

October 20, 2008

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TOWN OF CORNWALL
ZONING BOARD OF APPEALS
OCTOBER 20, 2008

MEMBERS PRESENT: LENORA RANSOM, CHAIRPERSON
EILEEN REGAN
TED DOBIAS

ALSO PRESENT: STEPHEN GABA, ESQ.
ZONING BOARD ATTORNEY

ABSENT: MICHAEL MC GUINNESS
WILLIAM LEE

MS. RANSOM: I'd like to call to order the October 20,
2008 meeting of the Cornwall Zoning Board of Appeals.
We have a pretty ambitious agenda tonight.

MICHAEL_AND_DOROTHY_WALTER

MS. RANSOM: Is there anyone here representing Michael and Dorothy Walter?

M. Justin Rider, Esq. appeared before the board for this proposal.

MR. RIDER: Yes, Justin Rider for the applicant's from Rider, Weiner & Frankel.

MS. RANSOM: We have a little problem this evening in that Mrs. Regan has to recuse herself.

MR. RIDER: We understand that.

MS. RANSOM: So that means we do not have a quorum for your hearing so--

MR. RIDER: I'd rather know that now than waiting through so I appreciate you telling me.

MS. RANSOM: So we'll hopefully be able to hear your request at our next meeting which is November 17.

MR. RIDER: I'll put it in my calender.

MS. RANSOM: The board does apologize for the inconvenience.

JEHOVAH'S_WITNESSES-CORNWALL_CONGREGATION_-_

CONTINUATION

MS. RANSOM: Our first public hearing this evening is on the continuation of the Jehovah Witness-Cornwall Congregation hearing. Are there representatives from the Jehovah Witness? Good evening.

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

MR. PENDERGRAFT: Good evening, Miss Ransom and board members, appreciate being able to come back and speak to you a little further on this. We did give attention to the questions that you had previously essentially revised narrative just kind of outlining some of the changes we've made. One item you asked to be addressed was that the sign pillars be removed which we did. We supplied some building elevations along with the plans and we did a review of the north side as well as putting the building back on the existing foundation area, we can review that as we go through. So this plan shows essentially what we had before and this is our preferred approach as we indicated previously. Again, the front yard setback is necessitated because of this area being donated to the town of about 25 feet. If it wasn't for that our setback from the road edge would be about 47 feet so that's what necessitated that. One of the concerns that was expressed by the board previously was what the line of sight would look like from the northern property from the Leombruno's property so we went ahead and did a cross-section through that and I believe I furnished a set of plans showing this, essentially what this shows is basically with this line of sight there's about 86 feet from the two structures where we propose to put ourselves and again it shows the setback being just over 39 feet. As you can see with the line of sight there wouldn't be much seen of the new building in the new location. I do want to point out if I could this is a--

MS. RANSOM: Why wouldn't you be able to see with the new location? I'm sorry.

MR. PENDERGRAFT: Okay, well, essentially this is a photograph taken at about this location looking north and the plans don't do it justice but you can see the amount of ground cover that's there that would shield us from the adjacent property. Some of that is on our property, some of that is on the adjacent property. The large trees of course existing on both properties plus you have this large stone wall.

MS. RANSOM: And you're not planning to remove any of this foliage?

MR. PENDERGRAFT: That's correct. One other thing we wanted to point out just for reference right now we currently have two lots, one on the north, one on the south and until we get zoning approval we were not going to pursue a lot line adjustment. If this lot were to be sold and a residence or structure were to be put on it, it would fall under a different criteria, you could put a structure as high as 35 feet and as close as 20 feet and be within zoning limits. So you can see how much bigger that would be versus what we're proposing which is considerably smaller and of course much farther away so this is just to give you a visual of what we're proposing.

MS. RANSOM: Okay, so now I'm a little confused. I read everything, you have actually moved the building about five feet.

MR. PENDERGRAFT: Okay, our primary proposal I did not move the building, we proposed a second option which did move the building, it moved it about 15 feet to the south to bring it to within the 50 foot setback and we listed some of the drawbacks of using that approach, it would be a financial as well as it would cut down on

some of the parking spaces and that's the third approach. We also per your direction showed the building on the existing footprint, the existing foundation and gave some reasons in our narrative as to why that would not work.

MS. RANSOM: Okay, so which one are you actually asking the board to consider?

MR. PENDERGRAFT: This option which we initially proposed.

MS. RANSOM: Okay, so that's, which map are we actually going to be looking at just for clarification?

MR. PENDERGRAFT: Drawing C 1.5 same plan as last time.

MS. RANSOM: So everything that was submitted with the revised application is new or okay so C 5.1.

MR. PENDERGRAFT: I'm sorry, that's C 1.3.1 that shows the site.

MS. RANSOM: So this is the original plan that was submitted which is the one that you would still like to move forward on?

MR. PENDERGRAFT: Yes, ma'am.

MS. RANSOM: And that's, let me just understand map dated January 20, 2008 C 1.3.1?

MR. PENDERGRAFT: That's correct.

MS. RANSOM: Okay, just wanted everyone to be on the right page, okay.

MR. PENDERGRAFT: So essentially that's, that will give you some idea as to what we're proposing and why. We also per the board's direction had plans attached to

that package which shows the front, side and rear elevations that we're proposing. There's brick on three sides as well as siding on the back which would face Route 32.

MS. RANSOM: Okay, so the canopy is still in the front?

MR. PENDERGRAFT: That's correct.

MS. RANSOM: So the position of the building is not being adjusted in any way, the canopy's exactly where it was previously?

MR. PENDERGRAFT: That's correct.

MS. RANSOM: Okay, so then your request is exactly the same, the only thing you're proposing is to remove the pillars from the sign?

MR. PENDERGRAFT: That's correct.

MS. RANSOM: Okay, now, are you proposing any additional screening on the side where you have 35 1/2 feet from the property line? I mean, you just showed us the photo of the tree foliage, are you comfortable that that's enough? Is there a need for any additional screening there?

MR. PENDERGRAFT: We're comfortable that there's sufficient screening there, in fact, as you can see right now currently there's a lot there and you can see the relative density of it, most of these are evergreen trees, there's a few here that will lose their leaves overtime in the change of seasons but essentially as you can see looking north you can't even see the house or the property beyond that, in fact, you have to look real hard just to see the stone wall. So it is apparent from the picture that the ground cover and the shielding is very dense.

MR. GABA: Will there be a note on the plans to preserve it?

MR. PENDERGRAFT: It's noted on the plan that we're to preserve this.

MS. RANSOM: And what kind of screening are we looking at on the other side? I know you meet the side requirements but you have a lot of blacktop there, are you going to be proposing any additional natural screening there on that side?

MR. PENDERGRAFT: We have a similar condition to the south side as we do here, I can provide the board pictures of that, I do not have them with me.

MS. RANSOM: Is it the same combination of deciduous as well as evergreen type foliage?

MR. PENDERGRAFT: Yes, ma'am.

MS. RANSOM: Okay, so this is going to be a single story and how many parking spaces are you going to have?

MR. PENDERGRAFT: In our plan we're proposing I believe it's 60 or 66, 63, I'm sorry, 63 spaces.

MS. RANSOM: And just to review the reason that the lot does not meet the net lot area is because of the slope that goes down toward 32?

MR. PENDERGRAFT: That's correct, we have a steep slope reduction taken through here plus we lose some as well due to this frontage being dedicated to the town.

MS. RANSOM: And the frontage is being dedicated to the town for what reason?

MR. PENDERGRAFT: To give the road potential for growth

and basically to provide a means of maintenance for the town in the future.

MS. RANSOM: Okay, so as far as the sign, how big is the sign that you're now proposing?

MR. PENDERGRAFT: Okay, the sign that we're proposing is exactly the sign that's been there for many years so the two 3 x 5 signs with the removal of the brick pillars.

MS. RANSOM: So it's going to be refurbished or just going to be the same sign?

MR. PENDERGRAFT: It will be refurbished.

MS. RANSOM: But it's not going to get any bigger, not going to get any brighter, it's going to be the same wood?

MR. PENDERGRAFT: Correct.

MS. REGAN: If you remove the post, how are you going to position those signs?

MR. PENDERGRAFT: They would be, here's some pictures of the signs, they'd essentially be the same way they're shown on the plans that we submitted, essentially we'd have what we initially showed were two brick piers, one on each side of the sign that was considered objectionable so we deleted those so it would be supported now the same way with some posts behind the sign and with some landscaping encompassing the sign on both sides. As you can see here it's a very picturesque setting.

MS. RANSOM: Going to have the trees as well on the new sign?

MR. PENDERGRAFT: Yes.

MS. RANSOM: What kind of--

MR. PENDERGRAFT: We also planted a little planting bed in the front, our landscape architect suggested that.

MS. RANSOM: What kind of illumination is that sign going to have?

