS. RANSOM: So it's going to be a total replacement, it's going to be the same size, same position?

MR. MEE: Correct, same position, same location, same size, same railings, same style in keeping with the rest of the front porch that wraps to it.

MS. RANSOM: Okay, so 60 feet is required, you're proposing 6 so it's a 54 foot variance. You said that the back of your house is total woods?

MR. MEE: Yeah, it is.

MS. RANSOM: At what point is your nearest neighbor?

MR. MEE: On the side of the deck it's 500 yards, it goes back to almost Route 32, on that side, there's at least 15 acres there that Charlie Kim owns. I know he sold half it to Mountainville Church on that side, Mountainville Church is the closest back there.

MS. RANSOM: Just backs up on a total wooded area?

MR. MEE: Yeah, at least 15 to 20 acres.

MS. RANSOM: Nobody is going to be able to see this deck.

MR. MEE: Right, correct.

MR. DOBIAS: It's all camouflaged.

MS. RANSOM: Any questions?

MS. REGAN: Who owns the lot to the side? What are those orange cones there?

MR. MEE: That's the Hinksons who named my street for me. I know they sit on a couple acres but they're above me. You have to pass them to get into my property. I'd also like to take a second and thank Gary and Diane in the Building Department who have been just very helpful and cooperative. I just want to publicly acknowledge them because really I have dealt with a lot of building departments, I have a small business and just a pleasure to deal with. So I did want to publicly acknowledge them.

MS. RANSOM: We always appreciate hearing good things.

MR. MEE: I just wanted to let you know.

MS. RANSOM: Thank you very much.

MR. DOBIAS: They're a credit to the organization.

MS. RANSOM: They are. Ted, any questions?

MR. DOBIAS: No.

MR. LEE: No, I was there, I know what he's saying.

MS. RANSOM: Is there anyone in the audience who'd like to speak to the issue? Anything else you'd like to add?

MR. MEE: No.

MS. RANSOM: Okay, I can't speak for the board but we'll probably make a decision this evening.

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MR. MEE: Thank you.

MS. RANSOM: You can either hang out with us or call Gary in the morning.

MR. MEE: Thank you.

PAUL_&_RANDY_MEROLA

MS. RANSOM: Our next public hearing is on the request of Paul and Randy Merola, 8 Kelly Lane. 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 November 30, 2009 at 7:30 p.m. or soon thereafter as the matter can be heard on the application of Paul Merola relating to property located at 8 Kelly Lane and designated on the tax map as section 19, block 1, lot 3. The applicant seeks an area variance to Section 158-12, Part 1, SR-1 district, use group G, column number 5 and 6 of the zoning ordinance in order to construct a 12' x 20' front deck with insufficient front yard and minimum side yard area. The ordinance requires a minimum front yard of 30' and a minimum side yard of 15, the application proposes 3' front yard and a minimum side yard of 1' to the town line. The 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 our prior to the hearing. This is dated October 20, 2009. By Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

MR. MEROLA: Not used to being in front of people like this. Did you want the mailing of affidavits?

MS. RANSOM: Yes, please. Just for the record, you are?

MR. MEROLA: Paul Merola, this is my wife, Randy back there. Thank you for your time, we appreciate it. Randy and I got married in 1985, just to give you a brief history, we moved to Cornwall in 1986 and we live in the current house that we bought in 1986 which has a mailing address of 8 Kelly Lane, Cornwall-on-Hudson. We love it there. When we bought it, it was a very

tiny house and our first child was born in 1990 so we did some major renovation in the early '90s which Gary was part of back then too. And so we again we chose to stay there, we're happy being there. The reason why we're asking for a variance for the 12 x 20 deck of course is yes, that's correct that the deck is already within one foot of the town line. Our home also lies within a couple feet of the town line. Our home that we bought from what I'm told years back was actually part of two lots, the part to the left of the home is actually on Cornwall-on-Hudson and our home is in the town. It's a very quiet area, private, I know you were up tonight, you can see as far as being exposed to a lot of homes it's not, it's quiet. And the vacant lot to the town where the town line is we probably have, I'm just guessing maybe 60 feet to the front of our property and maybe about 60, 70 feet off to the side, as far as I guess you used the word setback, I guess to our neighbor's property. If you don't mind, the reason why we want to put the proposed deck in the front of our home is that if you look at the survey, you probably have copies, the area behind our home is kind of narrow and kind of hilly so to really to have, we have never used the behind of the house as a back yard because it's just not level and it's not, it's not a comfortable place to be, that's why really our front yard with the way it's landscaped is really our back yard, so when we're in the front yard which we call our back yard it's still private because we only have two neighbors, two physical residences, one in front of us kind of down the hill and the one off to the left of us and surrounding us is the buffer area between us and the library and behind us is just woods and then the town maintenance garage. So it's really a nice, quiet area. And Randy and I have thought about many years once we saved up enough money what's the best, best way for us to have the little deck, it would have to be right there, we chose the left side of the house because that's where our kitchen is and we would love to be able to come outside the front door and go on the

