

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on *Wednesday, August 20th, 2014*. The meeting was called to order, and began with the Pledge of Allegiance.

David S. Douglas, Chairman presided and other members of the Board were in attendance as follows:

Wai Man Chin, Vice Chairman
Charles P. Heady, Jr. (absent)
James Seirmarco
John Mattis
Adrian C. Hunte
Raymond Reber

Also Present

Ken Hoch, Clerk of the Zoning Board
John Klarl, Deputy Town attorney

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ADOPTION OF MEETING MINUTES FOR JULY 16, 2014

So moved, seconded with all in favor saying "aye."

Mr. David Douglas stated July's minutes are adopted.

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CLOSED AND RESERVED:

- A. CASE No. 2013-37 DOTS Code Enforcement** for an Interpretation that the pre-existing, non-conforming five-family residence has been in continuous use since July 15, 1996, with none of the units vacant for more than one year from that date to the present on property located at **1 Hale Hollow Rd., Croton-On-Hudson.**

Mr. David Douglas stated we had contemplated the possibility of having a Decision and Order on that case. This is case **2013-37** regarding Hale Hollow Road. Due to, I understand, were some IT/computer issues with the town or the town's attorney's office, or whoever it was, we had some logistical problems with getting that put together so we're going to adjourn that – it's not going to be adjourned. We anticipate issuing a D&O and voting on it next month rather than anticipate it for this month. We don't need to make a motion. I just wanted to let people know.

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ADJOURNED PUBLIC HEARINGS:

A. CASE No. 2014-15 Blair Companies on behalf of Domino's for an Area Variance to allow a second freestanding sign with an Area Variance for the size and height of the second freestanding sign on property located at **Pike Plaza, 2050 Cortlandt Blvd. (E. Main St.), Cortlandt Manor.**

Mr. Wai Man Chin asked have we gotten anything from them at all?

Mr. Ken Hoch responded not that I know.

Mr. John Klarl asked is someone going to show up Ken?

Mr. Ken Hoch responded I didn't know that they wouldn't be here. They didn't communicate anything.

Mr. Wai Man Chin stated that's Mr. Heady's case and he's not here so I think we should send them a letter that if they don't respond to us by next month we're going to deem it abandoned.

Mr. John Mattis asked do you want to make that as a motion?

Mr. Wai Man Chin responded yes.

Mr. John Mattis stated I'll second that.

With all in favor saying "aye."

Mr. David Douglas stated that's what we'll do. It'll be adjourned until next month and Mr. Hoch if you could send them the letter that we send in these circumstances telling them that it will be deemed abandoned if they don't show next month.

B. CASE NO. 2014-16 Hudson National Golf Club for an Interpretation that:

1. To the extent necessary in order to satisfy the "country club" use criteria and the minimum lot area and frontage requirements for a Special Permit for "country club" use of the portion of its property in Cortlandt, under Section 307-4, 307-14 and 307-52 of the Town Code, the Applicant may utilize the adjoining portion of its property in the Village of Croton-on-Hudson, which is currently utilized as an approved country club and golf course, to permit the Applicant to utilize the entire property as one such country club and golf course, or alternatively,
2. The Applicant's proposed used of the Cortlandt portion of its property as a golf

driving range and teaching facility, as part of one combined country club and golf course use of that portion and the adjoining portion in the Village of Croton-on-Hudson, constitutes a “country club” use permitted by Special Permit under Section 307-4, 307-14 and 307-52 of the Town Code, for requirements, including minimum lot area and frontage requirements.

The property is located on **Hollis Lane, Cortlandt Manor**.

