

October 15, 2007

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TOWN OF CORNWALL  
ZONING BOARD OF APPEALS  
OCTOBER 15, 2007

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

ALSO PRESENT: ADAM RODD, ESQ.  
ZONING BOARD ATTORNEY

ABSENT: MICHAEL MC GUINNESS

MS. RANSOM: I'd like to call to order the October 15, 2007 meeting of the Zoning Board of Appeals. We have several hearings this evening. Just let the record show that the request of John and Cynthia Latimer relating to property located at 10 Sugar Maples the board agreed to hold that open until the November meeting.

DONALD\_&\_SUSAN\_BLAINE \_\_\_\_\_

MS. RANSOM: Our next public hearing is on the request of Donald and Susan Blaine, 8 Isro Drive. We'll read the notice. Notice is hereby given that the Zoning Board of Appeals of the Town of Cornwall, County of Orange State of New York will hold a public hearing at the Town Hall, 183 Main Street, Cornwall, New York on October 15, 2007 at 7:30 p.m. or as soon as thereafter as the matter can be heard on the application of Donald and Susan Blaine relating to property located at 8 Isro Drive and designated on the tax map as section 15, block 2, lot 17. The applicant seeks an area variance to Section 158-12, Part 1, SR-2 district, use group C, column number 6 and 7 of the zoning ordinance in order to construct a 10 feet by 15 feet one story addition with insufficient side and rear yard area. The ordinance requires a minimum side yard of 15 feet with a total side yard of 30 feet. The applicant has a minimum side yard of 13 feet that currently exists with a proposed total side yard of 27 feet with the new addition the ordinance also requires a 30 foot rear yard and the applicant proposes 12.5 feet. The zoning board will at the above time and place hear all persons interested in the application, all written communication should be received by the board at or prior to the hearing. Dated: September 28, 2007. By order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

Mr. Blaine, would you make your presentation to the board please?

MR. BLAINE: My name is Don Blaine, my wife Sue and my son Dave and I live at 8 Isro Drive in Cornwall. Isro Drive is a cul-de-sac that's located towards the bottom part of Mailler Avenue. I'm here this evening to ask for a variance for a 10 x 15 proposed addition to our home. The addition when you're facing it from the street will be on the left side and as I said, it will be a 10 x 15 one story addition. It will be closet

space, a laundry room and a bathroom. We propose that the house or the additional blend in with the house, we'll try to match the siding as best as we can, the roof line we'll match as well so hopefully when all is said and done it will be part of the house. We looked at other areas or other ways in which to do this but as far as plumbing and the need for a variance this turned out to be the best location for this addition. My property is, on the side the property is owned by Mr. Theil and he also owns a second lot behind my property as well and I have spoken to him on a number of occasions and there aren't any problems as far as that's concerned. There will not be any lighting or drainage issues, the plumbing will go into the existing plumbing that's right under the house. The actual additional come off the master bedroom so a door will be constructed to leave the master bedroom into this addition. The back of my property is as I said one part of the lot is owned by Mr. Theil, that's a wooded area and the other part of my property is abutted by the Cornwall School District property which is also a wooded area so there aren't any homes in the direct vicinity except for Mr. Theil's on the left side.

MS. RANSOM: Will you be able to see this addition from the front of your house cause it's not going to be flush with the front, it's only going to be in the back?

MR. BLAINE: Correct, it's going to be towards the back and the back half of the house so you, in order to see it, you would have to go to the left-hand side of the home to see it.

MS. RANSOM: Will there be any windows on the section that's going to be facing Isro Drive?

MR. BLAINE: No, not facing Isro Drive, there will be windows on the side facing Mr. Theil's property and one in the back facing his wooded lot.

MS. RANSOM: Okay, is there any screening between Mr. Theil and your home, natural trees or anything?

MR. BLAINE: No, no.

MS. RANSOM: And you had said that you looked into other places on your property to put this addition, what were the circumstances?