deck and have a little barbecue or sit outside in the nice weather in front of kitchen area. And the other negative thing about trying to have our deck behind our house is we don't have any entrances behind our house and if we did it would be major renovations because our home is an older home and the ceilings are very low so we had some contractors look at it and to be able to put a door behind our house which again isn't feasible for us they'd have to do major construction because the ceilings, if I put my hand up, I can probably touch the ceiling in my home. So the support beams on the back part of the house would actually interfere with where the door would go but we really don't want it back there. We spent a lot of time thinking about what we want to do and this is where we'd really love to put it and we'd love your approval. And I think that's all I have to say and thank you for your time. And Gary and I, I went up there with the paperwork, he probably sat there for over an hour answering my questions, telling me to relax. So thank you.

MS. REGAN: I think you should take a bow tonight, Gary.

MS. RANSOM: I have a couple of questions. As you're looking at your house--

MR. MEROLA: I took some pictures I wanted to show you.

MS. RANSOM: Please.

MR. MEROLA: Sorry, I forgot about that, thank you very much. Basically the, I'll hand it to you, the picture I kind of put in yellow highlight, this is our home, this is where we want the deck, this is our kitchen window, so the proposed deck would kind of wrap, we would kind of come off the existing porch and this is all our property over here.

MS. RANSOM: That's my question, where you going to

move the existing porch?

MR. MEROLA: No, no, what we might do is we're thinking about we might just redo the floor which I have to ask Gary about just so it matches, we're going to use composite wood so we were thinking about maybe we want to rip up that wood and just put a composite wood so it all matches because we're going to have the entrance coming out from here right, here is six feet wide so if we come out that way and the little deck would be over here.

MS. RANSOM: So the deck is going to be the same, coming out the same as the porch or little farther?

MR. MEROLA: It's going to come out further to the left of the house so if you--

MS. REGAN: But in line with the existing porch?

MR. MEROLA: Yeah, in line. Not actually straight across, it's going to come out over here.

MS. RANSOM: Six foot?

MR. MEROLA: Right, and come this way and come back to the house over here.

MR. DOBIAS: So you come out of the kitchen, you come out onto the deck?

MR. MEROLA: Yeah, but to come out the front entrance of the house is the dining room which is three feet over from the kitchen so if we did actually come out the dining room door onto the porch and then make a right two feet then you'd be on the porch right over here.

MS. RANSOM: And the deck is going to cover, there's a door on the bottom here, right?

MR. MEROLA: Yes, we figured that out, I spoke to the contractor, we'll have plenty of space, we'll put like a little path coming down here and around and kind of wraparound here, put a little garden in front of the deck to make it look pretty and put lattice up around it to make it look pretty. I took the lattice down because I painted this wall, this picture's two weeks old, make it look pretty with the lattice and have composite railing come up over here and kind of wrap around.

MS. RANSOM: Is it going to make the downstairs dark?

MR. MEROLA: We weren't really concerned about that because we were going to keep it open and it's really not that bright down there anyway. The sun comes up over here, this picture was taken late in the afternoon so the sun's over here, this is just really a hangout room for the kids, kitchen, living room and dining room are on this floor over here, the downstairs is like a playroom and then I took this one other picture, this is a picture almost from our corner of our property when we're standing on Cornwall-on-Hudson. Here's the town line again and I just wanted to show you how hilly it is behind the house and the kitchen area. All right, thank you.

MR. DOBIAS: Is that a stone wall here?

MR. MEROLA: This, yeah, that's a stone wall, that's low, that's just like two feet high and that's cinderblock wall that supports the front porch.

MS. RANSOM: How are you going to make the deck kind of blend in with the porch?