Mr. Bob Davis stated good evening Mr. Chairman, I’m Bob Davis. I’m the attorney for Hudson National Golf Course. Our engineer Ralph Mastromonaco is away this evening. As you know, the club is seeking to add a driving range and teaching facility to its existing golf course in Croton to be located on the club’s adjoining property in Cortlandt and we need the legal Interpretation that we’ve requested from your Board in order to proceed with the Planning Board. As we fully discussed the matter at the July meeting, I won’t reiterate everything we talked about at that time. After that meeting, I did submit a copy of my presentation outline which I think fully addressed the issues. Since that meeting, we also submitted my July 25th letter which was accompanied by Mr. Mastromonaco’s supplemental report regarding an additional property straddling the line between Cortlandt and Croton. That one involved the commercial project and in that instance, Cortlandt allowed the developer to utilize the adjoining Croton property to satisfy most of the town’s parking requirement as well as setback and lot coverage requirements without necessity of any Variance. That case is particularly analogous to this one except that in that case, of course, the Croton property had not yet been developed yet either and in this case the Croton property is developed for the use. Once again, we would be asking the Board tonight for the following legal Interpretation, that is to the extent necessary in order to satisfy the town’s country club use criteria and the town’s minimum lot area and frontage requirements under sections 307-4, 14 and 52 of the zoning Ordinance or a Special Permit for the country club use of the portion of its property in Cortlandt, the applicant and Planning Board may include the adjoining portion of its property in Croton which is currently used as an approved golf club and country club which would thereby permit the applicant to use the entire property as one such country club and golf course use. We, of course, thank your consideration. I’d be happy to answer any further questions and of course if there’s no public comment tonight, we would respectfully request that we close the public hearing. Perhaps the Board could render an oral determination subject to any written resolution could be prepared and adopted.

Mr. John Mattis stated that’s my case. I have one question, and thank you for submitting that with the Baltic Estates property but there’s one difference, the difference is the Baltic Estates was one property. What you’re looking at is two separate properties. You want them to be considered. Would you merge those properties?

Mr. Bob Davis responded I was thinking about that and I had a couple of thoughts on that issue if you might indulge me for a two seconds. Of course, it’s just like the Baltic Estates property. It’s always, as you know, going to be two different tax lots because, necessarily so, because it’s in two municipalities. On the issue of the one lot, I would just offer a couple of things: of course, it’s – you might not know this or it might not be apparent from the application, but I’ve looked at

the two deeds, one was in 1998 that they acquired the Croton property. Of course, they acquired this Cortlandt property in November of 2013. They both are in the exact same ownership. Of course, they're going to be used for the same thing and I would submit that they fit the lot definition under your code but most directly, applicable to your question, I did come up with a section of your code that I had not seen before that may address this issue automatically more or less, and that's section 307-8 of your code, it's subsection 'C' and it reads in pertinent part: "any lot with an area or width less than that prescribed for a lot in the district in which such lot is situated, when the owner thereof owned adjoining land on or after the effective date of this chapter or any subsequent amendment which increases the required lot area or with for such parcel, shall be deemed to have merged with said adjoining land to form a single parcel provided, however, that such merger will not create a non-conforming use." I would say that by operation of law under your code, at least for purposes of using the property as part of a country club for which its area is insufficient, as you know, it is deemed merged for purposes of this application.

Mr. John Klarl stated that's absolutely true the section you recited and this Board works with that section from time to time but would your applicant be willing to do it in writing?

Mr. Bob Davis responded what I would do, Mr. Klarl, which I would suggest I think you would agree would be fair, we would certainly agree and we can do this because I've checked it with a title company. We can make a deed from Hudson Golf Course to itself that effectively puts the two descriptions together and their two existing deeds into one property but I would ask if that be a condition in effect of your Interpretation or a fact on which your Interpretation is based that you are doing that contingent on Planning Board approval for our project because if we're not approved by the Planning Board for use with the golf course we, of course, would like to keep the property separate so we could sell it or use it for some other use.

Mr. John Klarl stated fair enough.

Mr. Bob Davis continued stated other than that, we're perfectly happy...

Mr. James Seirmarco stated I don't think we would – we typically don't make an Interpretation with 'subject to' but I agree, it would be – you're absolutely correct, it would be a Planning Board issue that, based on approval by the Planning Board that approval could be subject to the lots merging.

Mr. John Klarl stated it would be easier to insert the condition in a Planning Board resolution than here...

Mr. Bob Davis stated we would agree that that would be a condition of the Planning Board Resolution. We would again, respectfully submit that even without that we fall under the provision of your code but we're happy to give you comfort, and I verified with my client that they would be willing to do that.

Mr. David Douglas stated I have a question regarding the code. I understand what you're saying.

I do appreciate what you just said. I'm not sure whether or not it automatically, that provision automatically would affect with the merger or not because in, what I think, and I could be wrong about this John – what I always understood is that provision to mean is when you have a lot that – you've got two-acre zoning and you've got a half an acre lot and it's owned with the same owner next to the lot then it merges but what you have here it's not...I think it's two acres there or maybe it's one. I'm not sure.

Mr. Bob Davis stated but in terms of your Special Permit it could be 50 acres.

Mr. David Douglas stated I understand, that's my only hesitation is that I'm not sure under the language of 307...