MR. BLAINE: We have a dining family room in the back that was built by the way all of the work this is the only addition we have ever proposed, everything else was done by the original owner, but that addition is on a slab and it's about a four inch drop from the original part of the house. Originally, we were thinking of putting a bathroom there, however, there would have to be a pump installed in order for the water to flow so this was not something I really wanted to get into digging up a slab for a floor and so forth so after consulting a contractor and my father this was probably the best way to go.

MS. RANSOM: How are you planning to tie the roof in?

MR. BLAINE: Not sure.

MS. RANSOM: What kind of roof is the addition going to have on it?

MR. BLAINE: The original roof is pitched and then the addition is a lesser pitch with a, I guess it's a rubber top and the addition will take the same contour as the roof, so in this direction, so it will not stand out in any way that's any different than the original home.

MS. REGAN: No questions.

MR. DOBIAS: No questions.

MR. LEE: No.

MS. RANSOM: Anyone in the audience?

MR. RODD: I just want a point of clarification. The side yard setback that you have now on the left-hand side that's from the perspective of standing on Isro and your house, you currently have a 13 foot side yard setback?

MR. BLAINE: Yes, I believe that's it.

MR. RODD: So with the addition you're not going further into that 13 feet, you're just maintaining the 13 feet on the left side and building back towards the rear?

MR. BLAINE: We're building both ways, we're building 10 out and 15 back and but it's going to be adjacent to what's already there, in other words, it's not going any further back than the back part of the house.

MS. RANSOM: Is your house at an angle though, is that why there's a question as to the side yard?

MR. BLAINE: Yes, the problem is my lot is a pie shaped lot, no matter where I put any addition under the guidelines today I would have to seek a variance. This was the best location given proximity of the master bedroom and what it is we're trying to do.

MR. RODD: So your current side yard setback on the left is what?

MS. RANSOM: Well, the notice says that it is currently 13, is that because is the front yard closer to your neighbor than the back yard?

MR. BLAINE: Yes, yes, the front of my house is closer

to the line than the back of my house.

MR. RODD: Okay.

MR. BLAINE: When you go from the street and follow the property line it goes off on an angle and this is taking up the less amount of area adjacent to my neighbor.

MR. RODD: So the 10 feet is going to be the addition is going to be 10 feet wide, correct, 10 by 15 feet so it's going to be 10 feet wide the addition?

MR. BLAINE: Yes.

MR. RODD: And it's going to come 10 feet out from the side of your house?

MR. BLAINE: Yes.

MR. RODD: An additional 10 feet?

MR. BLAINE: Correct.

MR. RODD: Is that 10 feet going to start to the rear of where the front of your house is or is it going to be parallel with the front of your house?

MR. BLAINE: It's about halfway to the side of the house so I'm not sure.

MS. RANSOM: It's--

MS. REGAN: It's set back.

MS. RANSOM: How long is your house roughly?

MR. BLAINE: I don't know.

MS. RANSOM: So if it was 30 feet then you would be

back 15 feet from the front of the house?

MR. BLAINE: Yes.

MS. RANSOM: I think what's confusing is that the memo, the notice indicates that you already have 13 and that it's implying that you're requesting another 10 but because of the shape of the lot the 10 feet is not really changing.

MR. BLAINE: No.

MS. RANSOM: The front of your house is already 13 feet off your neighbor's yard.

MR. BLAINE: Correct.

MS. RANSOM: The back is going to be how many feet off your neighbor's yard?

MR. BLAINE: After this?

MS. RANSOM: Yes.

MR. BLAINE: I think it will be close to 12 or 13 feet, right?

MR. RODD: Rear yard setback indicates 30 is required, you're proposing 12 1/2 so the end of the addition will be 12 1/2 feet from your rear yard lot line, correct?

MR. BLAINE: Yes.

MS. RANSOM: But then the problem is the side yard, correct?

MR. RODD: Well, according to the measurements I understand that the total proposed side yard with the addition will be 27 feet, what's not crystal clear is how far the addition is going to be from the left side

yard lot line.

MS. RANSOM: Right.

MS. REGAN: Do you have a copy of the survey you can show us?

MR. BLAINE: I do.