MR. PENDERGRAFT: We do show minimal illumination, the current sign has gold lettering so it doesn't take a lot to illuminate so we'll have the minimal amount of illumination.

MS. RANSOM: Does the light go off at a certain hour now?

MR. PENDERGRAFT: Yes.

MS. RANSOM: And that would continue on?

MR. PENDERGRAFT: Yes, ma'am.

MS. RANSOM: Ted, any questions?

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 for the record, please?

MR. LEOMBRUNO: Bruno is my first name, last name Leombruno. Do you want to know where I live or the property relative to that?

MS. RANSOM: Where you live please.

MR. PENDERGRAFT: 9 Lucy Lane, Monroe, New York 10950.

MS. RANSOM: Thank you. And your comments please?

MR. LEOMBRUNO: We object to the changing of the location of the building. Where it is now doesn't bother us. My grandmother and my father owned the house right next door and we feel that if it was moved closer to her house thought it may be smaller than if there was a residential house there it would detract in the value of her home plus the activities that surround their congregation where it is now doesn't bother her and if it was closer we feel it would.

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

MR. LEOMBRUNO: Well, also we never got notification of this meeting, we kind of found out about it through word of mouth, should we have been notified?

MS. RANSOM: The notification was sent out for the August meeting and it's been held open each month since then so there would be no additional follow-up notifications cause the public hearing has not been closed on this issue yet.

MR. LEOMBRUNO: Okay.

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

MR. LEOMBRUNO: That's it at this time.

MS. RANSOM: Is there anyone else who'd like to speak to this issue? Anything additional you would like to add at this point?

MR. PENDERGRAFT: No, not at this point. We, I guess the way they did find out about the meeting was one of our members did call them out of respect for our neighbors so--

MS. RANSOM: Okay, so you have submitted for discussion three different site plans yet you'd still like to stick with this one. I guess I'm still a little confused as to how you'd like us to proceed on these alternate plans.

MR. PENDERGRAFT: Okay, we submitted the alternate plans, our understanding and perhaps mistakenly was that you wanted us to submit all three plans to clearly show why those options would not be feasible for this site and that was the intent of submitting those plans.

MS. RANSOM: So then the alternate plans then each have items attached to them that would increase your costs substantially?

MR. PENDERGRAFT: Yes, and also drawbacks and the plan of putting it back on the existing footprint would not be feasible from an engineering perspective because the percable ground exists in this area. Currently, the existing septic system is down here so and it's not really expandable thus this is really the only place that we could put a septic system so and having the building located back on the existing foundation it would be too close for the Department of Health regulations.

MS. RANSOM: Okay, and just going over it again the building is going to be how many square feet?

MR. PENDERGRAFT: About 4,500 square feet.

MS. RANSOM: And your current building is?

MR. PENDERGRAFT: About 6,000, it's a two story building so we have about 3,000 square feet per floor.

MS. RANSOM: And the goal here is to make it totally handicapped accessible the entire building?

MR. PENDERGRAFT: That's correct.

MS. RANSOM: For your members. Eileen, anything else?

MS. REGAN: No.

MR. DOBIAS: Going to be a two story building?

MS. RANSOM: No, one story. Okay, so it's a one story brick building with vinyl on the back?

MR. PENDERGRAFT: Yes.

MS. RANSOM: And the vinyl color is going to fit into the neighborhood?

MR. PENDERGRAFT: Absolutely.

MS. RANSOM: What color had you planned?

MR. PENDERGRAFT: It would be a neutral color but it would be something that would fit well with the community and again it's in the back of the building it faces Route 32 so you'd have to look up at the hill even to see it and with the growth vegetation here it's not even likely that it would be seen.

MS. RANSOM: And you're not planning to take any of that vegetation down between the building and 32?

MR. PENDERGRAFT: That's correct. Also too the brick would return around the corners as well, this way from a visual perspective if you were looking at the building from either side it would have the appearance of brick all the way around.

MS. RANSOM: And you're going to remove the current building before you even start the second building?

MR. PENDERGRAFT: That's correct.

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MS. RANSOM: Anything else?

MR. DOBIAS: No.

MS. REGAN: No.

MS. RANSOM: Okay, thank you very much.

MR. PENDERGRAFT: Okay, thank you.

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GLENBROOK_CUSTOM_HOMES_LLC

MS. RANSOM: Our next public hearing is on the request of Glenbrook Custom Homes. Is there anyone here on behalf of Glenbrook? Okay, last month that was approved pending Orange County Planning approval. Let the record show that Orange County has left it to local determination, they had no issues. So then that approval will be finalized.

EASTERN_ORANGE_AMBULATORY_SURGERY_CENTER/CORNWALL_
MEDICAL_COMPLEX,_LLC_-_CONTINUATION

MS. RANSOM: This is the continuation of the Eastern Orange Ambulatory Surgery Center/Cornwall Medical Complex, they're seeking a variance for a business sign that exceeds the height and width limits.

MS. FORREST: Yes, I'm Nancy Forrest representing Eastern Orange with Glode Signs and this is Kevin Ronk.

MR. RONK: I'm senior director.

MS. FORREST: I'd like for identification like to start out by addressing a couple of the concerns that were brought to the board last time we met. One of them being, I took a ride by after I left the meeting, waited till nighttime and there's one entrance on the outpatient that had a type of signage on the walkway to light the walkway that had high intensity bulbs in it and the audience was correct, they were very glaring. Also the two story section that was all glass that's lit throughout the night we addressed that as well. I met with Kevin, I met with Rob Ross and I met with Eastern Orange Ambulatory and discussed it with Landmark who owns the building. They have addressed the one light has been removed and the glare no longer is there, we have also turned the lighting in the two story glass section in half so I addressed those two situations there. The board had requested a signature which I did forward to the building department from the hospital itself. Another question was any additional signage that might be out there and I forwarded a letter from Eastern Orange that Landmark who's actually the owner would be willing to submit in writing that there are no other signs that will be on the face of the building. They granted this permission because of the fact that they are major tenants. And the other thing was about the hours of the sign being lit and the letter that was addressed by Eastern Orange to the

building department that you should have a copy of, states that although it may not, it would not need to be lit throughout the entire night that they do often have recoveries being picked up after 9, 9:30 is usually kind of an average time that some do get picked up. So they would like to leave it lit for that. So we have addressed some of the concerns that were brought to the board's attention last time. Also, we'd like the state that when we designed the sign, we took a few things into consideration, the placement on the building, we did not just as we did with St. Luke's is not lit from the front, those are low letters because we're quite large going across so the front of the letter doesn't light, there's lighting behind it that glows over the building. We didn't want to go along that stretch to the left of that, we obviously could have but we chose to bring it down to where the actual entrance is going to go in. And although we're not, we're close to the, not that close but we're over 200 feet from the road and you have the dip going down so road distance visibility is how we chose the size of the sign. As I stated last time you blocked it out as a full rectangle which makes it appear that we're looking for quite a large variance when in reality it's about 22 square feet and we kept the colors, the lettering to the black on the background and to light white at night. Those are our reasons for placing it where we did, choosing the size that we did. And as you'll see in the letter that was sent to you there's a big issue with people going all the way to the back parking lot going into the hospital and some of, a lot of them being cataract patients and having to go through the entire hospital to get where they're going. I'll turn it over to Kevin.

MR. RONK: You covered most of it. Basically just, you know, I'm the ranking administrator on campus, so I have to deal with everybody trying to find their way around and that's been an issue since I've been there, I started in February, is folks not being able to find

their way to the ambulatory surgery center. And they usually do go into the outpatient center which is clearly conspicuously lit and so forth and then they have to wander and meander in through so that's why the sign makes a lot of sense from that perspective.

MS. RANSOM: Is there a door that you can see in this photo the only door for the ambulatory care unit?

MR. RONK: Yes, it is for the outside.

MS. RANSOM: Can you get to the ambulatory care from inside the hospital?

MR. RONK: Yes.

MS. RANSOM: So there's no other door on this side of the building that can be confused as part of this?

MR. RONK: No, the door that's confusing is the one that's down further that's labeled outpatient, that's the one they're going into all the time and they don't want to go into there, we want them to go in there, that's the whole purpose of putting the sign, everyone's going in the wrong door and having to be directed where they need to go and security purposes and such they would prefer that they go in there own entrance so they know when you pull in there's plenty of parking, they see the sign, they park there, they go into the door they're supposed to and not wandering around the hospital.

MS. RANSOM: Does that sign clearly direct people to that door?

MS. FORREST: Absolutely.

MS. RANSOM: Is that the sign on the building that's just telling you that that's within that building?

MS. FORREST: It serves a dual purpose, certainly you know it's a sign out there letting people know that they're in that building but when you pull into the parking lot, if you come off 9W you see that you take your first right and go into the first parking lot because you assume that if there's a sign there that's where you should be parking, just as if it was a retail store, you want to park as close as you can.