Mr. John Klarl stated that's why you're talking about putting it in writing because people could argue...

Mr. David Douglas stated right, that's all – I'm not disagreeing with the concept, I'm just saying you said that under our provision that it automatically merges. I'm not sure it does or doesn't. I'm not saying you're wrong. It's just that, that's not how I personally understood that provision. I could be wrong but if you agree to the merger as you described it, it's makes it purely academic.

Mr. Bob Davis stated it makes it a moot point.

Mr. John Klarl stated and not subject to that kind of challenge.

Mr. John Mattis asked anyone else in the audience? Anyone would like to speak? We had suggested at the work session that we would prefer to close and reserve this to give a written decision next month. We have 62 days but I'm sure it'll be next month. So, I move that we close the public hearing on case #2014-16, Hudson National Golf Club.

Seconded.

Mr. John Mattis stated I move that we close our decision on the same case 2014-16.

Seconded with all in favor saying "aye."

Mr. David Douglas stated so hopefully we'll have a decision for you next month.

Mr. Bob Davis asked do you have a date for next month's meeting?

Mr. David Douglas responded September 17th.

Mr. Bob Davis stated thanks very much.

Mr. David Douglas stated so assuming that John's computer works, we'll have a decision.

Mr. Bob Davis stated thanks very much.

Mr. John Mattis responded you're welcome.

C. CASE No. 2014-17 Montauk Student Transport, LLC for an Interpretation challenging the Code Enforcement Officer determination that the parking of buses is not permitted use on property located at **5716 Albany Post Road, Cortlandt Manor.**

Mr. Tim Cronin stated good evening Mr. Chairman, members of the Board. My name is Tim Cronin and last month a representative from my office made an application or presentation before this Board to appeal a determination made by the zoning officer that parking of buses was not permitted in the HC zone and we made an application, a presentation and I'm here, I guess, to answer any questions you may have regarding that presentation. I feel as though, and I think the case was made that parking buses was a permitted use and hopefully this Board would agree.

Mr. Wai Man Chin stated this is my case and as we were talking at the work session I still think that there were some things to go over on this whole thing between the Board and I still think we should adjourn it until next month until we hash out everything that we thought that we were talking about.

Mr. Tim Cronin stated that's fine if there's no other questions.

Mr. Wai Man Chin stated otherwise I don't have any questions at the moment but just between the Board members and ourselves, there's a lot of things to discuss based on what your associate said and everything else.

Mr. Tim Cronin stated that's understandable.

Mr. Wai Man Chin asked anybody in the audience?

Ms. Doreen Cole stated I just wanted to make a couple of points in if this is the same company that is now operating a business at the bottom of 6th street in Verplanck. I was down there tonight and, as far as I know, there is no approved Site Plan for operating a business of this type. I took some photographs. There's at least 16 buses down there, small and large that are visible from standing on the side of the road behind the fence and that's not counting anything that might be in garages. They are open for business. There's a very large sign on the fence 'inquire within' for bus drivers. Historically, the Zoning Board has supported the residents on the west end of Verplanck when it came to other commercial businesses that attempted to use their property for businesses that weren't approved with a Site Plan. That particular location is off of Highland Avenue. I live on Highland Avenue at the corner of 8th Street. Highland Avenue is parallel to Broadway and it is Broadway usually leans where traffic flows to get out onto

highways up to Route 9 up near the bypass diner. They will be, not go on Broadway because there are lights on Broadway at 6th Street and 8th Street, they'll go on Highland Avenue where there are stop signs and it's a residential area. I don't believe it is zoned for such heavy traffic as a large number of buses that would be going out probably very early in the morning, additionally over the weekend. Neighbors and I had experienced the sounds of the backup beepers of these buses being moved in the lot. I'm not here for anything other than to point out these issues for right now because this isn't related to the same property but I did want to bring it up since it's the same company, I believe.

Mr. David Douglas stated and we appreciate you bringing it up, but as you said, towards the end, what's in front of us now it may involve the same company but it doesn't involve that particular site and the issue is about Site Plan Approvals, that's something for the Planning Board.

Ms. Doreen Cole stated and permitted use and zoning?

Mr. David Douglas responded right, but in terms of what, permitted use is maybe a zoning issue but that's not in front of us right now. What's in front of us involves a different location, but we do appreciate you bringing it to our attention.

Ms. Doreen Cole stated okay, thank you.

Mr. John Mattis asked I have a question for Mr. Hoch. The case that we have is HC zoning.

Mr. Ken Hoch responded correct.

Mr. John Mattis asked it's the same property owner down in Verplanck?

Mr. Ken Hoch responded no, it's a different property owner. It's the same bus company.

Mr. John Mattis asked and in Verplanck, is it the same code? Is it the HC code?

Mr. Ken Hoch responded no, the property in Verplanck is MD, heavy industrial.

Mr. John Mattis asked so it could apply differently. I haven't looked at the MD code but it may or may not be – do you know if it's an approved use for a Special Permit? Is a Special Permit allowed the same as an HC in the MD...

Mr. Ken Hoch responded the definition of buses, which is what the Board is looking at here, could theoretically apply to that MD property.

Mr. Raymond Reber stated the other thing too, so that anyone watching understands, Ms. Cole you raised some valid issues; traffic, other issues, safety, however, code is being interpreted by the Zoning Board we can't look at it in those terms, that's the function of the Planning Board. In other words, it may be legal, we can say it's legal but the Planning Board can say "yeah, but it's

intrusive or it's overwhelming or it's not safe" and many a times you've heard, for example, a developer comes in and he's got 50 acres and it's a two-acre zoning so theoretically he can build 25 houses. In the end he builds 5 or 10. The reason is the Planning Board looks at it and says that's unreasonable. There's other issues: steep slopes, wetlands, whatever. So, your points have validity to them but they're really issues that the Planning Board can deal with and we kind of have to put blinders on. We're supposed to just not let those specific issues enter what the code says. So, we have to rule on the code.

Inaudible.

Mr. Wai Man Chin stated if it gets that far.

Mr. Tim Cronin stated and I'd just like to point out that both properties, although separate and miles apart are both on a Highland Avenue. Just to create a little confusion.

Mr. Wai Man Chin stated what are you trying to say?

Mr. David Douglas stated he just wanted to make sure that's clear.

Mr. Tim Cronin stated I was just looking when she mentioned Highland Avenue, I'm like wait – but then I realized they're both Highland Avenue, a different Highland Avenue.

Mr. Wai Man Chin stated like I said, I think we still have to adjourn this to next month. I'm going to make a motion on case 2014-17 to adjourn to the September meeting.

Seconded with all in favor saying "aye."

Mr. Tim Cronin stated thank you very much.

Mr. David Douglas stated thanks.

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NEW PUBLIC HEARINGS:

A. CASE No. 2014-18 Continental Buchanan LLC for an Area Variance for the size of a freestanding sign on property located at **350 Broadway, Verplanck.**

Mr. Tom Prossar stated good evening Mr. Chairman, members of the Board. I'm here on behalf of Lafarge, now Continental Building Products.

Mr. John Klarl asked your name please.

Mr. Tom Prossar stated Tom Prossar with WBCM. Recently, Lafarge got bought out by Continental Building Products. They're looking to replace the sign with a new sign of same square footage. The zoning code allows 24 square feet. We're requesting a Variance for 47. The Variance allows 100% extra sign square footage over the allowed.

Mr. Raymond Reber stated this is my case. It's somewhat unique. Normally if someone comes in and wants to use the full 100% or almost the full 100% we have a lot of questions but the situation here it's actually the signs that exists now and you're just replacing it because it's a new name involved. What you're proposing is within half a square foot of what's there which is diminimus in terms of what our normal considerations. Apparently the issue is the original sign never came before the Board to get approved and so that's why it's before us now. Since it's been there for a long time, in fact I drove passed it this evening and we understand why it's positioned where it is because the trucks come from the north coming down so it has to be on that side to see it. If you flipped it to the other side which would put it in Buchanan's jurisdiction, it would be hard for the trucks approaching to even see the sign. The sign is not an annoyance. It's properly positioned. We can approve it. It's been there and nobody's complained about it so, to me, I don't see any complication here with approving what you're requesting.

Mr. John Mattis stated I agree.

Ms. Adrian Hunte stated I concur.

Mr. James Seirmarco stated I concur also.

Mr. Wai Man Chin stated no problem.

Mr. David Douglas stated that was easy right?

Mr. Raymond Reber asked anyone else in the audience now?

Mr. David Douglas stated we have to officially vote but I don't think you need to hold your breath.

Mr. Raymond Reber asked is there anyone in the audience that does want to speak on this for some reason. If not, I'll make a motion on case 2014-18 to close the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the public hearing is closed.

Mr. Raymond Reber stated I make a motion on case #2014-18, Continental Buchanan LLC for a freestanding sign to be 47.6 square feet in a 24 square foot allowance. The Variance is 23.6

square feet or 98.3%, that this be approved, it is a SEQRA type II. There's no further compliance required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated okay, it's granted. Thank you.

B. CASE No. 2014-19 Bill Allen of SolarCity on behalf of Jean Oitice for an Area Variance for the total square footage of accessory structures on property located at 269 Lafayette Ave., Cortlandt Manor.

Mr. Bill Allen stated good evening. I'm Bill Allen from SolarCity as noted and the owner, our client, Ms. Oitice is in the audience if there are any questions. Working with the Oitice's we've developed a ground-mount solar array that sits very secluded in their largish backyard. The array as well as other auxillary structures, I believe, go against your zoning requirement for less than half of the home square footage so we're looking for the flexibility to install the solar array even though it's above the half of the residential square footage rule. The combined square footage is of the auxiliary structures is larger than half of your home so we'd like you to consider to allow us to build the array anyway.

Mr. James Seirmarco asked I had some questions for you. What is the height of the array after it's built?

Mr. Bill Allen responded let me just double check. That information should be in the plan. The rear leg, which is the highest of the leg, it's built at a slope, the highest leg is 97 inches.

Mr. Wai Man Chin stated 8 feet.

Mr. Bill Allen stated roughly and there is a bit of extension beyond that, maybe a foot or two so it might be 9 feet. The leg I was describing is what supports it and the array goes a little bit further beyond it.

Mr. James Seirmarco asked so the ground-mount is on a footing of some kind?

Mr. Bill Allen responded it is.

Mr. James Seirmarco asked and what is the size of the footing? Is it smaller than the array that's going to be – that the array is going to cover or...

Mr. Bill Allen responded yeah, a picture is worth a thousand words.

Mr. James Seirmarco stated yes it is. And these are anchored into cement or something, on a pad?

Mr. Bill Allen responded they use a helical – plans were submitted...

Mr. David Douglas stated but this wasn't.

Mr. Bill Allen stated oh, that portion, okay, I'm sorry.

Mr. James Seirmarco asked so there's some sort of metal that's sort of screwed into the ground?

Mr. Bill Allen responded yes, exactly.

Mr. James Seirmarco asked what's the weight of the array? Is it heavy?

Mr. Bill Allen responded the panels are about 45 pounds each, times, in this case there are 48 of them, and then the racking is additional. I don't have a total.

Mr. James Seirmarco asked so basically each corner and a cross member, as indicated here, is going to have a support so it's going to be quite a few supports but they're all going to be secured into the ground. The array will extend past the last support system. There's going to be two, one and then two, that's it or is...

Mr. Bill Allen responded yes.

Mr. James Seirmarco asked there's just two?

Mr. Bill Allen responded well there's a top and a bottom and then the rafters, so-to-speak that connect...

Mr. Raymond Reber asked I have a question, the numbers that we were given say that you're going to add 860 square feet, that's in terms of this total square footage of the accessory structures, 860 square feet, now how is that measured? Is that the square footage of the panel face? Is it the ground projected surface...

Mr. Bill Allen responded well, yes, that is if you took the vertical picture of the slanted surface...

Mr. Raymond Reber asked so it's the true plan from an aerial projection down?

Mr. Bill Allen responded correct.

Mr. John Mattis asked it would be the four furthest points in a rectangle?

Mr. Bill Allen responded yes. If you dropped a string from the corner of each...

Mr. Wai Man Chin asked I'd like to ask: is the ground where you're putting it, is it also sloping uphill also or is it flat over there?

Mr. Bill Allen responded it's downhill from the home...

Mr. James Seirmarco stated it's downhill.

Mr. Wai Man Chin stated so, when that area is being – you're saying 96 inches at the back side, that's from the sloped part of the property...

Mr. James Seirmarco stated yes, it's 96 inches from the down, the lowest point.

Mr. Wai Man Chin stated I don't know what the property slope is. If it's 30 degrees, you're at 45 degrees or something like that or so you're going 8 feet above the surface of the ground at that point.

Mr. Bill Allen responded if the land is sloping down like this, the array will be sloping like that on it so the...

Mr. John Klarl asked so it might be 9 feet?

Mr. Bill Allen responded you would think if the land were flat, the two tall corners would be 96, I think in this case one of them would be less than 96.

Mr. Wai Man Chin stated that's what I'm trying to figure out.

Mr. James Seirmarco asked an obvious question here is why can't you put the array on the roof?

Mr. Bill Allen responded the size of the system. It would be less than half of this in terms of covering her electricity usage which is always a goal. Save the planet. Use more green power.

Mr. Raymond Reber stated the problem I have here is not specific to what you're asking for but our code makes no recognition that solar panels exist in the world because they're relatively new technology. The way our case has been written, it says "an Area Variance for total square footage of accessory structures." I don't think any of us on this Board necessarily want to consider solar panels in the generic 'accessory structure' category. Personally, I would not want to vote on the assumption that we're basically confirming that as an accessory structure following the normal rules and then we have to figure the Variances. I think that the Town Board needs to address this. This has happened before where the code just doesn't cover something. Now, as far as what you're applying for, I'll take Mr. Seirmarco's word, he's been to the property and as we do with special situations where we're dealing with people putting in a pool, a tennis court or some other strange, non-typical structure is we look at the site and we say "does it fit? Does it cause any problems with the neighborhood?" All are criteria we're supposed to evaluate. Mr. Seirmarco assures me that this property it's not a problem, where

you're locating it and how it's situated and so on that basis I would not be opposed but I would do so with the recognition that we are not acknowledging that this is a classic accessory structure.

Mr. Wai Man Chin stated I think this should be something that's a reserved decision so that we can make the proper wording, whatever, because it might be a unique condition on this property, not for everybody, only for this property because it's a unique situation, unique property and so forth. Other pieces of property could be flat and then all of a sudden you've got this sitting next to your neighbor. I don't know. That's what I'm saying.

Mr. John Mattis stated I'd like to expand on what Mr. Reber said. This is never come to us before. It's relatively new and to consider that an accessory structure and in your case it doesn't apply but if we said this is an accessory structure and acknowledged that then somebody could have a 4,000 square foot house, as of right, they can put 2,000 square feet of solar panels and they could be 14 feet high and as long as they are in the backyard and meet the setbacks, they don't come for a Variance. They could fill up the property, pretty much and that's the concern that we're raising. Not that we want to hurt you or won't vote for this case but I think it's something that as things change sometimes the code has to change and I will probably write a letter to the Town Board so that they could address this situation.

Mr. Raymond Reber stated and that's why Mr. Chin has indicated whatever we decide here we're going to be very careful to word this that this is a unique situation with this property so that it doesn't become a generic issue.

Mr. Wai Man Chin stated we don't want to set a precedent.

Mr. Bill Allen stated just so you know, I applied on the advice the zoning officer who recommended this action.

Mr. John Mattis stated it's the only way it's covered in the code presently.

Mr. James Seirmarco stated I just want to make it part of the record that I did make a site inspection, the piece of property where the area that they plan to install this is behind the house, behind the pool and down another wall so unless you walk – you wouldn't even be able to see this from the rear of the house. You're lucky to see it from the deck of the pool. There's no neighbors that are going to be able to see this so that's why I agree with you guys to say that we need to...

Mr. Wai Man Chin stated that's why I think a reserved decision on this thing to make sure that we...

Mr. James Seirmarco stated I agree but I just want to get it on the record that I think it's a good idea that we specifically write a Decision and Order for uniquely this piece of property because of the...

Mr. Raymond Reber stated if I understand the surveys, this property is 3.17 acres?

Mr. Bill Allen responded yes.

Mr. John Mattis stated it's a very large property.

Mr. James Seirmarco stated but I just want to say that, just for the record, this could be – from the road it's impossible to see. From the front of the house it's impossible to see, maybe...

Inaudible.

Ms. Adrian Hunte stated I agree with Mr. Seirmarco.

Mr. James Seirmarco stated I make a motion to close the public hearing...

Mr. Wai Man Chin stated no, to close and reserve.

Mr. David Douglas stated no, he's got to close the public hearing first.

Mr. James Seirmarco stated on case #2014-19.

Mr. Wai Man Chin asked anybody in the audience want to be heard?

Mr. John Mattis asked did you want to speak?

Ms. Oitice asked I just want to know what that means if you're closing this.

Mr. James Seirmarco stated the public hearing is over. People who had a chance to speak against or for it had their opportunity to be here this evening and no one's here and the public hearing is closed. Now the Decision and Order is the next thing that happens. I made the motion to close the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the public hearing is closed.