MR. BLAINE: This is where the proposed addition is going to be.

MR. RODD: Are these copies for us?

MR. BLAINE: No.

MR. RODD: Can we get one copy?

MR. BLAINE: Sure.

MS. RANSOM: So for the side yard, the front of the house is already less than the new addition.

MR. RODD: This makes sense now, this indicates that the addition is going to result on the left-hand side from the perspective of standing on Isro Drive looking at the house of 14 feet with the total side yard of 13 feet so the survey's very helpful.

MS. REGAN: You can have this back.

MS. RANSOM: And can we have two, one for the stenographer that we'll keep in the record and one for the attorney?

MR. BLAINE: Okay.

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

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MR. BLAINE: No. Thank you for your time.

MS. RANSOM: Questions here?

MS. REGAN: No.

MS. RANSOM: Thank you very much.

MR. BLAINE: Thank you.

ADRIAN\_ALGANARAZ \_\_\_\_\_

MS. RANSOM: Next public hearing is on the request of Adrian Alganaraz, 60 Angola Road.

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 15, 2007 at 7:30 p.m. or as soon as thereafter as the matter can be heard on the application of Adrian Alganaraz relating to property located at 60 Angola Road and designated on the tax map as section 25, block 1, lot 9. The applicant seeks an area variance to Section 158-12, Part 1, SR-1 district, use group G, column number 7 of the zoning ordinance in order to allow an existing 12' x 17' deck to remain with insufficient rear yard. The ordinance requires a minimum rear yard of 30' and the applicant has 24'. The zoning board will at the above time and place hear all persons interested in the application, all written communication should be received by the board at or prior to the hearing. Dated: September 13, 2007. By order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

Would you make your presentation to the board please?

MR. ALGANARAZ: Yes, my name is Adrian Alganaraz, I'm the owner of record of 60 Angola Drive or Road but actually the house is inhabited by my mother. And since you indicated that surveys are helpful, here's the survey of the property. The deck is 12 x 16 foot wood construction deck. As you indicated, the zoning calls for a 30 foot setback. We only have 24 feet and it's just the neighbors that border the property in fact are all here, I have some written correspondence from some other neighbors as well as the ones who are here so if there's any objection you can ask them.

MS. RANSOM: How did this deck come to be since it's

already there and then how did this come to the board?

MR. ALGANARAZ: We bought the house a year ago in the spring and there was an existing sort of concrete tile patio back there and last summer my mother tripped and fell and ended up going over to the hospital and had some kind of hip injury. And this year she asked me to put in a wooden deck for her, she's 82 or turned 82 in August so I had the deck built.

MS. RANSOM: Okay, without a building permit then?

MR. ALGANARAZ: That was my mistake.

MS. RANSOM: And so how did it come before the board?

MR. ALGANARAZ: Your building inspector saw it and sent me a notice that I had to take care of it, that's how we're here today.

MS. RANSOM: Does your deck meet all of the building requirements of the Town Code building code?

MR. ALGANARAZ: Mr. Vinson seems to think so. When my father was alive he was a house builder, so this is something that's very familiar to me, frankly always overbuilt and I believe I have overbuilt this deck as well. Footings are 42 inches deep, that's to take care of the frost in this area and the construction is pressure treated wood.

MS. RANSOM: Is the stone deck under the stone patio, under it?

MR. ALGANARAZ: No, there's a gravel, there are nine footings, they're eight inches in diameter, there's gravel underneath each footing and gravel underneath the wood deck. Wood deck is just off the ground enough so that the wood doesn't rot by being right on the ground, it's not a raised deck, something, the house

itself is on concrete slab, it's a ranch house and it's just a deck that she can walk from the bedroom and go out.

MS. REGAN: No questions.

MR. DOBIAS: No questions.

MR. LEE: I just have one question. Did you in fact apply for a building permit and it was denied for that deck?

MR. ALGANARAZ: I did not. I had, initially, we tried to get some contractors, a friend of mine recommended somebody who had come in with a price and a week or so later he came back saying that we needed to have a permit and I thought frankly that he was just looking to charge me more.

