

October 19, 2009

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TOWN OF CORNWALL
ZONING BOARD OF APPEALS
OCTOBER 19, 2009

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

ALSO PRESENT: ADAM RODD, ESQ.
ZONING BOARD ATTORNEY

ABSENT: MICHAEL MC GUINNESS

MS. RANSOM: The October 19, 2009 meeting of the Cornwall Zoning Board of Appeals will now come to order.

BARTOLONE_-_CONTINUATION _____

MS. RANSOM: Our first order of business is the continuation of the public hearing on Michael J. Bartolone, 2 Chestnut Street. Mr. Bartolone, I see that you have submitted some revised plans, would you walk us through it please?

MR. BARTOLONE: Yes, gladly. Good evening Madam Chairwoman, members of the board. For the record, my name is Mike Bartolone, I'm here at the request of the board to come back with a modification of the plan for section 21, block 6, lot 1. I want to thank the board and the neighbors who came out with constructive criticism that allowed me to go back to the drawing board to revise the plan and I think we came up with a

plan that did address the majority of the concerns. The previous application we were seeking five variances, we had a variance to Section 158-12, Part 1 of the SR-1 district in order to construct a two story dwelling. It's a corner lot of both 30 feet on Chestnut and Elm Street. In addition, we seek an area variance of Section 158-14 (a) (1) (b) in order to construct a 12 x 21 detached garage with insufficient rear yard and insufficient distance to the residence. From the meeting last month we took away three issues that were raised by the board and the neighbors and the community, those being safety which was the location of the driveway and its proximity with the line of sight and the road use of Chestnut and Elm, size of the home on the lot, the square footage, the proximity to the lilac bushes and the neighbor's pine tree on Elm and the number of variances previously being requested which was the five that I just went through. Going back to the drawing board, we have modified the driveway on Elm on the corner of Elm and Chestnut, we made it 9 foot 2 inches off the radius to improve the line of sight and met with the town highway superintendent, Bobby Conley, and he went out and saw the site, gave me a letter of approval and gave me the approval from moving the driveway. I have photographs showing how that's a safe intersection or corner with plenty line of sight. So the driveway was moved 9'2". Second item the size of the home, square foot of the home has been reduced from 2,200 square feet to 1,900 square feet, taking up less of the area lot coverages. The garage, now a lot of people asked why the garage is going to be attached to the house. The garage is now attached to the home and it helped mitigate the potential risk of the lilac bushes actually per my surveyor on my property line, though I want to do everything I can to preserve them. So we moved the garage that was once 2 1/2 feet to 10 feet giving plenty of room for the lilacs, also creating a separation to the pine trees that were on the, I believe it was the Stephenson's home. Also by

attaching the garage to the home, we have eliminated the garage, the residence separation required of a minimum of 10 feet. The front yard of the home are now in line with the neighboring homes within 200 feet of the property per 158-14 (c) (3), we're in conformance with the allowable setback for the two front yard fronting Chestnut and Elm, we now took the previous 20 foot setback, have now made it 27'9" equaling the distance of the home to the left of Chestnut Street and 17'4" front yard of Elm Street equal to the Stephenson's setback of 17'4" and that negated the two previous front yard variances we were seeking. The rear yard we're still requiring or needing a rear yard variance of which was 2 1/2 to 10 feet seeking a 20 foot variance that was necessary as we attached the garage and moved the garage away from the lilacs and any construction activity from those pine trees, the side yards would meet the current recommendations of the maximum side yards which based on the calculation of the table 158-32 non-conforming lots of record 50 feet or less in width total both side yards, when you do the calculations needed a total side yard of 16.66 inches we achieved that just with the 17 foot 4, however, the minimum side yard needed to be 7 1/2 and by creating the 17'4" setback to conform with the neighbor 200 foot down Elm Street, it pushed the house over to a 6 foot 8 and we felt now needing a 10 foot variance, a 10 inch variance, I'm sorry, 10 inch variance cause we needed a 7 foot 6 inch for that side yard. There still is a separation between the residence of Chestnut and the proposed side of the house of 45 foot 4 inches, we have that 10 inch relief we're asking for. So really in conclusion, we feel we have addressed both the board and the neighbors' concerns. We have mitigated the need for the front yard variances, we mitigated the need for the garage to house separation with the detached now attaching the garage, we have overcome the potential loss of the lilacs by moving the garage 10 foot off the property line also staying a good distance from the mature pine

trees on the Stephenson property, no longer need the, well, we do need, we need, we went from five variances down to two variances, one being the insufficiency of 10 inches, the other still needing the 20 feet but that was to address the lilacs and the trees and the closeness of the property line.

MS. RANSOM: Okay, the garage, is it a two car garage?

MR. BARTOLONE: One car.

MS. RANSOM: I guess I'm still confused as to why the second driveway.

MR. BARTOLONE: Second driveway in the front of the house?

MS. RANSOM: Yes.

MR. BARTOLONE: Just want to have a driveway in the front of the house for guests, visitors, a second car because it's a single car and if you have a car and also to mitigate the traffic already this last one car backing up on Elm if there was the two cars with one in the garage and one in the driveway you'd always be shuffling cars to get the car out of the garage, the one car.