MS. RANSOM: Is there any way to make this smaller? I mean, you're not going to be, you're not going to see it from 9W anyway when you're flying by at 60 miles an hour?

MS. FORREST: They were given permission as a business to open, to open their business within the hospital and they come under, you know, the same ordinance that any other business would to have a sign so--

MS. RANSOM: Right, but the sign the ordinance allows a sign to a certain size and this is significantly bigger. So my question is since we're talking about people that are now driving around this parking lot trying not to go to the outpatient to go to this door, is there a way that this sign can be significantly smaller to direct them to this door?

MS. FORREST: If you have been in the front parking lot where that is you do see that that dips down the way it's taken there, the stairs go down and into the front door so, I mean, I could have put the sign all the way at the top just to the left, keep it, you know, within size but I don't think it would be as low key or as attractive, there's certain standards for sizes of letters and distances that are used in the sign industry and we always use those as well.

MS. RANSOM: Understand that. My question is though I'm in this parking lot driving around at this point.

MS. FORREST: Not yet.

MS. RANSOM: I'm not flying by on 9W, correct?

MS. FORREST: No, you're turning off 9W and you look in towards the hospital.

MS. RANSOM: I can see the big emergency sign, I can see the outpatient sign.

MS. FORREST: But you can't see any other sign to direct you to here.

MS. RANSOM: Right, but I do need to have all this sign to direct me here?

MS. FORREST: I don't think it's oversized, if that's what you're asking.

MS. RANSOM: Well, that's why you're here because it's oversized so I guess my question is--

MS. FORREST: It's oversized for your ordinance but not visible from 9W or the corner where you make the turn where the entrance to the parking lot is.

MS. RANSOM: How big does it need to be if I'm already in the parking lot?

MS. FORREST: Well, if you know to pull in that parking lot I still wouldn't go as low as 30 because it's still a distance, the turn in for that parking lot is just as you come off 9W which is even further than if you're in front of it on 9W looking in because now you're all the way up at the corner and back.

MS. RANSOM: But a lot of this is advertising as well as directional, correct?

MS. FORREST: Right, it is a business, correct, yeah.

MS. RANSOM: So, I mean, I'm not convinced I guess that this sign is pointing me to that door.

MS. FORREST: When you go to a place like if you pull into a mall strip center and you're going to a specific store, it's normal to park where you see the sign for that store, you want to get as close as you can.

MR. RONK: And it's the only door in the medical office building that faces that way.

MS. FORREST: The reason people don't go into it is because they don't think it's a door for an entrance.

MS. RANSOM: What do they think it is? Should the lettering be on the door?

MS. FORREST: You would never see it, you don't see the door from the parking lot, you're looking at the drive-around there.

MS. RANSOM: Okay.

MS. FORREST: When they pull in the parking lot they can see the emergency room entrance and outpatient and that's all they see so they'll park in the second parking lot, go back because if you don't see the sign they don't assume that's where they're supposed to be going.

MS. RANSOM: Mr. Dobias would like to know how large the letters are?

MS. FORREST: I believe the E in Eastern is 18 inches and corresponding lower case. The Eastern Orange overall size is 17.5 inches tall for the E and the overall length of that is 13 1/2 feet long.

MS. RANSOM: And one of the items we had discussed you

have indicated that the hours of operation are 6:30 a.m. to 6:30 p.m. but you just testified that sometimes people don't leave until 9.

MS. FORREST: That's when they do surgery, so if someone has surgery at 6:30, they may be in recovery until approximately 9:30 or so, they've had them come as late as 11:00, people are under anesthesia.

MS. RANSOM: So what hours are you proposing that the sign be lit?

MS. FORREST: They would like to leave it on from dark until I think she said between 10 and 11.

MS. RANSOM: In the evening?

MS. FORREST: Yes.

MS. RANSOM: Why so late?

MS. FORREST: Because sometimes they don't have patients picked up by family members and such and they want the entrance lit because that's where they'll be coming in to pick up whoever is having the surgery, the latest they do surgery is 6:30 so if they have surgery and they're in recovery for a couple hours they're picked up in the evening and it's already dark out.

MS. RANSOM: But that's not 11 o'clock at night.

MS. FORREST: No, I said that's the latest they've had anyone picked up that she can recall from surgery.

MS. RANSOM: What would be agreeable for the lights to be lit?

MS. FORREST: Ten.

MS. RANSOM: So 6:30 in the morning till 10?

MS. FORREST: Only in the evening it will be lit, it gets dark at 5, it will come on at 5 and be shut at 10. In the summertime, it probably won't be on very long, maybe 8 till 10, certainly don't want to pay for the electric when it's not necessary. Either that or a timer.

MS. RANSOM: So the light would not be lit then in the morning as long as--

MS. FORREST: Correct.

MR. RONK: Correct.

MS. RANSOM: Eileen, questions?

MS. REGAN: No.

MR. DOBIAS: No, I guess they're going to have a timer outside, I'm sure.

MS. RANSOM: Okay.

MR. GABA: You're under the maximum permitted signage though for the site?

MS. FORREST: Pardon?

MR. GABA: Your square footage of signage you're under the maximum permitted, I mean, if this sign met the size requirements you could put it up as of right?

MS. FORREST: Yeah, I could put it anywhere on the building that we'd like, yeah.

MR. GABA: The size of the letters is for visual effectiveness, that's what you calculated this out at?

MS. FORREST: Right, for the low key type sign.

MR. GABA: Somebody pulls into the parking lot, you want them to readily be able to visualize where this is.

MS. FORREST: Exactly, if I put it as squared off or structured shape sign I might design it a little bit differently to stay in the 30 square feet to be sure it's right.

MR. GABA: Would letters smaller than 18 inches be effective as far as the visual recognition?

MS. FORREST: Not when you cut the, when you're on 9W, no, cause you're already, if you're familiar with driving north if you're on 9W you're looking on a slope I could put it higher but I wanted to try to keep it a little bit low key so I do think 18 inches, I mean, bring 'em down to maybe 14 because you've got to remember only the E and the O are 18 inches tall, if you look at the drawing the rest of the letters it's kind of more like upper and lower type style, those are at about 14 inches now and then below it the Ambulatory Surgery Center we left is a non-illuminated background and the letters light on that, that box itself is only 20 inches in height the overall background.

MS. RANSOM: But it's also 13 1/2 feet long, correct?

MS. FORREST: That's a little bit longer, I think that's 212 inches.

MS. REGAN: What if you got rid of the arc? It kind of tones it down a little bit and it doesn't, it's not so much in your face, the orange and the yellow arc on the top and just had the Eastern Orange with the ambulatory underneath.

MS. FORREST: Yeah, the reason that obviously this, that was put in here, that's certainly something I

would take back to them. The reason that was put in there is that everything they carry has it, that's considered the logo just as if you look at the St. Luke's on there carries their logo.

MS. REGAN: But that's really in your face, I think if you drop that it tones the sign down, you know, the object.

MS. FORREST: Toning down color wise or size wise?

MS. REGAN: No, it jumps out at you and that's not the purpose to have the letterhead on the building, the purpose is so people can find it so if you have Eastern Orange everything else minus the arc it kind of tones it, don't you think, tones the sign down and people could still find where they have to go. I think it's just too much.

MS. RANSOM: Well, I think it is too much. Do most people come into this particular building because once they've made their appointment they know they're coming to the ambulatory or do they go to the front door of the hospital and then wander through the entire building?

MR. RONK: Well, the first time they certainly are wandering. After they've been there the first time I would hope they know where they're going subsequently so--

MS. RANSOM: Okay, so--

MS. FORREST: But with the sign they wouldn't.

MS. RANSOM: There's not going to be anything in the front of the hospital to indicate that the Eastern Orange Ambulatory Surgery is around the other side.

MR. RONK: Other than a receptionist, registration

folks and that's where they're usually ending up now and it's not that they get lost, some of the folks are elderly and so forth, so they now have to walk it's quite a distance from outpatient registration to where they have to be, that's what we're trying to eliminate is that unnecessary walking, especially like she said these folks, a vast majority do need cataract surgery so they don't get around very well so we're trying to make it more convenient for them to find the right place.

MS. RANSOM: Can you tell us how many feet that hallway is that they have to walk down?

MR. RONK: Bowling allies, I don't know off the top of my head, I don't know, I'd be guessing but it's pretty long.

MR. DOBIAS: This is a long way, maybe 70 yards.

MS. REGAN: I'd like to see that go.

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

MR. CLARK: Randy Clark, good evening everyone, board, counsel, missed you today. Had a long day, just going to throw out some comments, hopefully it will make some sense. Randy Clark, resident, 64 Maple Street and also I'm a town councilman, I just want to address a couple it issues with the Jehovah's Witness and also with this, with this particular process, I mentioned that prior I believe the new process will be back to the return receipt requested so we'll be able to know who knows and who doesn't know. I thought that was a good thing to do, so did the board. I'm confused, who owns the building that we're talking about? I believe it's Landmark.

