

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted via Zoom webinar on *Wednesday, January 20<sup>th</sup>, 2021*. 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  
Adrian C. Hunte  
Eileen Henry  
Thomas Walsh  
Frank Franco  
Cristin Jacoby  
Chris Beloff, alternate board member

Also Present:

Chris Kehoe, Deputy Director for Planning  
Joshua Subin, Assistant Town Attorney

\*

\*

\*

Mr. Douglas stated before we go on with the roll call given what an important day today has been I just wanted to take a couple of seconds...you know we always start every meeting with the Pledge of Allegiance and we usually just go through it pro forma and I actually thought about the words today and I just wanted to take note that it does say something important “one nation, indivisible with liberty and justice for all” and that is really important. I just wanted to note that. Chris please go ahead with the roll call.

**ADOPTION OF MEETING MINUTES FOR DECEMBER 16, 2020**

Mr. David Douglas stated the first item on the agenda; the adoption of the meeting minutes for December.

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

Mr. David Douglas stated the December minutes are adopted.

**NEW PUBLIC HEARING**

Mr. David Douglas stated we have one new public hearing on for today.

**A. Case No. 2020-9 Application of Austin Hurley** for an area variance for a side yard setback for a proposed addition at 10 Woodland Boulevard.

Mr. Walsh stated this is my case and I understand the architect is here, so Rosemary can you please bring him up? Mr. Walsh stated Mr. Gismondi can you please just walk us through what you are planning for this site, walk us through, then we can ask our questions.

Mr. Gismondi said good evening. I am an architect and have been hired by Mr. & Mrs. Hurley who are the owners of this house at 10 Woodland Boulevard. They are proposing to add a 2-story addition to their house as you see on the site plan, it is the cross-hatched blue area. They require a variance because they cannot meet the side yard requirement to the right or the south side of the property. So, we are proposing is a 14' wide addition and the addition is for a one-car garage on the lowest level and then just an expansion to the bedrooms on the 2<sup>nd</sup> level. This house is what they call a side split so you enter at the living room level and you go up to the bedrooms and down half a level to the basement which is the garage level.

I have outlined the 5-factors in consideration of the issuance of the variance so if you like I can go through those.

Mr. Walsh asked is there currently a one-car garage in the house now?

Mr. Gismondi stated there is no garage. When Mr. & Mrs. Hurley purchased this house, there was never a garage. They have a driveway where they park the cars outdoors. So we will be consistent with the other houses on this cul-de-sac, there are several houses that are similar to this, side splits with a garage. The house to the north and about 5-6 other houses on the street have that condition.

With respect to the 5-factors, firstly there is no real undesirable change in the character of the neighborhood. The addition is consistent with the surrounding dwellings so if you look at some of the homes on this block the garage appears facing the front of the property and it is typically a 1 or 2 stall garage. So, the houses all have sort of that common aesthetic and look similar. We propose to make this addition look similar to the existing house, same siding, same windows, same trim treatment.

Secondly, the addition is the minimum size. The addition is only 14 feet in width which is necessary for a one-car garage. A full-size vehicle is typically about 7 feet wide and a recommendation is to have about 3 feet on either side of the car so you can open up the doors safely and with the thickness of the walls and the construction that brings us up to the 14 feet.

The request for this variance is not substantial as the request will still afford a 10-foot side setback that represents 60% of the requirement, the requirement is 16.4 feet and we are asking for a variance of 6.4 feet or 40%. This addition will not have an adverse impact on the physical or environmental conditions, the addition is consistent with the wood frame construction that is shared by neighborhood dwellings and we are not using any materials that would create any unsafe environmental conditions. We are also proposing a system of underground drywells for stormwater control which will capture the runoff from the roof. That area that we are building in

is already paved, its already impervious, but we are going to provide the drywells. So, we are not really increasing any impervious area.