MR. MEROLA: It's going to be a white railing with gray, I'm looking at my wife, make sure I don't get in trouble here, the deck floor is wood so what we want to

do is make the proposed deck gray and match, you know, the existing porch and then the railing will be a white railing.

MS. RANSOM: So you have a white railing on the house now so it's going to be the same kind of railing?

MR. MEROLA: Yeah, yes.

MS. RANSOM: Now, I did have a call from the library and they just wanted to make sure that the proposed deck was not on their side and it is not, correct?

MR. VINSON: Correct.

MR. MEROLA: Right, it's on the left side.

MS. RANSOM: Just wanted to make sure I gave them the right information. Okay, so the library then their property is to the right as you're looking at your home?

MR. MEROLA: Yes, correct, it's to the right.

MS. RANSOM: And the deck is on the left as you're looking at your home?

MR. MEROLA: Yes, and in case you're curious, it's a pretty wide buffer between my property line and there's a bunch of woods then the library parking lot so it's, even if it's not but if it was, I don't see any, being an eyesore to the library at all.

MS. RANSOM: Okay, your front yard the ordinance requires 30 feet and you're proposing 3 feet?

MR. VINSON: To the town line. The problem he has is that his parcel is bisected by the municipal boundary, that's where the setback is taken to, he has property in the village sort of like Mr. Florio, his building is

right on the line, he had a variance to put the building there but he had property in the adjoining town, he has property in the Village of Cornwall-on-Hudson.

MS. RANSOM: On the front yard?

MR. VINSON: Yes, so the distance is to the municipal boundary cause that's as far as I can regulate to.

MS. RANSOM: So how far is it then to your property line?

MR. MEROLA: Can I show you the survey?

MS. RANSOM: Yeah, sure.

MR. MEROLA: It's probably I think I measured this one today it's probably about 60 feet to here to this point like to my front and then to the side I think it was probably about the same, maybe a little bit less but this isn't to scale but it's probably about 60 feet and about 50 feet this way I think it was.

MS. RANSOM: Alright so then your proposed deck has got plenty of room, just that the town line and the village line cross over?

MR. VINSON: Right, and I can't allow him to build into the village.

MS. RANSOM: Okay. We can do that though.

MR. MEROLA: The proposed deck is not even if we had that size it won't go into the village, it will be like existing home is about two feet from the line, town line and the deck will be about a foot from the town line so--

MS. RANSOM: And the deck is not going to go farther

than the edge of your house?

MR. MEROLA: No, absolutely not, we want it to be right in line so it looks nice and pretty and our new entrance to downstairs there's one of two ways we think the way we want to go if you look at the picture we're probably going to have it come, well, here's the deck, we could actually dig down but we think it would look prettier if we put all garden and have an entrance coming around like this to be able to bring it that way. That's what we think, I think that's what we really want to do, just put a garden and stuff like that in front of the home.

MS. RANSOM: Great. Questions?

MR. RODD: Is the second lot that you have is that vacant?

MR. MEROLA: Yes.

MR. RODD: That's the one in the village?

MR. MEROLA: Yes, and they tax me, they make sure they get that, maybe they'll forget one day. It's interesting to not to change the subject but do you remember when they split up Willow Avenue, the school system and we actually had to fight to keep our kids in town. We had to go to the education meeting, say look, we live in town, they said well, we'll have to think about it, look we're paying our taxes here, we think sometimes we should get it but we don't, we ran into that the night of the election, they're telling us to go down there but we had to go to Munger, we're like in the twilight zone.

MS. RANSOM: The line is going to be right along the edge of your deck?

MR. MEROLA: Yes, the new freeway, yes, town line.

MS. RANSOM: Ted, questions?

MR. DOBIAS: We live in a nice town though.

MR. LEE: No questions.

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

MR. MEROLA: No, thanks for your time and thanks to Diane.

MS. RANSOM: Let the record show that we have received Orange County Planning, they have left it to local determination.

MR. MEROLA: Thank you very much.

MS. RANSOM: You're welcome to stay, we might make a decision.

SUSAN_&_JOSEPH_GARCIA

MS. RANSOM: Our last public hearing this evening is on the request of Susan and Joseph Garcia, 4 Jaeger Drive.