MR. RONK: Correct.

MR. CLARK: Then why do we have representation from the Cornwall Hospital, St. Luke's-Cornwall Hospital?

MS. RANSOM: I think the board had asked to make sure that the hospital was on board with this sign, that it was because it, the building appears to be part of the hospital.

MR. CLARK: Exactly, you all have that picture up, these pictures were provided by Mr. Farkas behind me that seems to be one of the big issues is who owns the building. When you come down north on 9W, the first thing you see, well, if you come north as a town representative I hope we're not doing 60, it's 45 and you'd be coming to the stoplight so you'll be decelerating and looking for the building that you're looking for. And you're going to see the St. Luke's-Cornwall sign on that building so that's a little misleading that you're not getting to the Ambulatory Surgical Center, you're getting to the hospital so that's the first part. Mr. Farkas also presented me with this picture which is out on 207 by Stewart Airport, I believe the St. Luke's-Cornwall Hospital had some type of some sign on the building and they took it down because New Windsor viewed it to be inappropriate and they put up a more refined and less noticeable sign. It's hard to see even in the picture but basically pull into the parking lot and you would look at the wall you can tell what building you're at, so this seems to be somewhat of the same type of situation. I think we can all agree that this is advertising so this Ambulatory Surgical Center is a for profit entity just like I am, Clark and Associates, just like most of businesses are in Cornwall, so we do have to pay particular watch to what's fair for one is fair for the other. If the St. Luke's-Cornwall sign that's a misnomer on this building is taken down then I think we can move forward with let's identify the proper name of this building but even that would be the

Cornwall Medical Pavilion not the Ambulatory Surgical Center. That happens to be one business of ten now on the sign. Now a lot of reference is made as you make the turn on Laurel Avenue and you come before the sign there's a well-illuminated sign that has the ten businesses that are practicing on these grounds. When you make the right turn or the left turn into the hospital, the next sign you see is a parking lot on your right, a parking lot on your left where the outpatient sign and the emergency room sign is is a smaller sign that has an arrow pointing straight ahead to the Cornwall Medical Pavilion, it points right at the building, so I don't know, you're not doing 60 miles an hour, you're not looking around for a building, you're pulling right in the road, there's a sign that says Cornwall Medical Pavilion, when you go to most business parks, office parks you find the building, you walk into the lobby and then there's a registrar of who's on what floor, what elevator to take, how to get there and that's where you find out where you go. The people coming as a comment was made the elderly patients or even younger patients having cataract surgery, I don't think they're driving, there's a dropoff, nice little circle you go to so the walking should not be an issue. I don't think they're going to be driving themselves home after the cataract surgery. The hours of operation comment I would have to go back and check and you know more than I do, I don't believe those hours of operation are in effect currently till 11, 11:30 at night.

MS. FORREST: No, we didn't say they operate at 11 o'clock.

MR. CLARK: Pick up at 11 or 11:30 you're still open.

MS. FORREST: That's correct.

MR. CLARK: I don't know if in the residential area that's prohibited. Basically, it's well lit. I do

want to thank you for lowering the lights. I asked Mr. Farkas when I sat down I said do you recall anyone coming by or saying because we notices the lights had been lowered and that's really nice, especially now that the leaves are falling off the trees, the outpatient was a neon light right into the kitchen. That's very helpful, thank you very much. That's about all I have. I just don't see the need, I think the confusion arises with the sign that says St. Luke's-Cornwall Hospital on the wrong building and that's confusing so I think we've got to start from the beginning, replace that sign with the sign that probably says Cornwall Pavilion and not allow one of ten businesses because even though we have a letter stating no other businesses will be allowed, I don't know how they can enforce that, so nobody back there saying number 2 business wants one, number 3 business wants one, that's my thoughts. Thanks.

MS. RANSOM: Thank you very much.

MS. FORREST: May I respond back to a couple things there? First of all, any hospital that's on a main road is going to have a big sign whether that's their entrance or not that's important and I don't know of any hospital that I have ever worked on in 30 years that does not have that. It is true there are signs when you first turn and come into the corner but those people are looking for the, the people we're speaking of are looking for the Eastern Orange Ambulatory and it is a business that was granted permission to operate in this building so yes, they are allowed a sign, we're just asking for one slightly larger so really that's the issue of why we're here. I believe that we had 25 abutting property owners were notified, certainly if I would have anticipated or hoped that anyone right on 9W directly across the street might of had an issue but apparently they did not but yes, it is a profit, a business for profit so they are allowed to have the 30 square foot sign as is anyone else and I could have

gone into the building department and just pulled that permit and put it up and the reason we're in front of you is that we feel given the layout of the land and the people who are coming there when you turn in yes, there's a directory there but you don't honestly it's a very low profile directory, we're anticipating the people coming to Eastern Orange Ambulatory for their first time yes and to get new business, yes, there's nothing wrong with that, to pull in and know they have already seen that sign and know that they can come in the first parking lot and be very close to it.

MS. RANSOM: Could you make the same sign the 2 1/2 by 10 feet that would meet the town ordinance?

MS. FORREST: I don't, it doesn't have to be the 2 1/2 by 10, it would have to be 30 square feet, if the board is going to restrict us to exactly the 30 square feet then that's what I would have to do. I wouldn't do the individual letters because I'd be cutting off visibility, I would make it visible.

MR. GABA: But it wouldn't be as effective.

MS. FORREST: No, it wouldn't be as effective and it wouldn't be as attractive because I'd have to utilize all my space with color just to get the same identification down to the door that I need it or I need to move it up to the left of St. Luke's and go with a different color background so that it differentiates itself.

MS. REGAN: What if you eliminated the arc?

MS. FORREST: If they wanted to eliminate the arc.

MS. REGAN: How would in affect visibility?

MS. FORREST: Well, you have a splash of yellow at night, we're working with black against brick so, I

mean, we could, we did that so that during the day it would be visible, they're dark letters and it would blend with the white letters with St. Luke's at the top rather than going with Eastern Orange small Ambulatory Center larger in a yellow letter.

MS. REGAN: What if it we're exactly the way it is minus the arc?

MS. FORREST: What about it. I mean, obviously, it can be done.

MS. REGAN: That wouldn't affect visibility.

MS. FORREST: It's not so much that it would affect visibility, would the black and orange just by itself look good, it's just kind of their logo, it's what they do.

MR. GABA: It is their logo?

MS. FORREST: Yes, it's on everything.

MR. GABA: The arc included?

MS. FORREST: Yes, and that's really only like six inches at its widest.

MS. REGAN: It's right in your face, it's very, that's what catches your eye.

MS. FORREST: It's just an addition to it. If the board chooses to make the sign smaller and they want to have that then I would lower the letters and I'd keep that, I don't know how important it is to them.

MS. REGAN: My point is if it stayed exactly that way minus the arc that wouldn't affect visibility?

MS. FORREST: Not of the readability, absolutely not.

MS. REGAN: And I don't think it would detract from it that much.

MS. RANSOM: But you're saying it's their logo, that's their advertising?

MS. FORREST: Yeah, it's the overall look when you see it.

MS. REGAN: Well, not everybody needs their logo on the building.

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

MR. DOBIAS: Nothing.

MS. REGAN: Nothing else.

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

MR. RONK: I don't think so. I think Mr. Clark did have a point that at the entrance to the parking lot there's a directory and that gets folks into the right parking lot but we need to get them over on the other side so that's why I think, you know, having that sign in addition to the directory is important because it gets them to the right door basically so--

MS. RANSOM: And I guess I'm not seeing in the documentation a letter from anyone at the hospital that says there will be no other signs or anybody from the Cornwall Pavilion that says there will be no other signs.

MS. FORREST: On the letter that I sent the hospital owns the land and Landmark owns the building, that's why you have different representation here, the signature that you requested was from the hospital and

that was put in and then Eastern Orange was in touch with Landmark and they said if the board requested they would send a letter, a notarized letter stating that there are not going to be anymore requests for any signs on the building and they would be happy to do that and that was in the letter to the building department.

MS. RANSOM: Okay, thank you very much.

MS. FORREST: Is there another meeting?

MS. RANSOM: It's going to be up to the board whether they choose to make a decision this evening or not.

MS. FORREST: So we shouldn't wait around?

MS. RANSOM: You can either wait around or you can call the building department in the morning. Orange County Planning has advised the board that this is up to local determination.

JONATHAN_DUELL_&_SHERYL_STURGES

MS. RANSOM: Request of Jonathan Duell and Sheryl Sturges, 89 Mine Hill Road.

Daniel Bloom, Esq. appeared before the board for this proposal.