MS. RANSOM: Okay, you mentioned that Bobby Conley had given you a letter of approval for the second driveway, do you have that for the record?

MR. BARTOLONE: Yes, I do. May I approach?

MS. RANSOM: Yes. Do you have any questions, Bill?

MR. LEE: No.

MR. DOBIAS: No.

MS. REGAN: No.

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

MS. MCNEAL: Lisa McNeal, I live at 10 Chestnut Street so right here two houses away. I just also questioned the need for the second driveway on Chestnut Street. When I pull out in the morning, I mean, if there's a car parked there I just don't feel like my line of sight will be adequate enough and there are plenty of children running around and on the weekends, it's a mad house. And I feel if you already have a driveway here you can park one car in the garage and don't have to have this driveway on Chestnut Street, I mean, it's a dangerous corner as it is, why add, you know, why lessen our safety by having another driveway there? I mean, you put an SUV or a minivan on there, I just don't feel like I'll be able to see around that corner at all.

MS. RANSOM: Thank you.

MR. BARTOLONE: Actually, if I may, I took pictures with my truck which is a full size quad cab to show that there is adequate line of sight, if you'd like copies, I took actually driving the road, that's the proposed, and then this is coming as I pass my truck there's plenty of line of sight and this is coming around the turn and this was actually a car coming as I was still giving ample time to see.

MS. MCNEAL: I would like to say that I do think all of the other concessions that he made were good, I like the attached garage, not harming the lilacs and the pine trees. So I think it's good that he's trying to work with the neighbors, I just still have the concern about the driveway.

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

MRS. HINES: My name is Diane Hines, I live at 17 Chestnut Street. I have some pictures I'd like to, may I approach? These were taken during the day and also in the evening. I just have a couple of things, I was at the last month's meeting and I didn't speak and I wanted to get the minutes so I can read them over. a couple of things were mentioned about, I mean, the house is smaller, I want to thank Mr. Bartolone for getting rid of three of the variances. One of the comments were made last month that once there's a house there it would eliminate traffic because it's being used as a parking area. People are still going to park all over the corner regardless if there's a house there or not. They are talking about garages, I know the garage is moved, these houses were built in the 1920's there was no zoning back then so a lot of the houses, my garage is on my property line but again was built in 1928. There was a discrepancy if the screened-in porch was part of the square footage of the house and I think Eileen Regan was asking about that. They said it was four bedroom, three upstairs, one downstairs, could be a study downstairs. The question was asked by the board isn't that a rather large house for this size of the lot for the neighborhood and the response was I don't think so. When driving around, there's comparable homes sitting on similar lots, I think you talked about 8 Chestnut Street, no, 5 Chestnut Street was the Krause's house which is across the street, their house is 2,200 square foot but it's on 112 x 175 lot. I went on the Orange County website and I found there are 15 dwellings on Chestnut Street, 11 of them are on 50 x 100 foot lots, they range from 952 square feet to 1,400 and the only reason why you have a couple of 1,400 foot houses is because they're all Cape Cods, they have a dormer in the back. The other houses on Chestnut Street are four lots, they're all a, they are, most of them are 100 x 100 or again they're larger than

100 and 100 and they range from 1,200 feet to 2,200 square feet. So I think that the house has come down in size but it still does not fit with the character of the neighborhood with that size lot. And also I want to mention there was an affidavit brought up that Mr. and Mrs. Shepard were not concerned with the sale of the lot and it was also not mentioned though that they were told and this is on an affidavit that the perspective purchaser of the lot has a good reputation as a builder and plans to build a small Cape style house so I just want to show that. I think it's great, I mean there were over 30 people here last month from the neighborhood, not one person said we don't want a house there, not one. Everybody that spoke said we don't have a problem with the house, it's just the style of the house and the size of the house. I'd like to see an elevation where the roof pitches are compared to the house and the garage. Can something be built on top of that garage, more living space? Is it a finished basement? Can that be turned into living space as well as the screened-in porch because it's a three season sunroom that can be easily turned into living space as well and you're up to basically a McMansion with over 2,200 square feet? But I don't have a problem with the house being on the lot. My other concern is that curve with the driveway and I'm glad the driveway was moved over 9 feet which is fine. As you can see by those pictures, there's not room, there's room for one car to go through that road right there.

MS. RANSOM: Were these pictures taken during school or during soccer or--

MRS. HINES: One was during the day at 3:30 and the other one was at nighttime so but I'm glad that we're down to two variances, however, I just feel the house could be more of a Cape Cod style house. And again can the attic be finished as well? Would there be a full attic? Would that be finished? Okay, thank you.

MS. RANSOM: Thank you.

MR. BARTOLONE: Could I address those quickly?

MS. RANSOM: Certainly.

MR. BARTOLONE: Just to the size of the home was 2,200 square feet down to about 18 to 1,900 square feet, which is significantly a reduction in the square footage of the house. The screened-in room that Mrs. Hines was referring to is no longer on the plans, that's been eliminated. As far as the basement, any, most of those houses have basements so any of the houses that she's saying 1,200 to 2,200 square feet to finish the basement many of them have a third story add attic, whether their attics are finished space, it can be done as well. I strongly feel that the house that I am proposing the elevation is at kind of New England's traditional style in keeping with the character of the neighborhood and the aesthetics.