MR. LEE: It was my understanding that you applied for a permit and it was denied and it was built.

MR. ALGANARAZ: I personally did not apply for this.

MR. LEE: Okay.

MR. RODD: If you can just speak to what's in the area of your rear yard lot line.

MR. ALGANARAZ: There's a chain link fence on the back which is the, that's the area in question because that's where we only have 24 feet instead of 30, to the I guess it would be the southwest side of the house there's a wooden fence, partial wooden fence, and on the other side is completely open. As you said, I don't live here, unfortunately, I don't see my mother as often as I should but I think her neighbors would be better equipped to answer that.

MS. RANSOM: There are trees behind the house?

MR. KORYKORA: Yes, there are.

MR. ALGANARAZ: Yours or mine?

MS. RANSOM: Can we have your name for the record?

MR. KORYKORA: Paul Korykora, K-O-R-Y-K-O-R-A, 5 Cedar Lane, I border Herb on the property line for which the variance is being requested.

MS. RANSOM: Do you have any other comments?

MR. KORYKORA: Yes, I wanted to hand the board if you don't mind a letter stating our, my wife and my position with regard to the variance. In short, we have no objections but just for the record I'd like to hand it out.

MS. RANSOM: So Mr. Korykora, there are trees then on the property line between your home and the deck?

MR. KORYKORA: Yes, the majority of the trees if not all of them are on her side of the property but they do border the line, yes.

MS. RANSOM: Are they like bushes or hardwood trees, evergreens?

MR. KORYKORA: There's a mix, most are hardwood trees with trunks about anywhere from I'll say 8 to 12 inches wide, thick.

MS. RANSOM: Okay, thank you. Is there anyone else in the audience who'd like to speak?

MRS. DEANS: Jane Deans, 56 Angola Road. My side yard borders her side yard, there's no question there but her deck certainly enhances the property and it's a nice place for me to go and sit in the afternoon

because of these trees which are very high there, are pines and maples there, and she gets very good shade in the afternoon. But it enhances the property and she did fall on the pavers, she tripped on the pavers that had been there before and this actually although it wasn't enclosed, it's not that much bigger than what was there, I don't know whether that needed a permit when they did a patio of pavers or not.

MS. RANSOM: Thank you, Mrs. Deans. Is there anyone else who'd like to speak?

MR. MCSHEA: Kevin McShea, I live next door on the other side from Jane.

MS. RANSOM: Your address?

MR. ALGANARAZ: 62 Angola Road. And we have absolutely no objection, it's a very nice deck and it's safer than the one that was there when the other people were there.

MR. RODD: No questions.

MR. ALGANARAZ: I have some additional letters that I'd like to--you have already gotten one from Paul Korykora and this is from, who do I give this to, this is from Kevin McShea from whom you just heard, neighbors across the street.

MS. RANSOM: So let the record show that the board has received correspondence from Joseph and Mary Helpern, 51 Angola Road, as well as correspondence from Gerald Halpin, III, 61 Angola Road. Do you have anything else you'd like to add at this time?

MR. ALGANARAZ: It would be nice if you let her keep her deck, she really likes it.

MS. RANSOM: Let the record show that we did receive

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County Planning, they left it for local determination.  
Any other questions? Okay, thank you very much.

MR. ALGANARAZ: Thank you.

ROBERT\_R.\_BOSE

MS. RANSOM: Our next public hearing this evening is on the request of Robert Bose relating to property located at 3 Pine Ridge Road.

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 15, 2007 at 7:30 p.m. or as soon as thereafter as the matter can be heard on the application of Robert R. Bose relating to property located at 3 Pine Ridge Road and designated on the tax map as section 35, block 1, lot 37. The applicant seeks to amend the previously approved variance to allow 850 square feet of patio around the in-ground pool located in a required front yard. The zoning board will at the above time and place hear all persons interested in the application, all written communication should be received by the board at or prior to the hearing. Dated: September 25, 2007. By order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

Let the record show that we do have a proxy on file signed by Mr. Bose allowing Mr. Garcia to speak on his behalf. Would you like to make your presentation to the board please?