MS. RANSOM: 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 October 20, 2008 at 7:30 p.m. or soon thereafter as the matter can be heard on the application of Jonathan Duell and Sheryl Sturges relating to property located at 89 Mine Hill Road and designated on the tax map as Section 35, block 1, lot 22.1. The applicants seek an area variance to Section 158-12, Part 1 (a) RR district, Use Group B, column number 7 of the Zoning Ordinance in order to construct a 75 foot by 65 foot three bedroom two story frame dwelling with insufficient rear yard. The ordinance requires a minimum rear yard of 75 feet and the applicant proposes a rear yard of 20 feet. The Zoning Board of Appeals will 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: September 22, 2008 by Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson. Mr. Bloom, would you please make your presentation?

MR. BLOOM: Yes, thank you, Madam Chair. With the board's permission, I'd like to introduce Mr. Richard Miller, he's the architect on the project and I'd like the board to just have an overview if you will of what my clients propose to construct on this residential site and then with the board's permission, I'd like to summarize on my client's application in more legal terms.

MS. RANSOM: Thank you.

MR. MILLER: Hi, I'm Richard Miller. This is a rear yard setback variance requested in order to better comply with the scenic viewshed ordinance as well as to be less visible from Black Rock Forest from the trails. This is a single family residence and it's going to be, we're looking at materials, green materials for the project, natural rock from the site for the walls, non-reflective glazing that's faceted in order, if there were any reflection, it would actually diffuse it, green roofs on the visible roofs, green vegetated roofs, growing roofs, so it's a green project and that's what the clients direction was, why they hired us to do the work, solar panels on the roof will produce the electricity for the house, water catchment on the roof, the design of the roof and the green roofs was designed to pitch back from the valley as well as the view from Black Rock trail which is one little location off Mine Hill Road. So when you look from the trail you can't see the top of the roof, whereas, if you had a colonial with a high pitched roof you could see that reflecting in the valley as well from the park. So the same holds true for the looking out from the valley, the edge of the roof is what you'd see so you wouldn't see any of this, this actually takes the water down and rain garden system distributes the water on the site. We, Exhibit D and E I believe are photos which is in your package, these are a little more visible, the approved location for the building is actually right about this location here. So that's both more visible from the valley as well as extremely visible from Black Rock.

MS. RANSOM: None of us got photos.

MR. MILLER: They should be the last two pages of the packets.

MS. RANSOM: No one included them, sorry.

MR. MILLER: Well, I will present these, this is Exhibit D and E, D shows this orange marker, this is from Pleasantville Road 2.5 miles down in the valley and you can see the approved location of the house, it's visible, that orange marker that's the approved we're allowed to build there, this is the same marker setback and it becomes invisible from the location we're proposing so--

MS. RANSOM: If you'd just show counsel, please?

MR. GABA: No, I saw it at the planning board workshop.

MR. MILLER: So, again, this is a tree on the site, all trees on this side we're saving so the view, you cannot see it from Storm King. That's about it. If you have any questions, we can answer them.

MR. BLOOM: Thank you, Richard. Ladies and gentlemen, in all the years I've had the opportunity to present applications such as this on behalf of my clients I'm pleased to say it's the first time I can recall where I had a client come to me and ask me to represent them on an application for a variance where they're voluntarily taking this position because they're concerned that their construction would interfere with their neighbors, with nature or with the valley or the art gallery down below us and it's refreshing, quite frankly. As you can see from the presentation by Richard Miller, it will literally fade into the environment around it. It will not, it will be almost invisible to the closest neighbor, Black Rock, and in fact, I will present to the board a letter we have received from Black Rock supporting the application and indicating that they find it to be completely consonant with nature, which is of course what Black Rock is all about. I respectfully submit to this board that my clients are so concerned about the environment in which

this building will be constructed, about their neighbors and about society in general in their general neighborhood that they're spending a substantial amount of additional funds in order to accomplish this. And I think that's quite an admirable trait. That being the case, although I would concede it is a substantial requested variance, I would say that the purpose of the variance more militates against the demonstrable proportions and extent of the application and that if they had built or if they do build this structure within the footprint that's allowed by the zoning ordinance it would be extremely visible to the valley, it would improve their own personal view of the valley but it would be extremely visible to those inhabitants in the lower valley, it would be extremely, extremely visible to Black Rock behind them as well as to their neighbors. To that extent also the application arises from actions on their own behalf, it's obviously an action which was necessitated by their decision to build not within the normal allowed footprint but to move it back in the interest of society and interest of nature. Will it be a detriment to the neighborhood or the surrounding residences? And I respectfully submit that it will not. In fact, just looking at this beautiful structure to the extent that it would be visible and I would submit to this board that in order to make it visible you'd have to literally walk up the driveway to it to get a better view of it but to the extent that it might be visible it fits in beautifully with all the houses that have been previously constructed on the mountain. In fact, I also respectfully submit that upon the completion of the construction I think there's going to be added value on every house on Mine Hill Road and I might say I'm a neighbor. In summation, I would submit to this board that the application is in the interest of not only my clients but of the neighborhood and Cornwall at large and based upon that I respectfully request your favorable approval. Thank you.

MS. RANSOM: Thank you. Also let the record show that the board did receive a letter from William Schuester, Executive Director of the Black Rock Forest Consortium supporting the project as well as a letter from Garling Associates, Leslie Dotson, Associate Planner. Eileen, questions?

MS. REGAN: No, I think it's commendable, I think it's about time.

MR. DOBIAS: Just, want to commend them for not affecting the view.

MS. RANSOM: Is there anyone in the audience who'd like to speak to this issue? Thank you, Mr. Bloom.

MR. BLOOM: Thank you very much.

MS. RANSOM: Thanks very much, Mr. Miller.

MARK_&_VIRGINIA_SCOTT _____

MS. RANSOM: Our next public hearing this evening is on the request of Mark and Virginia Scott, 36 Willow Avenue. Are there representatives for the Scotts here?

Mr. and Mrs. Mark Scott appeared before the board for this proposal.

MR. SCOTT: Yes, we are.

MS. RANSOM: 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 October 20, 2008 at 7:30 p.m. or soon thereafter as the matter can be heard on the application of Mark and Virginia Scott relating to property located at 36 Willow Avenue and designated on the tax map as Section 21, block 3 lot 3. The applicants seek an area variance to Section 158-12, Part 1, SR2 district, use group C, column number 3, 4 and 8 of the Zoning Ordinance in order to subdivide an existing parcel into two lots with insufficient lot area, lot width and road frontage. The ordinance requires a minimum lot area of 20,000 square feet and the applicant proposes that lot 1 have 15,750 square feet and lot 2 has 14,625 square feet. The ordinance requires a minimum lot width of 100 feet and the applicant proposes 70 feet for lot 1 and 65 feet for lot number 2, the ordinance requires 70 feet of road frontage and the applicant proposes that lot 2 have 65 feet of road frontage. 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: September 2, 2008 by Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

Also let the record show that the board has received correspondence from Robert and Mary Donovan

and they list their address as 35 Willow Avenue, we have also received correspondence from Lois Chiappe, 23 Willow Avenue, we have received correspondence from James and Margaret McKinley, 27 Willow Avenue, we have received correspondence from Susan Wotton, 25 Willow Avenue and I think that's it. Also let the record so that Orange County Planning has left this to local determination.

MRS. SCOTT: Thank you, My name is Virginia Scott, this is my husband, Mark. In 2003, my husband and I basically put everything into big this home bidding against people during a foreclosure auction. I have some before and after pictures. We worked extremely hard to maintain the integrity and the beauty of the home and we have actually talked with the relatives of Mrs. Mackey (phonetic) who was on the Town Board and we talked about this possibility of subdividing. One of the things that I'd like to point out we also had Mr. DeKay, Richard DeKay, he also lives on Willow Avenue and he subdivided his own property and we took a lot of time just researching, you know, the viability of doing this and learning about the history of our property. Our property is the only property, a lot of the Victorian homes are centered on lots, ours was the only one that's actually to the side and talking to people about the history of the house it was planned not formally but to he eventually subdivided and build another house. Our plan is to apply for if we're approved if we do get the subdivision what we'd like to do is we want to build a, I guess a green version of a Victorian home and I do have plans. I did not hire an architect because I want to make sure that we can go forward because it's expensive. So I'd like to come forward and just give you some proposals. And would it be okay, I see a couple people from my neighborhood, I'd like to give it to them as well. We weren't allowed to put it in the mail which I think would have answered some of the concerns in the beginning. There was some conflicting information, I read minutes, I've

talked to a couple members of the planning board and some people say okay, be personable and let them get to know you or stick with the basic facts of what you're trying to do and I kind of want some guidance from you as to how you would like us to approach our proposal. I'm sorry, I'm getting loud, it's my teacher voice that's just--

MS. REGAN: No, it's the noise in the hall.

MS. RANSOM: I think that the board would just like to hear why you feel that this isn't going to change the character of the neighborhood or be a detriment to nearby properties and why you don't feel that this is substantial request.