Mr. James Seirmarco stated I make a motion to reserve decision to the September meeting to give us time to document the uniqueness of the piece of property and the applicant's proposal and also that we will write a memo to the Town Board suggesting that we revisit the accessory use that's coming forward and some law changes possibly.

Mr. Wai Man Chin stated accessory structures.

Seconded with all in favor saying "aye."

Mr. Wai Man Chin stated next month is when we'll make our decision.

Mr. James Seirmarco stated you'll have to wait until September. That's the bottom line.

Mr. David Douglas stated we expect to have a decision next month.

Inaudible.

Mr. David Douglas stated we don't see any reason why not.

Inaudible.

Mr. Bill Allen stated thank you.

Mr. James Seirmarco asked one more question, is there some sort of cabinet that holds the electronics that passes the power up to the house?

Mr. Bill Allen responded there is accessory electronics, the inverter, etc that ties into the main panel that will be located at the house. There will be a trench from the array to the house.

Mr. James Seirmarco asked under the pool?

Mr. Bill Allen responded around the pool.

C. CASE No. 2014-20 David Aucar for an Area Variance for the front yard setback on property located at **17 Highland Dr., Cortlandt Manor.**

Mr. David Aucar stated good evening, I'm David Aucar.

Ms. Adrian Hunte stated good evening Mr. Aucar. This is my case. You're seeking an Area Variance for front yard setback from an allowed 40 feet down to 25.35 feet to construct an addition on the house. I did visit the property and it appears as though, on that particular street, many of the homes are not within conformance concerning the setback and may be prior to zoning. I do have a question: is that a cul-de-sac at the end there or is that just a dead end?

Mr. David Aucar responded on the drawing, when you look at the drawing on the board, it's supposed to be a cul-de-sac but it's just a straight dead-end. I think the town never invested the money to do the full...

Mr. John Mattis stated but your property only goes to the line on the curb that would be a cul-de-sac.

Mr. David Aucar responded yes, and then the driveway and the steps that lead up to the house but if they made it into a cul-de-sac basically the street would be right in my front door but I think that's why they never decided to move forward with that.

Ms. Adrian Hunte asked are there any alternatives in terms of your addition? Put the addition in the back or go up...

Mr. David Aucar responded the house is big enough for our purposes and we were just looking to take what was existing there and turn it into a space that we could use. So essentially, use it for additional square footage in our master bedroom. I don't want to expand on the house. Taxes are very high and expanding, making the house bigger is only going to increase taxes.

Ms. Adrian Hunte asked and the setback would be greater than the existing setback now and is it so that the addition would not extend beyond the current front of the home?

Mr. David Aucar responded I'm not familiar with that terminology but basically I'm taking what's existing and flushing it with the front of the house.

Mr. Wai Man Chin asked but you're not going out any further than that?

Mr. David Aucar responded no, it's going to be flush with the house and it's going to be one floor.

Ms. Adrian Hunte asked does anybody have any comments?

Mr. Raymond Reber responded no, like you say I think 4.8 feet further back than the front of the house is the offset that you're planning and the question of could you put it in the back? The answer there is: not really because you only got a maximum of 19 ½ feet in the backyard so you'd run out of room there so – yes, I don't see any problem with this.

Ms. Adrian Hunte stated I don't see any undesirable change in the neighborhood or the character of the neighborhood or any detriment to the nearby properties and no adverse environmental impact or conditions in the area. I don't have a problem with this. Is there anyone in the audience who wishes to speak?

Mr. John Mattis asked is there anyone in the audience?

Ms. Adrian Hunte stated hearing none, on case 2014-20 application by David Aucar for the property located at 17 Highland Drive, Cortlandt Manor, NY for an Area Variance for the front yard setback from an allowed 40 feet down to 25.35 feet to construct an addition I move that we close the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated public hearing is closed.

Ms. Adrian Hunte stated on case #2014-20, I make a motion that we grant the Variance for the front yard setback from an allowed 40 feet down to 25.35 feet to construct an addition. This is a SEQRA type II action, no further compliance required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated you're approved. You'll have to get the paperwork from Mr. Hoch in a couple of days.

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ADJOURNMENT

Mr. John Mattis stated since there is no further business I move that we adjourn the meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated we're adjourned.

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**NEXT MEETING DATE:
WEDNESDAY, SEPT. 17, 2014**