

January 16, 2007

1

TOWN OF CORNWALL
ZONING BOARD OF APPEALS
JANUARY 16, 2007

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

ALSO PRESENT: ADAM RODD, ESQ.
ZONING BOARD ATTORNEY

ABSENT: EILEEN REGAN

MS. RANSOM: The January 16, 2007 meeting of the
Cornwall Zoning Board of Appeals will now come to
order.

January 16, 2007

2

ROBERT_R._BOSE_-_CONTINUATION

MS. RANSOM: The first order of business this evening is the continuation of the public hearing on Robert R. Bose. Is Mr. Bose here? Okay.

BRIAN_BABCOCK_-_CONTINUATION

MS. RANSOM: The second public hearing is the continuation of the hearing for Brian Babcock. Mr. Babcock?

MR. BABCOCK: Hello.

MS. RANSOM: Last time I think we were waiting for the County Planning Department. They have sent the board documentation leaving it for local determination. Did you have anything else you'd like to add to your presentation?

MR. BABCOCK: I do not. I think we went in depth in December but I will be more than happy to answer any questions from the board if there's anything further.

MS. RANSOM: Anybody have any questions?

MR. MC GUINNESS: No.

MR. LEE: No.

MR. DOBIAS: No.

MS. RANSOM: Okay, thank you very much.

JOSEPH_&_APRIL_RICCO_-_CONTINUATION

MS. RANSOM: Next public hearing is on the request of Joseph and April Ricco, 54 Elm Street. Again, we were waiting for county determination and we have received from the Planning Department and again they have left it to local determination.

MR. RICCO: Ma'am, I have nothing to add unless the board has any questions or comments that they would like to ask of me I'd be more than willing to answer them.

MS. RANSOM: I only have one question. Mr. Cragan had sent a letter indicating that he is your closest neighbor, how far is his home from your proposed pool?

MR. RICCO: Offhand, I don't know the actual distance.

MS. RANSOM: Estimate?

MR. RICCO: From my fence to his house is probably 15 to 20 feet and the pool would be another I believe 6 feet was the plans from my fence in so probably 26 to 30 feet in that range.

MS. RANSOM: Thank you. Any other questions? Okay.

MR. RICCO: Thank you.

MS. RANSOM: Do I have a motion to discuss with counsel issues we've heard this evening?

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MR. MC GUINNESS AYE

January 16, 2007

5

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

(Whereupon, the board went into executive session.)

(Discussion was held off the record)

January 16, 2007

6

BOSE_-_DECISION

_____ - _____

MS. RANSOM: Okay, on the Robert Bose hearing we're going to request that the building department touch base with them to find out what's happened to the materials that we requested and the status of their application.

BRIAN_BABCOCK_-_DECISION

MS. RANSOM: Moving on to our second hearing, Brian Babcock, the request of Brian Babcock. Mr. Babcock is seeking a variance to construct a 24 foot by 30 foot two story addition with 3 feet by 20 feet side walkway, 12 feet and 21 feet rear deck, 8 foot and 16 foot rear porch with insufficient side yards. The ordinance requires 30 feet and a total side yard of 80 feet and the applicant is proposing a minimum side yard of 18 feet and a total side yard of 48 feet. Let's take the grounds for relief one at a time. Will the variance sought produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties in the neighborhood in which the applicant's property is situated?

MR. DOBIAS: No.

MR. LEE: No.

MR. MC GUINNESS: No.

MS. RANSOM: No and as pointed out, it will take care of moving his driveway off of his neighbor's property and the lot next to where he's putting the addition is wooded and also bordered by a stream. Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance? He mentioned that he couldn't put it in the back or the side because the well and the grade in the back so the side that he's proposing is probably the only place that he can put his addition. Is the requested variance substantial? They are a little bit large but it's a private area. The lot next to it is wooded, I don't believe it will have an undesirable change in the character of the neighborhood or be a detriment to any nearby properties. Is the applicant's alleged difficulty in complying with applicable zoning self-created? Yes, but since it's not going to affect

the character of the neighborhood, I don't feel that that particular ground for relief should hold a lot of weight. Are we ready to take a vote? Do I have a motion that this is a Type 2 Action under SEQRA?

MR. DOBIAS: So moved.

MR. LEE: Second it.

ROLL CALL

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

MS. RANSOM: Do I have a motion to approve the request for area variances by Brian Babcock for 14 Long Hill Road?

MR. DOBIAS: Yes, so moved.

MR. LEE: Second it.

ROLL CALL

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

MS. RANSOM: We'll let Gary know tomorrow.

MR. BABCOCK: Thank you very much.

JOSEPH_&_APRIL_RICCO_-_DECISION

MS. RANSOM: The board has one question. On your map you show some bushes in the back, are those bushes already there?

MR. RICCO: Let me just make sure because there's two sets of bushes. Okay, those, there's some already there and there will be, some more will be planted in the spring. Mr. Cragan has a line of I guess arborvitae and I have a couple arborvitae there, I'm going to put even more barrier between the pool and the fence to block off any kind of sight lines.

MS. RANSOM: Would you have a problem if we made that part of the condition for the approval of the variance that you place--are you planning to use arborvitae or something else?

MR. RICCO: U was planning to use arborvitae but I saw the tri-colored grass cause it grows even higher, the arborvitae take a long time to get to a substantial height, the tri-color grass grows higher more quickly and it's kind of a nicer blocking thing but I would have no problems.

MS. RANSOM: So then if we condition it with vegetation being planted there to shield your neighbor that will be agreeable with you?

MR. RICCO: That will be agreeable, yes, ma'am.

MS. RANSOM: The applicant's seeking an area variance to install 15 foot by 24 foot oval above-ground pool with attached 6 foot by 15 foot deck with insufficient rear yard. The ordinance requires 20 feet rear yard and the applicant proposes 10 feet rear yard. Will the variance sought produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties in the neighborhood in which the

applicant's property is situated?

MR. DOBIAS: No.

MR. MC GUINNESS: No, it's a pretty similar to the other neighbors.

MS. RANSOM: And the neighbor most affected Mr. Cragan has sent a letter that he has no objections to the Riccos putting a pool in their back yard. Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance? It's a pretty small back yard and I don't think that there's anyplace else to put the pool in that yard where you would not need a variance. Is the requested variance substantial? We're talking about a 10 foot variance, again, there won't be any undesirable change in the character of the neighborhood or it won't be a detriment to nearby properties. And since Mr. Ricco has agreed to place vegetation along the property line to shield his neighbor, I think that that would mitigate the 10 foot request for variance. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or the district?

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

MS. RANSOM: Is the applicant's alleged difficulty in complying with applicable zoning self-created? Yes, but again I don't feel that should hold a lot of weight since the pool will not create an undesirable change in the character of the neighborhood as well as the neighbor most affected is fine with the proposed variance. Do I have a motion that this is a Type 2 Action under SEQRA?

MR. MC GUINNESS: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

MS. RANSOM: Do I have a motion to approve the request by Joseph and April Ricco for a rear yard variance with the condition that vegetation be planted along the property line to provide as much privacy to the neighbors as possible? Do I have a motion?

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

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

MR. RICCO: Thank you very much.

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

MR. DOBIAS: So moved.

MR. LEE: Second it.

ROLL CALL

MR. MC GUINNESS AYE
MR. LEE AYE

January 16, 2007

12

MR. DOBIAS	AYE
MS. RANSOM	AYE

Respectfully Submitted By:

Frances Roth
Stenographer