MR. GARCIA: I have the, when I filed for the permit I didn't add the apron patio around the pool onto the permit so Mr. Gary sent me back to you guys. This is an existing deck that's there, this would be the proposed, would be a three foot walkway all the way around the pool, there'd be a 12 x 18 sitting area and a 16 x 20 sitting area closer to the house. That's it.

MS. RANSOM: Now, what's this going to be made of?

MR. GARCIA: It's going to be pavers.

MS. RANSOM: Okay, cause I was there yesterday and it

looks like there's quit a dropoff from where you have your sitting area. Are you going to build that up?

MR. GARCIA: This is going to be a small stone wall here, there's I think a three or four foot drop there.

MS. RANSOM: Okay so--

MR. GARCIA: There were stone walls right here that we're going to use the material to make the stone wall in this area right here.

MS. RANSOM: How are you going to build that up so that it's level with the pool?

MR. GARCIA: Yes, it's going to be built with stone and Item 4 and then you keep on building it up and you put geogrid so it doesn't wash away.

MS. REGAN: So you're building a retaining wall?

MR. GARCIA: Yes, it will be a retaining wall around to sustain the patio.

MS. RANSOM: And what are you going to make this retaining wall out of?

MR. GARCIA: Natural stone.

MS. RANSOM: So it's going to be level with the pool?

MR. GARCIA: Correct, all the way around and then maybe on top there's going to be probably a two foot wall that sits up on top, it will be a planter to put--

MS. RANSOM: All the way around or just in one spot?

MR. GARCIA: Just in this spot from here probably to here, just this area here, this all here is up against the bank so there will be nothing but just a walkway

through there and then up against the house there will be a sitting area also.

MS. RANSOM: Okay, so the area around the front of the pool and the side by the wall that's already at ground level?

MR. GARCIA: Right, this will be all three feet, I'm sorry, this will be all at ground level here right through here this has to be brought up maybe six inches or so, eight inches.

MS. RANSOM: So you're going to bring that up with fill or stone?

MR. GARCIA: With Item 4, that's compactable material.

MS. RANSOM: I think I still need to understand better how you're going to make the sitting area that's a three to four foot drop.

MR. GARCIA: This right here?

MS. RANSOM: Yes.

MR. GARCIA: There's a wall, there's a stone wall that goes around through here, we're going to continue this stone wall here to go around this way and then there's going to be a patio and then there's going to be a two foot wall on top of that with planters in it.

MS. RANSOM: So do you think you're going to be able to see any of this from the road once you get it that high?

MR. GARCIA: No because of the trees that we agreed to put in to plant.

MS. RANSOM: But those are along the side by the driveway, correct?

MR. GARCIA: Correct.

MS. RANSOM: Which is the one house that does have a view of the pool, correct?

MR. GARCIA: Correct, but from the road down here this is a private road, it's a private cul-de-sac, you will not be able to see it because you're, it's a 40 foot incline up to the pool so you will not be able to see it. The only way you'll be able to see this is when you come up the driveway between the trees.

MS. RANSOM: So even with a two foot fence or a two foot stone wall on top of the ground you'll not be able to see that from the road?

MR. GARCIA: No, not at all.

MS. RANSOM: So it's all going to be natural stone?

MR. GARCIA: Natural stone just so that it blends in with the original stone walls that were there.

MS. RANSOM: Now the pool is in but trees are not, do you have a plan to put those trees in?

MR. GARCIA: Yes, we do, we just got a call today that the fence is in, we didn't want to put these trees in because if we do get the approval to put this in we're going to have to bring machinery up in there and as they're leaving, they're going to be doing the grass, the trees and everything else so if it is granted that's how it would work out. Those would be probably the last things that will be planted and then sod and grass will be put in and then the fence will go up.

MS. RANSOM: Which side of the driveway are the trees going to be going on?

MR. GARCIA: The driveway's right here so when you're going up the driveway it will be on the right-hand side.

MS. RANSOM: Okay, is there enough room for all these trees there?

MR. GARCIA: Oh, yeah, there's plenty, I mean, if there's a problem we can bring trees all the way down to this corner.

MS. RANSOM: Now, I didn't see a fence around this pool.

MR. GARCIA: There's a fence there.

MS. RANSOM: In the front?

MR. GARCIA: No, there's a fence directly around the pool just on the pool itself.

MS. RANSOM: That's going to stay?

MR. GARCIA: No, absolutely not, the fence is going to go where these trees are, the fence is going to go on the outside of the trees and it's going to go up through the woods and it's going to come down and it's going to come right to here, there's going to be a gate here and a gate right here.

MS. RANSOM: So you're fencing in the whole yard not just the pool?

MR. GARCIA: Fencing in, yeah, basically all the yard but it's going to be on the incline of the hill so that when you're looking out you don't see any fence whatsoever, all you'll see is vegetation.

MS. RANSOM: And what kind of fence is this going to be?

MR. GARCIA: It's going to be a 4 foot aluminum fence, very decorative and then when you get up through the woods because you're not going to be able to see it they're going to put a chain link fence, black chain link fence so it blends into the woods.

MS. RANSOM: And will you be able to see the fence at all from the road?

MR. GARCIA: Yes, you will, because it's going to be on the hillside.

MS. RANSOM: Any questions?

MS. REGAN: No.

MR. DOBIAS: No.

MR. LEE: No.

MR. RODD: Quick question, with respect to the patio, what's going to be the setback between the closest part of the patio to the front yard lot line?

MR. GARCIA: So this--

MR. RODD: In other words, you have the pool and the patio are in the front yard, you're now proposing a patio around the pool, just for completeness, how far is the edge of the closest part of the patio to the front yard lot line?

MR. GARCIA: I'd say probably 100 feet, 80 to 100 feet easy.

MS. RANSOM: Straight down.

MR. GARCIA: Yeah, straight down.

MR. RODD: Okay.

MR. GARCIA: Yeah, it's straight down.

MS. RANSOM: I guess there's no one in the audience who wants to speak to this issue. Okay, let the record--

MR. GARCIA: It's been a rough road, let me tell you.

MS. RANSOM: Let the record show that Orange County Planning has left it to local determination. Anything else you'd like to add, Mr. Garcia?

MR. GARCIA: No.

MS. RANSOM: Thank you. If you want to hang around, I don't know what the board's pleasure is going to be tonight to make decisions but--

MR. GARCIA: I appreciate it, thank you.

MS. RANSOM: Or call the building department in the morning.

MR. GARCIA: I'll sit here.

REGULAR\_MEETING \_\_\_\_\_

APPROVAL\_OF\_MINUTES \_\_\_\_\_

MS. RANSOM: The minutes of the September 17 meeting have been distributed, are there any additions or corrections?

MS. REGAN: No.

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

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MR. LEE	AYE
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 issues with board's counsel?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

(Whereupon, the board went into closed

session.)

MS. RANSOM: The Building Department has asked us to approve the meeting dates for 2008. Again, well, it's the third Monday of every month with the exception of January 22 which would be a Tuesday and February 19 which would also be a Tuesday, those are because of the holidays.

MS. REGAN: Okay.

MS. RANSOM: Do I have a motion to approve the 2008 zoning board of appeals meeting schedule?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

BLAINE\_-\_DECISION \_\_\_\_\_

MS. RANSOM: Our first public hearing was on the request on Donald and Sue Blaine relating to property located at 8 Isro Drive. Let's take the grounds for relief for an area variance one at a time. Will the variance sought produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties in the neighborhood in which the applicant's property is situated?

MS. REGAN: No.

MR. DOBIAS: No.

MS. RANSOM: No.

MS. REGAN: It's typical.

MS. RANSOM: And I think that he demonstrated that this is the only place that he can put the addition, he would need a variance wherever he put it because of plumbing issues that this would be the best area for it. Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance?

MS. REGAN: No.

MS. RANSOM: No, as was stated it is a small lot and the zoning has created the issue where he needs to have variance in order to make any renovations in that area. Is the required variance substantial?

MS. REGAN: No.

MS. RANSOM: We're being asked to approve 2 feet on the side yard and 3 feet on the back, I'm sorry 17 1/2 feet on the back and 3 feet on the total side yard and 2 feet on the minimum side yard. So based on the size of

the lot and the fact that the neighbors had no comments does not appear to be a substantial request. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

MS. REGAN: No.

MR. DOBIAS: No.

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

MS. REGAN: Yes.

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

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

MS. RANSOM: I'm not sure if I mentioned that the County Planning has left this decision to local determination. Do I have a motion to approve the request for an area variance by Donald and Susan Blaine for property located 8 Isro Drive?

MR. DOBIAS: So moved.

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MS. REGAN: Second it.

ROLL CALL

MR. LEE                    AYE

MR. DOBIAS                AYE

MS. REGAN                 AYE

MS. RANSOM                AYE

MR. BLAINE: Thank you very much.

ALGANARAZ\_-\_DECISION \_\_\_\_\_

MS. RANSOM: Our next hearing was on the request of Adrian Alganaraz relating to property located at 60 Angola Road for a deck that's already there with insufficient rear yard. The ordinance requires 30 feet and the applicant proposes 24. Will the variance sought produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties in the neighborhood in which the applicant's property is situated?

MS. REGAN: No, and as the applicant stated, there was already a stone patio there.

MS. RANSOM: And the neighbors all came out in favor of the deck remaining and Mr. Korykora indicated that there was screening between his yard and the applicant's yard. Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance?

MS. REGAN: No.

MS. RANSOM: No, it's a relatively small deck as well, I mean.

MS. REGAN: And a small yard.

MS. RANSOM: Right. Is the requested variance substantial? Again, it's a 6 foot request and based on the fact that the neighbors are fully in favor of it, I don't think it's a substantial request. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

MS. REGAN: No.

MR. DOBIAS: No.

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

MS. REGAN: Yes.

MS. RANSOM: Yes but again because it doesn't have a negative impact to the area I don't feel that should carry a lot of weight. 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. LEE	AYE
MR. DOBIAS	AYE
MS. REGAN	AYE
MS. RANSOM	AYE

MS. RANSOM: Do I have a motion to approve the request by Adrian Alganaraz relating to property located at 60 Angola Road to allow an existing 12 foot by 17 foot deck to remain with insufficient rear yard.

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

BOSE\_-\_DECISION \_\_\_\_\_

MS. RANSOM: Next is on the application of Robert Bose relating to property located at 3 Pine Ridge Road asking the board to amend a previously approved variance to allow an 850 square foot patio around an inground pool located in the required front yard. Will the variance sought produce an undesirable change in the character of the neighborhood or be a detriment to nearby property in the neighborhood in which the applicant's property is situated?

MS. REGAN: No.

MS. RANSOM: No, and I think that we can only see the pool and the patio from one adjoining property and as was stated they are going to put a row of trees to mitigate any visual impact from the neighbor. Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance? No, I think that the pool is in the front yard so an area variance is the only thing that they can do. Is the requested variance substantial? I don't think so in the fact that you cannot see the pool or the patio from the road, again, the only neighbor that's impacted is along the sides and again they're going to plant a row of trees there. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? I don't think so. I think that it will probably enhance the look of the pool that's in the front yard by adding the stone, natural stone work. Is the applicant's alleged difficulty in complying with applicable zoning self-created? Yes, but the lot is such that there was no place else to put the pool other than in the front yard. 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. LEE	AYE
MR. DOBIAS	AYE
MS. REGAN	AYE
MS. RANSOM	AYE

MS. RANSOM: Do I have a motion to approve the request by Robert Bose to amend a previously approved variance to allow an 850 square foot patio around an inground pool in the required front yard?

MS. REGAN: So moved.

MR. LEE: Second it.

ROLL CALL

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

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

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

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

October 15, 2007

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MS. RANSOM

AYE

Respectfully Submitted By:

Frances Roth  
Stenographer