MRS. SCOTT: Why it's a substantial request?

MS. RANSOM: Why it's not because, just doing some simple math, the ordinance requires 20,000 square feet of lot area and you're proposing two undersized lots on Willow Avenue where it appears that most of your neighbors do have around at least a 20,000 square feet.

MR. SCOTT: That's not true, actually, show it to her, but I went through the tax records today and we're the seventh largest lot in our neighborhood of 100 homes, that includes Chestnut, Grand and Broad when we divide our house in half, we move from seventh to eighth and ninth largest lots in our neighbor. So as far as I can see we're definitely not doing anything that's going to put us into a small lot size. I also say if you're in the heart of town that's why houses should be built, they shouldn't be living out in farms, so I'm a firm believer of living in town. But it's still a, it's a very large lot, it's not something which is going to be a detriment at all to the neighborhood. The house we're proposing is going to be worth more than the houses around us. So I have no idea how this is going to depreciate the house value of our neighbors at all.

MRS. SCOTT: Looking at the property values for Willow we're one of the highest valued properties in that neighborhood and I do believe a lot of it has to do with what we have done to improve and enhance the property. Our neighbors have benefited from our hard work, their assessments, their property values have gone up with our work. I have no doubt about that. That house that was there before we bought it in foreclosure it was vacant, there were people coming in and out, just being destroyed, I believe we brought the house back to life and I really think in terms of the neighborhood I think it encouraged and inspired a lot of people in our neighborhood to do more work on their home. As a matter of fact, one of my neighbors it was interesting she had actually commented about keeping up with us, you know, don't put a driveway in before I do. So I think if anything I'd like you to know that both my husband and I we take a great deal of pride in building our home and if anything I think we're going to enhance the value. One of my neighbors made the comment this is the only thing that I knew that there was an issue was I like looking at your grass and to me I don't think that's why we should be--

MR. SCOTT: I counted 100 lots in the neighborhood and we're 93 and 92 as far as size, I mean, that to me says we're definitely not doing anything that's--

MS. RANSOM: On Willow Avenue, not necessarily on Grand or Broadway.

MR. SCOTT: Yes, I'm counting all those.

MS. RANSOM: Okay.

MRS. SCOTT: Ours is still even if divided will be larger than many of the lots around us.

MR. SCOTT: We'll be in the 90th percentile of the

houses in the neighborhood.

MRS. SCOTT: One of the things I would like to point out if you look at Mr. Laurie's (phonetic) property we're, even with the subdivision we will be the same exact size as his lot. Our house is actually the same style as Mr. Laurie's, the only difference between our house and Mr. Laurie's house it was built around the same time his I believe is a two story, ours is a 2 1/2 story and we're looking to build this Victorian, it's going to be basically the same size as Mr. Laurie's, so I believe all three of those houses are going to blend in, its not going to be a detractor, I wouldn't put up an A-frame, it's going to be a Victorian house.

MS. RANSOM: What are you going to do with the house you live in now?

MRS. SCOTT: Well, depending on the market either we stay or we might wind up renting.

MR. SCOTT: We plan to sell if this goes through.

MRS. SCOTT: Selling or renting it out, depending on what happens, the house actually was a three family, there are two meters that are attached to the house and we could actually I think a four family across the street but I, that would be my last resort, I don't want to do that. What I would like to do just like as on Canterbury Avenue what I'd like to do is I'd be, I would like to be able to sell my house and start building next door, that's what I'd like to do. I watch the people on Canterbury, they actually were able to move into the house and then the house was sold, that's ultimately what I would like to do if the market goes well.

MR. DOBIAS: How many people live in your house today?

MRS. SCOTT: Well, my children are in college and we're

looking to downsize, so this house is four floors our residence is four floors, we do not need four floors.

MR. DOBIAS: I went by your house, I saw a lot of cars and I was wondering.

MRS. SCOTT: Which day?

MR. SCOTT: I have a van, I do construction and then I have a BMW I use for volleyball and my other business and then her Volvo's there and sometimes the Suburu because my kids have it for college. Just so you know, our two kids are in college, one's going to become a doctor, the other one's in pre-med so it's a big expense so we're looking to be smart with our investment and our money and that's why we're here.

MS. RANSOM: Okay, so do you have any documentation of the sizes of the lots in the area?

MR. SCOTT: Yes, tax map is right on there.

MRS. SCOTT: I just gave it to you, the map actually survey that was provided to you.

MR. SCOTT: If you look at the houses that were addressed there were 50 foot frontage and 27 and 23, they had 50 foot frontage with like I think 100 foot back somewhere around there so they're the, they'll be less smaller in size than what we're proposing.

MRS. SCOTT: When we had Mr. DeKay draw it we were looking to refer back to Mr. Laurie's property, his is 68.67, ours, the lot that we're subdividing would be approximately 65 and the other one is 70.51, so we're right in line in terms of lot sizes, you know, I could understand if we were between two large lots but we're not. We also have the sidewalk on our side which I will say on a personal note one of my neighbors would even attest to this it becomes a dog walk basically

that open land, a lot of people just come walking down into my property and I want to do more than it being grass for someone to look at. I would like to be able to move, build a home, move there and instead of having to sell my home and leave a place that I really like being there.

MR. GABA: I stepped out of the room for a minute, I apologize, just so I understand is this the tax map?

MR. SCOTT: Yes.

MRS. SCOTT: No, this is actually if you look this is the vicinity map, that was on our survey so what I did I blew it up to show that this would be the subdivision and I was comparing it to all the other lots in our area.

MR. GABA: What's behind?

MRS. SCOTT: That's the Canterbury apartments.

MR. GABA: That's much larger.

MRS. SCOTT: This is the Canterbury apartments, this is called a fishtail, we were told they couldn't build back here.

MR. GABA: The point is its way bigger, isn't it?

MRS. SCOTT: That's an apartment complex.

MR. GABA: What about this one right here?

MRS. SCOTT: That one next to us, yes.

MR. GABA: What about the one beside that?

MRS. SCOTT: That's further down.

MR. GABA: Isn't that also bigger than your place?

MRS. SCOTT: Yes, but if you look across the street there are eight houses that are a lot smaller so we're talking--

MR. GABA: Yes, but I see two big lots right across the street.

MRS. SCOTT: Yes.

MR. GABA: In fact, a third one.

MR. SCOTT: That's an apartment house.

MR. GABA: But the lots are bigger, aren't they?

MR. SCOTT: We're 92 and 93 in the neighborhood.

MS. RANSOM: Right, but you're using Broadway and you're using Chestnut Street which is those.

MRS. SCOTT: We're also using Willow Avenue, matter of fact, two of the people who wrote letters they live in those two little lots, the one on the corner of Grand and Willow and the one next to it and if you look at the size of the lot I believe it's only 50 feet of space between all those houses, each of the houses or less, I mean, I don't know much about the zoning laws, I don't know when the rules were changed in terms of the frontage and the area but I truly believe that this was the intent of the original builders of the house and what they were doing with it and if anything the plans if you look at I guess you call it the footprint, the footprint it's in line with Mr. Laurie's, it's not going to detract at all, if anything, it's going to look as if it was always there.

MS. RANSOM: What year is your house?

MRS. SCOTT: 18--

MR. SCOTT: '70.

MRS. SCOTT: No, 1898, that's the furthest I was able to get back, the Wentz's (phonetic) I believe were as far as I could go back.

MR. DOBIAS: How long have you lived in the house?

MRS. SCOTT: Five years.

MS. RANSOM: Well, I personally feel that these are pretty substantial requests, the lot area is, one is 21 percent, the other is 27 percent, the lot width is 30 percent and a 35 percent request, those to me feel kind of substantial in an area where I did drive up and down Willow Avenue, of course I've walked up and down Willow Avenue all my life, and they're, the lots on your side of Willow Avenue are fairly large.

MRS. SCOTT: That's with just those two I would say a, I would agree with you if it was the other side of the street if you're going--

MR. SCOTT: If you're going west. But I have a question, this is a little off target here but where is there a lot in Cornwall that's 70 feet wide, 300 feet deep that can mandate the 20,000 square feet that's necessary anywhere, even an existing home that's 300 feet deep it's--

MS. RANSOM: But our job is not to increase the density.

MR. SCOTT: But we're in the heart of town, this is where I really believe people should live, I mean, not up on top of the mountains but in the heart of town where you can bicycle to the store, you can walk to the store, you can do this and this is what makes the

heart, I mean, I'm a builder.

MS. RANSOM: But if you lived on Angola Road you'd need two acres. So it's, I think that the code takes into consideration that you are in town with the 20,000 square feet.

MRS. SCOTT: But again under your codes for today there would be, many of the house that wouldn't make it.

MR. SCOTT: Well, 90 percent of them wouldn't make it.