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 November 30, 2009 at 7:30 p.m. or soon thereafter as the matter can be heard on the application of Susan and Joseph Garcia relating to property located at 4 Jaeger Drive and designated on the tax map as section 20, block 12, lot 3. The applicant seeks an area variance to Section 158-12, Part 1, SR-1 district, use group G, column number 7 of the zoning ordinance in order to construct an 18' x 25' one story addition with insufficient rear yard. The ordinance requires a minimum rear yard of 30' and the applicant proposes 22 feet. The 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 our prior to the hearing. This is dated October 21, 2009. By Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

MRS. GARCIA: My name is Susan Garcia, this is my husband, Joseph Garcia. Please be patient with us, we're not public speakers. But yes, we basically bought the house, a home about four years ago when the market was insane. We moved up here from Rockland County and we moved into the house with the intention of it being temporary, it was a small house, we have children but we wanted to get our foot in the door, we were living with our mother at the time. Since then, a couple things obviously have changed, the housing market crashed and we fell in love with the town and we fell in love with the school district and neighborhood and the neighbors so we really want to stay. However, the children are a lot bigger now and the home is very small when we bought it and we would like to enlarge it

so we can stay in the town and the neighborhood. We did contemplate on building up, however, it was a lot more money and all the homes in our neighborhood are ranch styles so it would really not go with the neighborhood. Looking at the house on the right side of the house we have the existing house that's only 10 feet from the property line to our home already which we would need a variance if we wanted to go out that way and there's also not enough room 10 feet there. On the left side of the house to go out that direction just is not functional at all. So if you were standing in front of our house which is situated not as a normal home not the long way if you would see a ranch but ours is this way so you're looking at the smaller end of the house, we would build onto the back where you wouldn't even be seen from the street, it would just stay in perfect formation of the home, give us our two bedrooms that we need and enlarge just the home and living space really. We did walk around and we did speak to our neighbors and everybody did not have an issue, they said God bless you and they hope that we got this from you guys. I really cannot think of anything else right now. Can you?

MR. GARCIA: No.

MR. VINSON: How far from, give the distance.

MRS. GARCIA: My yard distance it's the 30 feet from the rear of the house to the property line and then if we did the 18 feet back it would only leave 22 feet to the rear property line.

MS. RANSOM: So you're requesting an eight foot variance?

MRS. GARCIA: Yes.

MS. RANSOM: You have a lot of stuff in your back yard, what are you going to do with all that?

MRS. GARCIA: The swings and slides the children have outgrown, the shed has always been there, that's going to stay there and the trampoline it could fit.

MS. RANSOM: Will you have room for all of your stuff plus the addition?

MR. GARCIA: The swingset's almost falling apart anyway.

MRS. GARCIA: The kids don't even play on it so that's leaving.

MS. RANSOM: Are you going to totally re-side your house or are you going to match the siding on the new house, new addition to what's already there?

MRS. GARCIA: Yes, we're matching the siding and the roof.

MS. RANSOM: That deck looks like a stockade fence from the road?

MRS. GARCIA: Yes, it was a deck there when we moved in.

MS. RANSOM: And the addition is going to be two bedrooms?

MRS. GARCIA: Yes, we will not put any like fog lights or anything out in the back for the neighbors, you know, we're not going to interfere with that.

MS. RANSOM: So are there windows out the back or are they only on the side?

MRS. GARCIA: Right now, there are windows out the back on the side, they're going to, the contractor is going to be putting windows in that will match with the

existing windows already that are on the home.

MS. RANSOM: This is what your neighbor behind you will be looking at?

MRS. GARCIA: Yes.

MS. RANSOM: This is what your neighbor to the side will be looking at?

MRS. GARCIA: Yes.

MR. GARCIA: Yes.

MS. RANSOM: And what kind of siding is on your house right now?

MRS. GARCIA: Vinyl.

MS. RANSOM: Then this is proposed as vinyl siding as well?

MRS. GARCIA: Yes.

MS. RANSOM: Is there any natural screening behind your house or is there a fence, what's behind your house?

MRS. GARCIA: What's behind our house is an existing wire fence throughout the property and hedges like Rose of Sharon bushes and all that.

MS. RANSOM: So there's Rose of Sharon bushes between your neighbor in the back and the sides?

MS. RANSOM: And the sides.

MRS. GARCIA: Yes.

MR. GARCIA: Yes.

MS. RANSOM: So then there's natural screening between your home?