The last one, the 5<sup>th</sup> one, is the hardest one, is the alleged difficulty self-created? Now you may say that because we are proposing the addition, but these owners did not construct this house, they purchased it as is. It doesn't have a garage. They were not responsible for the condition of the house or the location with respect to the side yard setback. The neighbor to the south, directly to the right who would most be impacted by this addition...there is a thick buffer of wooded land between this house and a storage garage on the neighboring property...however the neighboring house is over 100 feet away from this addition. We will have a very substantial buffer.

Mr. Walsh said that was going to be one of my questions....that is a garage there?

Mr. Gismondi said yes, and I think there is a storage building as well. The main house on the adjoining lot is further south, sort of southwest. Also, we do comply with the front yard and rear yard setbacks.

The Hurleys, who are on the call, do have a letter from the neighbors to the immediate left of them, or north, and they are in favor of the variance and have no objection. Also, the property across the cul-de-sac to the west, they have no objection as well.

Mr. Douglas said yes, we have copies of those letters from 12 and also 8 Woodland.

Mr. Chin stated I have no problem with what you are asking for with the variance but based on the dimensions you have on the plan you have 24.6 feet on the front and you have 24.6 feet to the back. But the lot line is at a slight angle so is the 24.6 actually at the back or the front? One of them is correct, one has got to be incorrect.

Mr. Gismondi responded I received a survey that I forwarded on as well and the surveyor showed a dimension at the front of the property s 24.6 feet which would give us a 10.6 setback but when I had a discussion with Mr. Rogers, and we talked about this as well, we know that is on a skew.

Mr. Chin said it might be 10 foot. Mr. Gismondi said that is why I asked for 10 feet. It is probably a little more in the front but I couldn't get the surveyor to come out and give me a dimension off the front even though he shows it as....

Mr. Chin said you are showing it as 10 foot from the addition to the lot line but above that you show 24.6 feet, so really that 24.6 feet shouldn't be there, the 24.6 feet should be in the front of the building not the back. Mr. Chin said is that distance to the foundation wall or to the siding?

Mr. Gismondi said to the foundation wall. Mr. Chin said the siding usually sits out an inch, inch and half. Mr. Gismondi said we can hold it to that. Mr. Chin said otherwise I really have no

problem with what they are asking for. Just correct the problem that the 24.6 should be in the front and take it off the back (on the drawing).

Mr. Douglas asked if anyone else had any comments or questions? Mr. Douglas said there is just one thing I want to note, and I don't have any objections to the variance you are requesting, and in fact with the request being in keeping with the neighborhood I went back and looked at other variances, and over the years I believe we have given variances to houses on both sides of the Hurley's house, number 8 and number 12, so it seems that there should be no adverse effect on the character of the neighborhood as you are seeking a variance for a house between those two houses.

Mr. Walsh asked anybody else? Ms. Hunte said I see no issues with the 5 factors so I have no objections. Ms. Jacoby said I don't either.

Mr. Walsh said does anyone from the public have any comments? No, so I make a motion for case number 2020-9 for property located at 10 Woodland Boulevard for an area variance for a side yard setback, to close the public hearing.

All voting aye.

Mr. Walsh stated I make a motion for 10 Woodland Boulevard, owner Austin Hurley, for a 6.4-foot side yard variance which is 39%, this a Type II action under SEQR, no further compliance required. Also required is a building permit from the Town of Cortlandt Code Enforcement Officer.

On the question, all voting aye.

Mr. Douglas stated the variance is granted.

Mr. Kehoe just stated process wise I need to finalize the Decision & Order, get the Chairman to sign and then I will hand deliver a copy to Mr. Rogers so you can then complete the process and obtain your building permit.

### **ADJOURNMENT**

Ms. Hunte stated I make a motion that we adjourn the Zoning Board of Appeals meeting.

Seconded with all in favor saying "aye".

Mr. David Douglas thank you everybody. We will see everyone on February 17<sup>th</sup>.

\*

\*

\*

**NEXT REGULAR MEETING WEDNESDAY, FEBRUARY 17, 2021**