MS. RANSOM: Is the house similar to the one that you had proposed originally?

MR. BARTOLONE: I have a couple, we haven't really worked out the elevations because we didn't want to go too far without knowing exactly what the actual plot plan would end up being, but I have some if you wanted to see and I'm conscious of that having an architectural background in keeping with the aesthetics of the neighborhood and the community and not putting something in that becomes an eyesore or so different from existing. This is the one house which is similar to a lot of the homes in the Chestnut and Elm Street, here's a couple of elevations we've looked at, which are again your old village town elevations.

MS. RANSOM: So the sun room is gone and the porch is 6 foot by?

MS. REGAN: Twenty-six.

MR. BARTOLONE: Front porch is 6 x 26 in line with the--

MS. RANSOM: Is that a covered porch?

MR. BARTOLONE: That's an open porch like a country porch with the roof or the top rails not enclosed.

MS. RANSOM: So then it's all right, it's just strictly a porch?

MR. BARTOLONE: Correct.

MR. RODD: Does the square footage of your house that you're proposing does that include the basement?

MR. BARTOLONE: No, the first and second floor.

MS. RANSOM: And are you still proposing three bedrooms upstairs and one down?

MR. BARTOLONE: Yes, three bedroom up, it can be either a bedroom down or a study in the plan, no longer, I also reduced the number of bathrooms, it's a shared bath and becomes a bedroom, it's a shared bath and bedroom, not a separate bath that services just that bedroom.

MS. RANSOM: So how many baths are in the house?

MR. BARTOLONE: Two and a half.

MS. RANSOM: Okay, and the sun room is totally gone so then and as far as the garage it's what's the pitch on the garage, it's just going to be a one story?

MR. BARTOLONE: Yeah, it's one story. Addressing Mrs.

Hines' question, can space be added to the garage, yes, but it increases the square footage of the house, you know, it's just a roof over the garage.

MS. RANSOM: That's your plan right now is just a pitched roof over the garage?

MR. BARTOLONE: Yes.

MS. RANSOM: Is there anyone else who would like to speak to this issue?

MR. SHEPARD: Yes, ma'am, Colin Shepard, we're at 6 Chestnut Street, my wife, Katie. We were here last time and we recognize it's a difficult lot to build on, it's a very, very small lot, we're appreciative to Mr. Bartolone to basically come down on the variances and also come down on the house size. Sir, you asked the question last time to my wife what's your biggest concern and our family concern is going to be safety and essentially the rule is you draw I think it's 158-14, you go 30 feet on Chestnut, you go 30 feet on Elm Street and you can't build anything right from that area, recognizing this is a corner lot and that's a tough lot to deal with and so the driveway is a big concern and you can't I think even the rule is you can't even have landscaping that's over 30 inches high. And the purpose is safety. And so we talked about our daughter walking to Willow Avenue earlier or last time and that's a concern that we have and we haven't seen the pictures, we weren't able to see the pictures ahead of time, we'd like to have done that. But living in that area for a month or two months now we realize it's a high traffic area, particularly early in the morning and late in the afternoon, we think the line of sight from coming from Elm Street to Chestnut it's a safety concern and I think all the neighbors asked the question why the second driveway and that's the first question you asked tonight. And so that's a particular concern that's the safety issue that we're worried

about. There were a couple things last time that weren't addressed and hopefully they're addressed tonight, it was, I think requested that the highway superintendent submit a letter, we haven't seen that letter, we don't know what it says, hopefully, it addresses your concerns.

MS. RANSOM: You can certainly take a look at it.

MR. SHEPARD: Yes, ma'am, and again, also the pictures last time I think, sir, correct me if I'm wrong, Mr. Bartolone was going to submit pictures of past work and he said he was very sensitive about merging with the neighborhood and taking him at his word obviously we'd like to see your past work to see if that's something that the board can say yes, that will fit with the neighborhood and the style of the neighborhood. Earlier, Mr. Bartolone said that essentially they haven't gotten far along to pick the plan, the elevation, and I'm not a builder, not an architect, don't know the lingo at all, but I think it's time to pick and I think it's time for I think the board before making a decision would want to see what the plan, what the proposal is to put on this property. This is a very small lot in a neighborhood of a lot of other small lots, it's still 1,900 square feet, again, we're appreciative that it's come down 300 square feet but it's still a substantial size house on a very, very, very small lot. And so if he can submit a plan that essentially we can look at and say yes, this is good, I think that would be helpful. And I would request that the board at least require the applicant to submit such a plan before approving or rejecting his plan.

MS. COCCHIA: As far as I know, Cornwall doesn't have an architectural review board, so I don't see the relevance of submitting and I also don't see the relevance of Mr. Bartolone's past work, he's built thousands of houses in his career, what he's built in the past I don't understand what the relevance is to

the committee.