MRS. GARCIA: That's what you meant, okay, yeah.

MR. GARCIA: Not in the winter but yes, all the other seasons, yes.

MS. RANSOM: This time of the year they're not deciduous or they are deciduous, they're not evergreen?

MRS. GARCIA: Yes. No, I wish.

MS. RANSOM: Questions?

MS. REGAN: No.

MR. DOBIAS: No.

MR. LEE: No, I was over, everything looks good.

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

MRS. GARCIA: And Gary was a big help, kudos to Gary tonight.

MS. RANSOM: So you've said you had spoken to your neighbors?

MRS. GARCIA: My husband went and he spoke to the two neighbors on the side which the one neighbor we didn't even have to certify mail, I don't know why, but she's, she said God bless you, the lady right behind us, Mrs., there's an older lady, very sweet, Santiago.

MR. GARCIA: Santos.

MRS. GARCIA: She would be the one if she had an issue it would be mainly her, she has not an issue at all, my

husband spoke with her.

MS. RANSOM: Okay.

MRS. GARCIA: We were going to get letters but we didn't get letters.

MS. RANSOM: Let the record show that Orange County Planning has left this request to local determination. Anything else, Eileen?

MS. REGAN: No.

MR. DOBIAS: No.

MR. LEE: No.

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

MRS. GARCIA: No, that's all.

MS. RANSOM: Thank you.

MRS. GARCIA: Thank you very much.

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

MS. REGAN: So moved.

MR. LEE: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

(Whereupon, the board went into executive

session.)

(Discussion was held off the record)

REGULAR_MEETING: _____

APPROVAL_OF_MINUTES _____

MS. RANSOM: Since we just received the minutes tonight, I'm going to hold off the approval on the minutes until next month.

MEETING_DATES: _____

MS. RANSOM: Did everybody get a chance to look at the 2010 meeting dates?

MR. LEE: Yes.

MS. RANSOM: Do I have a motion to approve the dates as submitted by the building department?

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

LATIMER _____

MS. RANSOM: The next item we have on our agenda is a request from John and Cindy Latimer, 10 Sugar Maple Road. We granted an area variance for them on January 22, 2008, they are, as their letter indicates, still before the planning board. Since they are obviously still working on this project, it seems to me that it's not due to anything that they have caused, they are still in the process, they are asking for an extension to May of 2010, that seems very reasonable to me. So I don't know how everybody feels. I'd like to have a motion to extend the Latimer's area variance to May 31, 2010.

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

RUDY_-_DECISION

MS. RANSOM: Our first public hearing was on the request of David Rudy, 39 Roe Avenue seeking an area variance for insufficient side yard to construct a 32 by 12 foot rear two story addition. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: Let's 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.

MR. DOBIAS: No.

MS. RANSOM: No, and the current house is 6 1/2 feet off the property line and the new construction is still proposed to be 6 1/2 feet off the property line so it is not going to make any changes there. Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance?

MS. RANSOM: I don't think so, he testified that this was the only place they could actually put this addition. I think he testified that he was getting

married and that they're going to have additional children and they needed the additional space. Is the requested variance substantial? I mean, it's an 8 1/2 foot request but the house is already 8 1/2, the house is still only 6 1/2 feet off the property line so it's not really, visually it's not going to change anything. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or the district?

MS. REGAN: No.

MR. DOBIAS: No.

MS. RANSOM: No, again, it's still the same off the property line. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes, but it doesn't carry any weight in this case.

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

MS. REGAN: So moved.

MR. DOBIAS: I'll second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: Do I have a motion to approve the request by David Rudy for a side yard variance?

MR. LEE: So moved.

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MS. REGAN: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

ADVANCED_AUTOMOTIVE_-_DECISION

MS. RANSOM: Okay, our next public hearing this evening is on the request of Advanced Automotive relating to property at 2450 Route 32. The original request was for a 64 square foot sign, the applicant has now brought that down to a total of 48 square feet, 24 square feet on each side and also the request is for internal illumination. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: Let's take the criteria for a 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: I think he has made an accommodation by making it smaller and he has also lowered it to the ground so I think that that's going to look better and it won't be quite as intrusive as you're driving by. 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 think he testified that at 40 miles an hour it was hard to read the sign if it were 32 square feet which is what code allows and also there's visual impairment to the south by the trees and as he mentioned, he also has trees in the front that create a canopy. So I think that the variance is feasible. Is the requested variance substantial? I mean, I think he's cut it down, it's still a little bit larger than permitted by code but it's been cut down from the original request. 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, and it's an internal illumination. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes.

MS. RANSOM: Yes, but I think that, you know, he has brought the size of the sign down.

MS. REGAN: He's demonstrated the need for it and why.

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

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: Do I have a motion to approve the area variance requested by Advanced Automotive for a double sided sign which is a total of 48 square feet?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MEE_-_DECISION

MS. RANSOM: Our next public hearing this evening was on the request of Christopher Mee, 6 Hinkson Place requesting an area variance for insufficient rear yard to replace an existing 8 foot by 12 foot deck. Do I have a motion to close the public hearing?

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

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

MS. REGAN: No.

MS. RANSOM: No, it's the same size deck, he testified it had been there for 17 years and there are no visual impacts to any of the neighbors seeing this deck. Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance?

MS. REGAN: Not really.

MR. DOBIAS: No.

MS. RANSOM: Not really. It's 6 feet off the property

line and it's existing. Is the requested variance substantial? I mean, when you look at true numbers, it is substantial but if you look at the surrounding areas, the fact that it's all wooded and that no one has any visual impact, it's really not substantial. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or the district?

MR. DOBIAS: No.

MS. RANSOM: As he testified, it's been there for at least 17 years that he's been there. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes, but under the circumstances, it's pre-existing.

MS. RANSOM: 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

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: Do I have a motion to approve the request by Christopher Mee to grant an area variance for insufficient rear yard?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

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ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MEROLA_-_DECISION

MS. RANSOM: Next is the request of Paul and Randy Merola, 8 Kelly line. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: Let's take the grounds for relief one at a time, the area variance with insufficient front yard to the Cornwall town lines. Okay, 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, and as they testified, it's to the town line, not to their property line. Can the benefits sought by the applicants be achieved by some method feasible for the applicant other than an area variance?

MS. REGAN: Not really.

MS. RANSOM: Not really, their back yard is pretty much uphill, uninhabitable and they testified they don't use that so in order to have a deck, it would have to be in the front of the house. Is the requested variance substantial? I mean, when you look at numbers, shear

numbers because of the town line it is but not based on their total lot which is included in the village. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or the district?

MS. REGAN: No.

MR. DOBIAS: No.

MS. RANSOM: No, they testified that they were going to blend it in with the front porch that's already there since it's going to be in the front of their house and they also said they were going to do some landscaping around it so I think that it will blend in. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes.

MS. RANSOM: Yes, sort of.

MS. REGAN: But they have no choice.

MS. RANSOM: They have no choice because of the town line and village line intersect. 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

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: Do I have a motion to approve the request

by Paul and Randy Merola for an area variance to construct a front deck with insufficient front yard?

MS. REGAN: So moved.

MS. RANSOM: And minimum side yard, excuse me.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN AYE

MR. LEE AYE

MR. DOBIAS AYE

MS. RANSOM AYE

MS. RANSOM: We'll let the building department know all this tomorrow so you can get building permits and whatever else you need.

GARCIA_-_DECISION

MS. RANSOM: Our last public hearing this evening was on the request of Susan and Joseph Garcia, 4 Jaeger Drive requesting an area variance to construct an 18 x 25 foot one story addition with insufficient rear yard. Ordinance requires 30, they're proposing 22. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: Let's 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, and they have testified they're going to tie it all in together.

MS. RANSOM: And they also testified that there was shrubbery around the back and side of the house. Can the benefits sought by the applicant be achieved by some method feasible for the applicants other than an area variance?

MS. REGAN: No.

MS. RANSOM: I think they testified that they couldn't put it on either side, that the only place to put it was off the back of the house. And they also testified

that their house instead of being horizontal is vertical. Is the requested variance substantial? It's an 8 foot request, not really, given the fact that it's going to be tied in and there's some natural screening. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or the district?

MS. REGAN: No.

MS. RANSOM: No. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes.

MS. RANSOM: Yes, but again, there's no place else to put this on that particular parcel of property. Do I have a motion that this is a Type 2 Action under SEQRA?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: Do I have a motion to approve the request of Susan and Joseph Garcia for an area variance for rear yard?

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: Motion to adjourn?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

Respectfully Submitted By:

Frances Roth
Stenographer