MRS. SCOTT: I feel that it's an unfair code when you're looking at this kind of house I know a lot of Victorian houses, especially this is which is a house of for the mill workers I truly believe there was just from talking to people about the history there was an intent to build another house and just never got off the ground or no one has ever come forward. And I have spoken to relatives of Mrs. Mackey who had owned the property, sold it and exchanged a number of hands this was an idea and intent and I just, I'm saying to you is we put a lot of work into this house, put it back on the tax roll, substantially improved the quality of the house. And I believe the neighborhood and I guess I'm coming here today to ask for your support in the fact that we have done nothing but really improve the integrity of that house and we wouldn't stand for less on this house that we intend to build.

MS. REGAN: I have a couple comments. You make reference to that lot on Canterbury?

MRS. SCOTT: There was one on Willow that was subdivided, it's right next to what's that number, there was a subdivision right across from the Canterbury apartments that was done as well if I can refer back to the map I can tell you.

MS. REGAN: Well, some things predate code and the lot

on Canterbury if I'm not mistaken that was something that was already subdivided, they did not go for a subdivision today so that was that situation, a lot of the lots that you're talking about all predate code and the code has changed and it does set a precedent and we just went through this on Mailler Avenue last time.

MRS. SCOTT: But she was significantly, I think it was 10,000 square foot and our property is actually larger than hers and I think it was the size of the house relative to all the other houses.

MS. REGAN: But it was the same sort of an argument but hear me out, okay. What the family intended at the time it was built has no bearing today, obviously, have you considered since you're saying it's a three family and you're concerned about your money and your bills and stuff and you don't need so much house, why not put it back to a two family, live in the portion you need and rent out the other if you can't go forward with something like this?

MRS. SCOTT: Well, number one, I don't think the neighbors would be have happy with having another multi-family property. I know that the Donovans to be specific next to them I think it's either a four family, I think if anything I was kind of surprised with their letter because they have always I thought they were our greatest advocates, whenever we started working on the house they were like oh, great, thanks, you're improving the property value, thank you very much, you know, you're doing so much for the house. And but the thing is is the Donovans are right next door to a three or four family, I don't want to do that again and you have the apartment building to the right of us, Mr. Laurie in the middle and then you're going to have another multi-family and I believe you're also renting the multi-family, there's again a multi-family as well, so I really don't want to do that to the house. I think we worked very hard to try to bring it

back to a family and a house, you know, a home and I was hoping that we could continue doing that by building a smaller version of that house on that property, that's what I'm looking to do. We have never had a garage and unfortunately, we can't build a garage to the left of our property because of the large trees and they're not my trees, first of all, but I wouldn't want to cut those trees or do any damage to them as well. This house actually if you're looking at the footprint, the garage is actually going to be in the back of the house where you pull in, so I think that's something we wanted to improve as well cause we don't have a garage.

MR. DOBIAS: You have a garage behind the house.

MRS. SCOTT: That's like a potting shed, you can't get a car in there, I think it was built about 1930.

MR. SCOTT: If you put a car in it would sink.

MRS. SCOTT: I wish it was but it's not.

MS. RANSOM: Would you have to take any of the trees down to put this house in?

MR. SCOTT: Just one.

MRS. SCOTT: One and it's actually--

MR. SCOTT: If we keep it in line, if we don't, we push the house farther back so that would be up to the--

MRS. SCOTT: Whatever you ask us to do.

MR. SCOTT: Cause we'll do whatever.

MRS. SCOTT: There's a pine tree that's leaning in the middle of the property I think I'd like to consult with that but if we set it back further that would be fine

as well.

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

MS. HANNAWALT: Theresa Hannawalt, I live at 30 Willow Avenue directly next door to the Scotts and I was just concerned with disrupting the flow of the, all the homes on that street are 18, 1900s, including the Scotts and myself and there's ample property and the historical charm is what I was concerned about in the attempts to squeeze a new construction into a smaller lot that doesn't accommodate a home was what I was concerned about. You know, what you were saying about the Donovans across the street and myself as well yes they have done an exceptional amount of work on the house, the house looks beautiful and that really has nothing to do with the new construction, that's just a whole other ball of wax, that's why I was concerned about the homes having a house on the property and then squeezing in something new, that's just going to take away from Cornwall's charm on Willow Avenue. That was my concern.

MS. RANSOM: Thank you.

MS. PATTERSON: Dawn Patterson, I live on 22 Willow Avenue right behind Theresa in the woods. I've grown up in that house that I'm in now, I live, I own the house now. I'm concerned also because I do think that the lot sizes are larger, especially coming from the Cantergury apartments coming on down to the brook directly across from the, some of those lots are smaller but obviously they're three quarters of an acre to an acre. I know where Theresa's house is, McGuinness's house is, all of them across, the Donovan's, those lots are all larger, all the way up to Willow Avenue School they run larger. There certainly is a certain feel and a look to the neighborhood when

you're coming down Willow Avenue that I believe will be lost by trying to squeeze in a new house. I think that you can try to duplicate the look of an old house when you build new but you'll never create that same look and the new will never look like the old house and all of those houses are old. I think there are 11 houses between Main Street and Canterbury apartments, there are 11 houses that are built in the 1800s, there are eight of them that are built in the 1900s. My house is the only house that you can't see visibly from the road which is the newer house but the rest of them are all old and I'm just concerned with our house values.

MR. GABA: You mean aesthetic appearance of the neighborhood?

MS. PATTERSON: Yes, I am concerned about that, I like the way it looks right now, I always have, I believe I'm not alone on that.

MS. RANSOM: Thank you.

MR. SCOTT: Just in rebuttal if you really go up passed the Willow School you have a vinyl house, a vinyl house, a vinyl house, a vinyl house and we would never put a vinyl house up. We're talking clapboard, you know, so those houses do look new, we're not talking about putting a raised ranch, just something that's going to fit right into the neighborhood.

MRS. SCOTT: Right, we took a lot of time and consideration in looking at a historically accurate home that would fit in the time period and what we're looking to do is have a modern version of our home, make it more efficient in terms of heating because if you have one of these old houses that's an issue.

MR. SCOTT: That's the other objective, we do wish to put a great house up, this way we can live in Cornwall without being beat up by the energy costs and

electricity and not have to worry every year about our gas and electric bill because we do plan to implement the solar panels and whatever we can to make it efficient.

MRS. SCOTT: On a personal note, I grew up here as a child and when my husband and I first were married we couldn't afford to live here, we went to Newburgh, we bought a 1905 house, we restored it. If you check on the real estate records, it was one of the highest selling properties and it was used as far as comps the highest comp in the City of Newburgh in the year 2003, we love old homes and we're going to build something that I truly believe is going to be an asset to our neighborhood, I wouldn't stand for anything less.

MS. RANSOM: Thank you.

MRS. SCOTT: Thank you so much for the opportunity to speak.

MS. REGAN: If you were to build this, what sort of building materials would you use? Are you talking about--

MRS. SCOTT: It was interesting listening to the builder or the architect, I would like to look and do some research on the green materials, my husband is a contractor, my husband does a lot of restoration work but I know the cedar clapboard.

MR. SCOTT: We wouldn't use cedar clapboard, it's a cement board which looks just as nice and it lasts forever and you're not knocking down any trees, it's pretty much local too. And we would try to keep everything as local as possible. You've probably seen me around, you know, I ride my bicycle, so I think living on Mine Hill is out there no matter what, if you have to drive up there, so this is what I want and I think it will be a positive for the neighborhood so but

I will look into that for you. And if that's what it takes we'll do whatever but I'm not planning on asphalt shingles on the roof so because they're not very green so we're going to do, you know, that's where my life's taking me now.

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

MRS. SCOTT: We took a chance with Cornwall and I really hope that, you know, you help us and maybe take a chance on us.

MS. RANSOM: Okay, thank you.

REGULAR_MEETING

APPROVAL_OF_MINUTES_DATED_SEPTEMBER_15,_2008

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

MR. DOBIAS: No, I don't think so.

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

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

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

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

(Whereupon, the board went into closed session.)

(Discussion was held off the record)

MS. RANSOM: Do I have a motion to come out of closed session?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MR. DOBIAS AYE

MS. REGAN AYE

MS. RANSOM AYE

DOBSON _____

MS. RANSOM: We received a letter from Chris Fryer regarding the area variance that was granted to Thomas Dobson, I'd like to have, do we need a motion or we can just--

MR. GABA: No, just you're going to note it.

MS. RANSOM: We're going to ask counsel to send a letter and possibly discuss with the building department the requirement of when the fence needs to go up for this application.

JEHOVAH'S_WITNESSES-CORNWALL_CONGREGATION_-_DECISION

MS. RANSOM: Our first public hearing this evening was on the request of the Jehovah's Witnesses-Cornwall Congregation. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MR. DOBIAS AYE

MS. REGAN AYE

MS. RANSOM AYE

MS. RANSOM: They're seeking an area variance for gross lot, front yard and side yard.