MS. RANSOM: Counsel is correct, there is no architectural review in Cornwall, so, I mean, the choice of house is really up to the person, he's asking us to review the area variances, if we approve the variances, then the choice of architecture is up to him.

MR. SHEPARD: Yes, ma'am, in terms of past work I think that's clearly relevant because he's made factual assertions that this is, since this is something that he does, he is concerned about and one of the criteria, one of the things you have to consider is will his plan fit essentially with the aesthetics of the neighborhood, with the style of the neighborhood. So we would request that he submit that and obviously, we request that he submits the elevation plans as well.

MRS. SHEPARD: Miss Hines had quoted some statistics about the sizes of the homes on particular lots and the fact of the matter is this will be the largest house on a small lot in keeping with Chestnut and Elm and so I think that all of our fears and our concerns aside from the safety issues with the driveway I think would be allayed if we were able to actually see what the house looked like. And I think the proposed home that you had submitted last time many of us thought oh, you know, this is actually very tasteful, whether it's an actual requirement or not, I think that it would be very helpful emotionally.

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

MR. BARTOLONE: This is Main Street America, villages and towns, again, these are just concepts, historical in keeping, in keeping with the historical nature of the neighborhood. Here's a Cape with, the front and this house would be 14 to 1,600 square feet, it's

actually 2,600 square feet so again, this style of house doesn't determine the square footage of the house, a Cape could be 3,000 square feet or 1,800 square feet. This one I don't like, it's on a mountain somewhere. This is again in keeping with the A frame with the wraparound front porch, here's another A frame.

MS. RANSOM: Mr. Bartolone, is there any, have you given any thought to making the driveway off of Elm a double driveway?

MR. BARTOLONE: I hadn't, I don't know which way I guess going towards the rear property line?

MS. RANSOM: Well, make it, I think it looks like it's about eight foot wide, if you made it large enough for two cars to park side by side.

MR. BARTOLONE: It's nine so you'd have about a 16, 18 foot wide, I'm not one for a lot of blacktop, I try to--

MS. RANSOM: Okay, but are you going to have blacktop on the one in the front as well as that one?

MR. BARTOLONE: No, I was actually proposing a blacktop apron per code and then a stone driveway.

MS. RANSOM: In the front?

MR. BARTOLONE: In the front in keeping with the character of the house.

MS. RANSOM: Is there, are you planning on a door on the Elm street side somewhere?

MR. BARTOLONE: Yes, there's a side door to a living room.

MS. RANSOM: Eileen, any questions?

MS. REGAN: No. I have to say he did a very good job in trying to listen to what the neighbors were saying and it is tasteful and you did scale it back, I can't see anyplace else that you can really take from.

MR. BARTOLONE: Thank you.

MR. DOBIAS: Well, I have been to the neighborhood a couple times and the house you're putting up is not going to look like the Taj Mahal, is it?

MR. BARTOLONE: No.

MR. DOBIAS: Okay, I just wanted to make sure that it would blend in with the rest of the nice area.

MR. BARTOLONE: Yes, right, that it will be, I know it's a lot for the board and the neighbors to go on my word but I am a reputable builder developer, I have been in the tri-state for 25 years, I'm welcomed back in every community I've ever built in.

MR. LEE: No questions.

MS. RANSOM: Anyone else like to add anything?

MR. CHRISTAINSON: John Christainson, 49 Elm Street. Any trees on the property you plan on removing the trees along Elm Street?

MR. BARTOLONE: There's some pine trees, can I turn this, there's the driveway, I think I can say there's one white pine tree that's a cluster, two of them are kind of thin as they are but with the driveway if I do a double driveway I would eliminate both or all three of those pine trees. But other than that, there are some up here, there's I think they're Locust up on this actually on the town property along the sidewalk of Elm

Street.

MR. CHRISTAINSON: That brings up the sidewalks. Did you have any plans for that because this, they are atrocious on Elm Street, not that it's your responsibility?

MR. BARTOLONE: Yeah, that's a town sidewalk.

MR. CHRISTAINSON: That's all.

MRS. HINES: I have another question, Diane Hines. Why is the garage three feet longer now? It was 12 x 21, now it's 12 x 24.

MR. BARTOLONE: Oh, we kept it in line with the house. See the 6 foot 8 on the front porch and 6 foot 8?

MRS. HINES: Oh, yeah. And another question is the 17.3 the little box that's behind the house where there's a dotted line, what's that?

MR. BARTOLONE: 17.3?

MRS. HINES: It says 17.3 feet.

MR. BARTOLONE: It's 19.3, that's the length of the driveway allowing for--

MRS. HINES: There's a little box with a dotted line.

MS. RANSOM: In the dwelling.

MRS. HINES: Inside the dwelling, what was that?

MR. BARTOLONE: That's just a dimension inside the home, it's 27 foot and then 17.3.

MS. RANSOM: So the whole proposed dwelling is the 18 to 1,900 square feet?

MR. BARTOLONE: Correct, which again is significant, 400 square foot reduction to the previous plan.

MS. RANSOM: Anything else?

MRS. HINES: Is there a timeframe for this house to be built? What are your plans?

MR. BARTOLONE: Well, winter's coming quickly.

MRS. HINES: I understand that like you're going to do a foundation and just let it sit there for a couple months?

MR. BARTOLONE: No.

MRS. HINES: Where are all the construction trucks going to go? Where is all the debris? The big digging? We're talking a 50 x 100 foot lot on a corner.

MR. BARTOLONE: That will be handled in the work plan, the dumpsters would be on site, tractors will park in the rear, nothing will obstruct the current parking situation on Elm Street, that's a management plan that I have in place with the contractors.

MRS. HINES: Okay.

MS. RANSOM: Okay, Bill, anything else?

MR. LEE: No.

MR. DOBIAS: No.

MS. REGAN: No.

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

MR. BARTOLONE: No, just again thank you.

MS. RANSOM: Let the record show that Orange County Planning has left this to local determination.

MS. COCCHIA: Do we have a timeframe for the board rendering a decision? Will we be notified by mail or--

MS. RANSOM: I don't know whether the board is going to want to read the minutes and consider it next month or if they'll make a decision tonight. You can contact the building department tomorrow and they'll know what the board decides to do.

MS. COCCHIA: Thank you.

MS. RANSOM: You're welcome.

DAVID_RUDY _____

MS. RANSOM: Next public hearing is on the request of David Rudy, 39 Roe Avenue. Let the record show that we have received the affidavits of mailing.

Mr. Anthony Coppola appeared before the board for this proposal.

MR. COPPOLA: My name is A. J. Coppola, I'm the project architect. Mr. David Rudy, the property owner is also here tonight. I will begin speaking just by going over our proposal, starting with the site plan moving on to the floor plans and the elevations and then Mr. Rudy would like to say a couple things regarding the more or least the rationale for this addition and a little bit of context of his family. So this is a proposal for a new rear yard addition at 39 Roe Avenue. It's a two level rear yard addition and it basically falls over the footprint of an existing rear yard deck. There's also a new deck being proposed off to the side that deck's conforming within the setbacks. We're basically asking for side yard variance. This the overall lot size here is 100 and, I'm sorry, 78 feet wide and the depth is 100 so there's an existing two level frame house on the lot right now on the north side, the side yard that's mentioned in the variance that existing side yard is 5.7 feet. The existing setback in the front, so the 15 foot setback falls inside the existing house. And then we're proposing an addition in line with that existing side yard of the house and that would go out 12 feet and because the lot is tapered and not exactly parallel to the side yard of the house at the corner of the existing house it's 6.5 feet and then by the time you get to the back of the addition it's 8 feet. So it's just showing that taper there. So that's a two level addition, the deck like I said is also that's conforming within the 40 foot, I'm sorry, the 30 foot rear yard setback and then we're also proposing a covered porch over the existing porch

that's there. We're just adding a roof to it but that's not part of our variance request. So what are we proposing to do, it's a 12 foot deep by 32 foot 3 inch long addition, a two level addition, there's habitable space on both levels of the house, this is the lower level plan which there's two existing garages, an existing playroom, we're proposing a new bedroom in the rear, probably gave you photos of this but the rear portion is a walkout so the rear grade is at the lower level of the first floor so it's a two story, this is viewed as a two story house from the rear so there's no problem with this being non-conforming in terms of the building code, it's all above grade so there's a bedroom and basically a storage room proposed. Then upstairs on the upper level there's two existing bedrooms in the front that are going to remain unchanged, there's an existing master bedroom off to the side that's also going to remain largely unchanged. What we're proposing is basically another additional bedroom in the rear, a walk-in closet for the master bedroom and then a new master bath for the master bedroom. So that's 12 feet out by 32 foot 3 wide so that will basically create there's four bedrooms now, Dave?

MR. RUDY: There's four.

MR. CAPPOLA: There's four bedrooms now, we're basically eliminating one and adding two so total of five, four bedrooms existing, five bedrooms as part of the proposed plan and Dave will shed more light on that in terms of why the bedrooms are needed. So again this I just want to emphasize this is all within the footprint of an existing deck that's going to be removed so it's not a really grass area or anything there now, that deck comes down and the new addition's up. And then in terms of elevations, which is really not going to be seen at all from the street this is an entire really just affecting the rear yard here, this is just the existing front of the house, again, we're

just adding two columns and a reverse gable over the front door, that's not part of the variance request. This is the rear yard elevation as it looks from the rear so there's the existing I think that's the family room there, the deck goes here, right now that deck comes down, again, new two level addition comes up with a reverse gable coming out, that roof line does not come above the ridge line of the existing roof so from the front you don't see this at all. And then there's a small portion of the deck that we have to leave just basically to get water out so that we don't create problems for ourselves. For the side yard again this is the side yard, it's where the variance request is, there's existing windows there, this addition comes out 12 feet and that's the line of the deck that's kind of in the background beyond what you see there. So there's no windows on that addition, just existing windows on the existing house. So I think that's again we're only asking for the side yard and that side yard is not even as great as, it's actually a greater setback than what's there now, if you go to the corner of the existing house like I said that lot tapers. So that's it for kind of the nuts and bolts. I'll let Dave explain a little bit more.

MS. RANSOM: We'll just read the legal 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, 185 Main Street, Cornwall, New York on October 19, 2009 at 7:30 p.m. or soon thereafter as the matter can be heard on the application of David Rudy relating to property located at 39 Roe Avenue and designated on the tax map as section 19, block 1, lot 13. The applicant seeks an area variance to Section 158-12, Part 1, SR-1 district, use group G, column number 6 of the zoning ordinance in order to construct a 32 x 12 foot rear two story addition with insufficient minimum side yard area. The ordinance requires a minimum side yard of 15 feet and the applicant proposes 6 1/2 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: October 5, 2009. By Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson. Basically, we're looking at a variance of 8 1/2 feet?

MR. CAPPOLA: Correct.

MS. RANSOM: Go ahead.

MR. RUDY: Good evening, I just wanted to provide a very brief rationale. I moved to Cornwall about three years ago, I'm currently a single father with four children and next month I'm getting married and she has a child so we need more rooms. That's my rationale.

MS. RANSOM: There are going to be no new windows even in the back of the addition?

MR. CAPPOLA: No, there will be windows in the back, no new windows on the side, the side yard that's where the variance is, I'll just show you that plan again. So on the first floor, it's actually going to be a storage room so there will be no windows in there and then what we're proposing here is a master bathroom so that would be all walls there, it's where the toilet would be actually the two sinks would be so there would be two windows out the rear and then other windows in the bedrooms out the rear but you have two windows in your existing master bedroom, Dave?

MR. RUDY: Yes, facing the house next door.

MR. CAPPOLA: Those are existing.

MS. RANSOM: Okay, and what's behind you, Mr. Rudy?

MR. RUDY: There's a couple things behind me, on the

corner there there's town property and then about halfway through my yard it's back property is woods of Mrs. Pons who lives kind of further, you kind of have to go through the woods to get there and the other third is, there's a single family home, Mr. Hines.

MS. RANSOM: There's some trees there, are you going to take any of the trees down?

MR. RUDY: I don't have any plan to take any of the trees down right now. If at some point in the future a fence is required we'd have to look at that, just the trees that are closest along the property line but it's not in the present plan.

MS. RANSOM: Okay, Eileen?

MS. REGAN: No.

MR. DOBIAS: Nothing.

MR. LEE: No.

MS. RANSOM: Is there any screening along the property line now with your neighbor, are there any trees?

MR. RUDY: There's a few trees there.

MR. CAPPOLA: Yeah, they're actually shown on the plan and labeled on the site plan, there's a 22 inch oak, a 12 inch oak.

MS. RANSOM: Are there any hedges or anything, anything else?

MR. RUDY: No.

MR. CAPPOLA: So again we're kind of building over the deck.

MS. RANSOM: Okay, so the deck goes out 12 feet now and you're going to just take the deck down?

MR. CAPPOLA: Yeah, the deck it's kind of an L-shaped deck, it sticks out probably another six feet, probably 18 feet.

MR. RUDY: It's 18 feet from the back.

MR. CAPPOLA: Goes kind of way out so yeah, the entire deck comes down, actually we'd be actually building in from where that portion is.

MS. RANSOM: So from the front you would never know that there's this addition in the back?

MR. CAPPOLA: No, I don't think you would see it at all, maybe down the side you would but not really.

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

MR. CAPPOLA: No, not unless the board has any other questions.

MS. REGAN: I'm good.

MR. DOBIAS: No.

MR. LEE: No.

MS. RANSOM: Okay, thank you very much.

MR. CAPPOLA: And could you just remind me of your procedure? Do you normally vote the night of or--

MS. RANSOM: I should of mentioned earlier we have not received Orange County Planning, the notices were sent to Orange County Planning on the 7th of October so we

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cannot vote until we hear from them or 30 days has elapsed so it will be at our November meeting.

MR. CAPPOLA: So there will be no decision made tonight but more likely than not you would make a decision next month?

MS. RANSOM: Probably, yes.

MR. CAPPOLA: Thank you very much.

ADVANCED_AUTO/TOM_FLORIO _____

MS. RANSOM: Our next public hearing is on the request of Advanced Auto Tom Florio. 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, 185 Main Street, Cornwall, New York on October 19, 2009 at 7:30 p.m. or soon thereafter as the matter can be heard on the application of Advanced Automotive relating to property located at 2450 Route 32 and designated on the tax map as section 9, block 1, lot 53. The applicant seeks an area variance to Section 158-18, H (1) (1) (2) of the zoning ordinance in order to allow a 4' x 8' double faced business sign with a total of 64 square feet where 32 square feet 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: August 13, 2009. By Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

MR. FLORIO: Hi, my name is Tom Florio, owner/operator of Advanced Automotive. I have been in business on Route 32 for 21 years, last 10 at my present location. I'm seeking a variance to install a sign that's 4 x 8 feet where zoning currently allows something of 16 feet, the sign is going to be a double sided internally illuminated, freestanding sign and I have a, if I may just, I have a picture of it.

MS. REGAN: Is that to scale?

MR. FLORIO: Yes, that's to scale.

MS. RANSOM: And is this going to be lit all the time 24-7?

MR. FLORIO: No, just evenings.

MS. RANSOM: It's going to be on all night?

MR. FLORIO: I would think so.

MS. RANSOM: I noticed in your application you said that the sign needed to be this large because of the 45 mile an hour speed limit, speed limit's only 40 there.

MR. FLORIO: Okay, I'll make sure I do 40.

MS. RANSOM: It's usually stopped right there.

MS. REGAN: It's usually backed up before that.

MS. RANSOM: Why do you feel you need a sign this large? Why couldn't something that would be 4 X 4 and meet the zoning requirements be sufficient?

MR. FLORIO: For several reasons, I think the size of the lots and I think everything to scale always looks better, if you see by the drawing that's to scale the sign does not look that large, I think it's scaled to the size of the property and the building and also picks up on the architectural accents that's on the top of the building also. Again, it's the speed going by the building, traffic and then also my neighbor to the south has overgrowing trees which are right up to the street and there's very poor visibility, people actually call and make appointments to come in who are coming for the first time and say where are you located? I tell them and they say well, I go by there all the time, where are you? And I tell them it's a gray buildings with a big yellow truss on the roof. Oh, you fix cars there. People don't even know what I do. So I need to get the point across and I'm sorry I believe our logo does really fit properly, it's a long logo on something small and that I don't think we get the message across of what we do and the name.

MS. RANSOM: Can't do 2 x 8 then?

MR. FLORIO: I don't think so, we looked at smaller signs and we didn't think that it would really work and look aesthetically appealing.

MS. RANSOM: So where in relation to your front lawn there where is this sign going to be exactly where it is on that picture?

MR. FLORIO: Very close to it, within a couple feet so if you stand at the curb looking towards the building it's probably approximately 10 to 12 feet in from the curb.

MS. RANSOM: Okay, so it's going to be how far off the road basically?

MR. FLORIO: Ten to 12 feet.

MS. RANSOM: And the little sign that you have there right now by the driveway that's going to just go?

MR. FLORIO: Oh yeah, yeah, that was intended as a very temporary sign, time goes by very quickly.

MS. RANSOM: Okay, so I guess I'm still concerned about the size of it that it's people are not driving 45 miles an hour, they're hardly crawling along there sometimes, how you would miss a sign that was either by 2 x 8 or 4 X 4 which would meet zoning code?

MR. FLORIO: Well, the sign also and in the illustration that I have presented shows it being much taller than I'd like it, I'd like the whole sign to be much lower also, I don't know if that would make a difference but yes, I understand the question, I think for the scale and the size of the property and the building I think it scales beautifully, perfectly, I could try to put it on a smaller sign but I don't think

it would be as effective, you know, based on the economic downturn of the last two years, competition has moved across the street with many signs which I'm not sure if they're conforming or not, they don't appear to be. However, I believe that it is necessary to maintain a viable business to be able to be seen and I think it's matching the character of the building, the property and the area being a commercial area.

MS. RANSOM: So what's your logo, the yellow thing on the top?

MR. FLORIO: Yes.

MS. REGAN: If it was illuminated the 2 x 8 wouldn't work?

MR. FLORIO: I think at night I think a sign stands a better chance no matter what the size is I think in the daytime when you get most of your traffic I think that's when it's most important, I think, well, what I should say is a larger size will be more visible.

MS. RANSOM: So the trees that you can see behind it are the ones that you're concerned about that are blocking the sign?

MR. FLORIO: Yes, that's, yes.

MS. REGAN: What's your frontage from the brush that you're concerned about to your driveway? That looks pretty clear.

MR. FLORIO: It's about 100 feet while driving though it's very easy because it's very easy to not see the location because as you're driving the lot is tapered and the trees actually come, so if this being Five Corners, this being south, that lot line is actually on a diagonal and the trees go right up practically four or five feet from the street so it's easy to drive

right by.

MS. RANSOM: Is the logo lit as well?

MR. FLORIO: Yes, the whole sign will be illuminated where it says Advanced Auto and Service and Repair.

MS. REGAN: Where would the phone number go?

MR. FLORIO: That was two things we were looking at putting a phone number but the overall size would be the same.

MS. RANSOM: So you may change the wording on this?

MR. FLORIO: Yeah, the, yeah, this might be, I know this is going to be the final one if I do put the phone number and the service and repair might be smaller, Advanced Auto might be smaller and it might be smaller, this was the alternate to put the phone number.

MS. RANSOM: How many feet off the ground is this?

MR. FLORIO: Going to try to put it as low as we possibly can, the illustration shows it I believe 9 feet at the top. But I would like to keep it as close to the ground as possible. And I think the only challenge there is just the grade tapers off to the street so we just want to get it as low as we possibly can.

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

MR. COLLIER: Well, if I can just add something, my name is David Collier from Glode Signs and the designs for these and your suggestions making it a 2 x 8, if you allow for a little bit of space above and below the words the letters would only be that big, you know, they'd be less, they'd be eight inches, maybe even less

than eight inches. So when we designed it, this gives us the space, it allows the actual shape of his logo and the letters and gets it all in and that's why we came up with that size.

MS. RANSOM: Okay.

MR. COLLIER: The other thing I might add it's not all illuminated, this is an aluminum face and just the letters will be illuminated at night, so it's not like the sign where all the lights are coming out, you'll just see the Advanced Auto and Service and Repair.

MS. RANSOM: Okay, well, could you make the sign 4 X 4 that would still be 32 square feet?

MR. COLLIER: Well, I mean, we did it a lot of different ways to try and get it and then, I mean, then you're changing his logo because you're squeezing these letters, this, we tried to stay true to his logo when we design a sign that's pretty important to our clients.

MS. RANSOM: Okay, thank you. Anyone else like to add anything? Any questions, Bill, anything?

MR. LEE: No.

MR. DOBIAS: No.

MS. REGAN: No.

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

MR. FLORIO: I think that's about it really.

MS. RANSOM: Thank you very much. Again, we have not received word from Orange County Planning so we could not make a decision this evening anyway.

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MR. FLORIO: All right, very good, thank you.

REGULAR_MEETING _____

APPROVAL_OF_MINUTES _____

MS. RANSOM: Okay, the minutes of the September 21 meeting have been distributed, are there any additions or corrections? Do I have a motion to approve?

MR. DOBIAS: Yes.

MR. LEE: Second it.

ROLL CALL

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

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

MS. REGAN: So moved.

MR. DOBIAS: I'll second it.

ROLL CALL

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

(Whereupon, the board went into closed session.)

(Discussion was held off the record)

BARTOLONE_-_DECISION _____ - _____

MS. RANSOM: Our first hearing this evening was on the request of Michael J. Bartolone, 2 Chestnut Street. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

MS. RANSOM: Okay, we're being asked to grant an area variance, two area variances, rear yard 30 feet is required, 10 feet is proposed, side yard 7 1/2 feet, required 6.8 is proposed. Shall we take the area variance grounds from relief one at a time?

MS. REGAN: Yes.

MS. RANSOM: Will the variance 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: Not really.

MR. DOBIAS: No.

MS. RANSOM: No, I think that Mr. Bartolone has done an excellent job of hearing what the neighbors and the board said and bringing the size down to fit better into the neighborhood. And we don't have an

architectural review in Cornwall so it's basically up to the applicant to determine what style of house they choose to build on that property. But I think the fact that he's brought the size down needs two small variances that it will not change the character of the neighborhood or be a detriment to anyone else in the neighborhood. 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.

MS. RANSOM: No, I mean, it's a small lot, the side yard is minimal request and the rear yard he has lined the house up totally in line with the other houses on Chestnut and Elm so I feel the only way that he can achieve this is with this variance with the rear yard variance and the side yard variance. Is the requested variance substantial? I don't think so. I mean, the side yard is very minimal and the rear yard I think he was very mindful of the neighbors' trees, he's been very mindful of the distance between the proposed house and the neighbor's house on Chestnut Street. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? I don't think so. As was discussed, this is a busy area on just occasions, you know, I think someone said that, you know, no one's going to be driving real fast on that road, so I don't think there will be a physical or environmental impact by granting this variance. Is the applicant's alleged difficulty in complying with the applicable zoning self-created? Well, yes and no, it's a very small lot, I think he's done as much as possible to mitigate the needs for variances. He did reduce it from original request of five down to two. Is it self-created? Yes, but I think that because it's not going to cause an undesirable change in the neighborhood or be a detriment I think that that should have less weight than the others. Any other comments? 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. DOBIAS	AYE
MR. LEE	AYE
MS. REGAN	AYE
MS. RANSOM	AYE

MS. RANSOM: Do I have a motion that we approve the request by Mr. Bartolone for two variances?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

MS. RANSOM: We'll let Gary know in the morning, okay?

MRS. HINES: You don't, that's why I'm here.

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RUDY_-_DECISION

_____ - _____

MS. RANSOM: The second hearing on David Rudy we'll
leave open.

DISCUSSION _____

MS. RANSOM: Diane, before you leave, the November meeting is going to be the 30th.

MRS. HINES: What day is that cause I know we're going to have two left over and then we have two new ones? Okay, thank you.

MR. RODD: It's actually the fifth Monday, it's right after Thanksgiving.

MRS. HINES: If we can't have this room we'd go upstairs in Elaine's room.

MS. RANSOM: That's fine. So Mr. Rudy we'll leave open for the November 30 meeting.

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ADVANCED_AUTO_-_DECISION _____

MS. RANSOM: Advanced Auto we'll leave open to hear
from Orange County Planning.

GLENBROOK

MS. RANSOM: Everyone's received a copy of correspondence regarding Glenbrook Custom Homes, 33 Strawberry Lane? Their variance is set to expire on December 12, 2009. They are requesting a one year extension to December 15, 2010. Do I have a motion to grant extension for an additional year but maintaining all prior resolutions and conditions as outlined in the original variance documents?

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

MS. RANSOM: Motion to adjourn?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

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MS. RANSOM

AYE

Respectfully Submitted By:

Frances Roth
Stenographer