MR. GABA: And the sign.

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

MR. DOBIAS: No.

MS. REGAN: Not really cause they already exist there and they have been there for so many years.

MS. RANSOM: And I think that they did testify that there is screening on both sides of their property, some of it's deciduous, some of it's evergreen and they also mentioned that they're deeding part of the front to the town and that therefore is also forcing them to require the front yard variance. Ted, anything you'd

like to add on that?

MR. DOBIAS: No.

MS. RANSOM: Thank you. 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: I think they submitted a number of pieces of documentation this evening that provided us with three alternative plans but then also outlined the disadvantages of those plans, some of the alternative plans were extremely costly as well as reducing some of their parking so I think that they have provided the best plan for the site. Is the requested variance substantial? I think, I personally think that the requests are substantial but because they have been there a long time, it's not going to change the character of the neighborhood, I don't think it's going to have an impact on the physical or environmental conditions in the neighborhood, it's still going to be a church. I don't feel that the requests are substantial because everything else kind of mitigates the substantial nature.

MS. REGAN: Right, I agree.

MS. RANSOM: Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighbor or district?

MS. REGAN: No.

MR. DOBIAS: No.

MS. RANSOM: No, and I think there's screening, it's

been a church for a long time. And their main reason is to make their church handicapped accessible and to utilize, actually, they're reducing the square footage of the building. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes.

MS. RANSOM: Yes, but again I don't feel that that should carry a lot of weight since it's not going to have an impact on the neighborhood. Do I have a motion that this is a Type 2 Action under SEQRA?

MS. REGAN: So moved.

MR. GABA: It's not a Type 2 Action, it's an unlisted action and as lead agency you should adopt a negative declaration.

MS. RANSOM: Do I have a motion that this is an unlisted action under SEQRA and that this board adopt a negative declaration?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

MS. RANSOM: Do I have a motion to approve the request by the Cornwall Congregation of the Jehovah's Witnesses relating to the property located at 25 Beakes Road requesting area variances for net lot area, front yard, side yard and the sign.

MS. REGAN: So moved. I have a question, could we put

a condition on there that if they do build it out and there's not enough screening on the Leombruno side that as a good neighbor they put in what's necessary so as not to impact them?

MS. RANSOM: Can we request that the planning board as a condition that the planning board review the screening?

MR. GABA: You can either condition it upon additional screening, if you want to do that, you should probably indicate what amount of additional screening you want or you could just note in granting the variances that you feel it would be appropriate for the planning board to review the proposed screening for adequacy and if appropriate impose additional conditions as part of their approval.

MS. REGAN: I think I'd like to see that just in case.

MR. GABA: Rather than a condition you want to just note it.

MS. REGAN: We'll note that the planning board review it and that it be a condition that they, the planning board oversee any additional screening.

MS. RANSOM: So we'll add to our motion that we would like to see planning review the screening on both sides, the property lines.

MS. REGAN: And adjust if need be or something.

MR. GABA: And adjust as appropriate.

MS. REGAN: As appropriate, yes, just in case, you know, once it's up.

MS. RANSOM: We also ask that the sign be constructed as outlined as amended because originally it had

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pillars.

MS. REGAN: As amended without the pillars.

MS. RANSOM: Do we have that motion?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MR. DOBIAS AYE

MS. REGAN AYE

MS. RANSOM AYE

EASTERN_ORANGE_AMBULATORY_SURGERY_CENTER_-_DECISION

MS. RANSOM: Our next public hearing this evening was on the request of Eastern Orange Ambulatory. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MR. DOBIAS AYE

MS. REGAN AYE

MS. RANSOM AYE

MS. RANSOM: The Cornwall Medical Complex, LLC, is requesting an area variance to allow a 5 foot high by 17.5 long facade business sign where the ordinance allows 2 1/2 feet in height and 10 feet in width. Shall we take the five factors?

MS. REGAN: Yes.

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

MS. REGAN: I think so, I think it's excessive.

MS. RANSOM: I agree, I think that the goal is to get people to the right door and I feel that this is a sign that's basically filling the spot on the building to the right of the door as you look at the building and feel that it is extremely large for the purpose at hand and that it will create an undesirable change in the neighborhood. Ted, any comment on that?

MR. DOBIAS: No comment.

MS. RANSOM: Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance?

MS. REGAN: I think so.

MS. RANSOM: I'd like to see them, I think a sign that meets the code would certainly be in my opinion sufficient to direct people to the ambulatory surgery door once they have arrived in the parking lot and as was testified to there is directional signs as you get off 9W pointing you towards the parking lot. Is the requested variance substantial?

MS. REGAN: Yes.

MS. RANSOM: I think the size of the sign is, yes.

MR. DOBIAS: Yes.

MS. RANSOM: Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or the district? Obviously, the neighbors feel that the sign will have an impact. I also feel that the size of it creates a lot of light and the fact that they would want the sign lit until 11 o'clock at night I think that would have an impact on the neighborhood.

MS. REGAN: I believe they said 10.

MS. RANSOM: Ten or 11, okay. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes.

MS. RANSOM: Yes.

MR. DOBIAS: Yes.

MS. RANSOM: 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
MS. REGAN AYE
MS. RANSOM AYE

MS. RANSOM: Do I have a motion to approve the request by Cornwall Medical Complex, LLC for a facade sign that exceeds the code?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MR. DOBIAS NO
MS. REGAN NO

MS. RANSOM: The motion was in the positive to approve it, we always do them in the positive.

ROLL CALL

MR. DOBIAS NO
MS. REGAN NO
MS. RANSOM NO

MS. RANSOM: The motion's denied.

JONATHAN_DUELL_&_SHERYL_STURGES

MS. RANSOM: Our next public hearing this evening was on the request of Jonathan Duell and Sheryl Sturges relating to property located at 89 Mine Hill Road. The applicant seeks to construct a 75 foot by 65 foot three bedroom two story dwelling with insufficient rear yard. The ordinance requires 75 feet and the applicant is proposing 20 feet. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MR. DOBIAS AYE

MS. REGAN AYE

MS. RANSOM AYE

MS. RANSOM: Okay, now, did we get Orange County Planning on this? I don't see it, of course they're more than 500 feet off a county road.

MR. GABA: If they're more than 500 feet, they don't need it, Black Rock's not a public park, it's a county, state or town park, then we'd have to refer it so that, Mine Hill's a town road?

MS. RANSOM: Yes.

MR. GABA: So you don't.

MS. RANSOM: Can we make this decision subject to Orange County?

MR. GABA: No, unless you don't need it. I'm not at all sure that you do need it but it's probably better to--

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MS. RANSOM: So we'll hold this open until next month.

MARK_&_VIRGINIA_SCOTT_-_DECISION

MS. RANSOM: Our next public hearing this evening was on the request of Mark and Virginia Scott, 36 Willow Avenue. Let the record show that Orange County Planning has left this one to local determination. The Scotts are seeking area variances for minimum lot area, for lot width and road frontage. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

MS. RANSOM: Let's take the area variance grounds for relief one at a time, please. 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? Okay, I feel that it would be a detriment to other homes in the neighborhood, that the homes are on lots that are a little bit larger than most of the homes that are on that side of the street are on bigger lots with the appearance of a bigger lot. So I feel that this would create an undesirable change in the character of the neighborhood by putting another house on an undersized lot. That any houses that were there predated zoning but the zoning is there now to protect the residents from increased density and I feel this would have a, create an undesirable change in the neighborhood.

MS. REGAN: Yes, I agree.

MR. DOBIAS: Yes.

MS. RANSOM: 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 but I feel that it is going to change the neighborhood.

MS. REGAN: We've had testimony from neighbors.

MS. RANSOM: And we received a lot of correspondence from the neighbors that they were not in favor of this variance. Is the requested variance substantial? I feel that it is, you're looking for over 20 percent to almost 30 percent on the lot area and 30 to 35 percent on the lot width and I feel that those are substantial given the fact that it will impact the neighborhood.

MS. REGAN: Yes.

MS. RANSOM: Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? I feel it will, I feel that it will increase the density, I think it would change the character of the neighborhood.

MR. DOBIAS: Yes.

MS. REGAN: No, the thing is that the other homes are there, everything predates code and try as hard as you may to make it blend in it's not going to look different.

MS. RANSOM: Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes.

MS. RANSOM: Yes. 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
MS. REGAN AYE
MS. RANSOM AYE

MS. RANSOM: Do I have a motion to approve the request of Mark and Virginia Scott relating to property located at 36 Willow Avenue requesting area variances for minimum lot area, lot width and road frontage?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MR. DOBIAS NO
MS. REGAN NO
MS. RANSOM NO

MS. RANSOM: The motion's denied. Is there anything else to come before the board? Motion to adjourn?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer