

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 20, 2008. The meeting was called to order at 7:00 p.m, and began with the Pledge of Allegiance.

John Mattis, Chairman presided and other members of the Board were in attendance as follows:

- Raymond A. Reber
- Adrian C. Hunte
- David Douglas
- James Seirmarco
- Wai Man Chin, Vice Chairman
- Charles P. Heady, Jr.

Also Present: John J. Klarl, Deputy Town Attorney  
 James Flandreau, Code Enforcement

**ADOPTION OF MINUTES: 6/18/08**

Mr. Heady made a motion to adopt the minutes for 6/18/08 seconded by Mr. Reber with all voting "aye."

**CLOSED AND RESERVED DECISIONS**

**CASE NO. 23-07 CONGREGATION YESHIVA OHR HAMEIR for an Interpretation/reversal of Code Enforcement Officer's determination that the dormitory housing its students is a pre-existing, nonconforming use and that a Special Use Permit is or may be required for the Yeshiva's operation or expansion on the property located at 141 Furnace Woods Rd., Cortlandt.**

Mr. Mattis stated I will turn this over to our attorney for his comments.

Mr. Klarl stated as you know, this application was before us for several months, and we had previously closed the public hearing to do a Reserve Decision, which we are holding until the applicant completes its' application before the Planning Board. We are still waiting for that to be complete.

Mr. Seirmarco made a motion in Case No. 23-07 to adjourn the case to the September meeting seconded by Mr. Chin with all voting "aye."

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**CASE NO. 48-05 CINGULAR WIRELESS SERVICES, INC. for a Special Use Permit for a wireless telecommunications facility on the property located at 451 Yorktown Rd., Croton-on-Hudson.**

Mr. Mattis stated I will turn this over to our attorney as well.

Mr. Klarl stated for the Cingular application with the help of Mr. Mattis, myself, and Mr. Flandreau, we drew up a Decision & Order, which the Board had been given at the Monday Work Session, and essentially that Decision & Order concerns the Special Use Permit application by the applicant for installation of a wireless telecommunications facility consisting of a manifold with six panel antennas, and a 600 square foot equipment shelter base. We have in front of us a 3 1/2 page Decision & Order, and I won't go through it all, because we had looked at it before. Essentially the Board grants the Special Permit having heard all the comments by the applicant, the applicant's representatives, and the neighboring property owners. We indicate in the Decision & Order that in granting the Special Use Permit we are going to require a performance security. We are going to require liability insurance, and we are going to require an indemnity

agreement. In addition, in granting the permit we grant a variance under Section 277-13B for a minimum set back variance from 70 feet down to 32 feet, and we also indicate that a Building Permit must be applied for, obtained, and all conditions of the Building Permit, and the Special Use Permit should be met under the Decision & Order. In addition, we indicate at the conclusion of our Decision & Order that this is a Type I unlisted action under Sequa, and therefore we are looking at a Negative Declaration here. So that is part of the Decision & Order we have before us tonight. That you Mr. Chairman, and Jim for your help, and we just need a motion to adopt this.

Mr. Mattis stated okay, are there any comments from the Board?

Mr. Seirmarco I just wanted to note that we had several meetings on this case, this is the 38<sup>th</sup> meeting on this application. So we don't take cell towers lightly. We tried every alternative, and we did the review on this in great depth, and I think this is probably the most meetings we've had for one case in a long time.

Mr. Klarl stated I think this is the anniversary here, the first meeting on this was August 17, 2005, and we are now at August 20, 2008. So it is almost appropriate to have a birthday cake.

Mr. Seirmarco made a motion in Case No. 48-05 to adopt the Decision & Order seconded by Mr. Chin with all voting "aye."

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**CASE NO. 09-08 JAMES M. FLANDREAU, DEPUTY DIRECTOR OF CODE ENFORCEMENT for an Interpretation if the screening for a pre-existing contractor's yard was installed as per Zoning Board of Appeals Case No. 05-03, and the Interpretation if the property known as 0 Van Cortlandt Place is part of the pre-existing contractor's yard, and an Interpretation if the vehicles on 14 Van Cortlandt Place, which have not been moved, can stay as part of the contractor's yard on the property located at 14 Van Cortlandt Place.**

Mr. Charles P. Heady, Jr. is recused from this case.

Mr. Mattis stated I'll turn that over to our attorney also.

Mr. Klarl stated on this application this Board had before it an application consisting of three separate Interpretations. The first Interpretation was whether or not there was appropriate screening for this pre-existing contractor's yard, and if such appropriate screening was installed and maintained by the applicant as required by the previous ZBA Case No. 05-03. The second Interpretation was if 0 Van Cortlandt Place was part of this pre-existing contractor's yard, and the third Interpretation was whether the vehicles that were located on the premises at 14 Van Cortlandt Place, which have not been removed, and remain as part of the contractor's yard can stay as part of that. First, in regard to the screening the prior Decision & Order of this Board from April 2003 where we grant the Special Permit to establish, and maintain appropriate screening on the pre-existing contractor's yard. That Decision & Order of April 2003 never specified the exact screening, but a review of the minutes revealed that an 8 foot high fence should be in place. Therefore, we conclude as to this Interpretation, that the property owner in granting of the 2003 Special Permit, the owner, Mr. Sheldon Gardner, did not establish, and maintain appropriate screening, and as a result the property owner is in violation of the Board's Special Permit from that date in April 2003. As to the second Interpretation, we indicate in our Decision & Order that he property know as 0 Van Cortlandt Place is not a part of the pre-existing contractor's yard located at 14 Van Cortlandt Place. It is revealed that there are separate owners for 0 Van Cortlandt Place. In addition, when we interpret that since 0 Van Cortlandt Place is not part of the pre-existing contractor's yard, the property owner for 0 Van Cortlandt Place has to remove all nonresidential vehicles, and equipment located at that property. As to the third Interpretation, that was the one that the Board has spent most of its' time on, and in looking at that, we requested many records from Mr. Gardner in terms of DMV registrations, business records, invoices, and

we indicate in our Decision & Order that we received a blizzard of paper copies, but the blizzard that we received did not comply with the Board’s direct request. Specifically, the Board was looking for DMV registrations for the vehicles, business records showing that there was ongoing business at 14 Van Cortlandt Place, and we never saw the records that we were looking for. This Board also has been out to the site, and has seen that at this pre-existing contractor’s yard that there were large, rusting, inoperative vehicles that do not have license plates, or registrations, and it has been clear to this Board that these vehicles have not been moved off site, and it appears to this Board that these vehicles have been moved on the site itself for years, and this is based on observation of the Board members, neighbors, and photos that were taken in 2003, 2004, and 2008. So in short this Board finds that the many vehicles located at 14 Van Cortlandt Place seem to be inoperative, unlicensed, and have not been moved in years. So we further conclude that in interpreting this property, we interpret that it had been used as a pre-existing contractor’s yard, but it has not been used that way for over one year, and therefore, it has lost its’ status as a pre-existing, nonconforming contractor’s yard. All three of these applications are Interpretation applications, and therefore, are Type II Sequa.

Mr. Mattis asked Mr. Reber this is your case, do you have any comments?

Mr. Reber replied yes, I just want to say that with what was stated by Mr. Klarl in the D&O that we recognize the right for a person to utilize their property even in a case of nonconforming use that is pre-existing, and we were very patient in trying to give the applicant an opportunity to demonstrate that it was being used as a contractor’s yard, and it actually appeared to be obvious that this property was being used as required in the code. So after giving careful consideration, and several opportunities there was no such evidence to prove this was being used as it should have been, therefore, on that basis we had to make our decision.

Mr. Reber made a motion in Case No. 09-08 to accept the Decision & Order as written seconded by Mr. Chin with all voting “aye.”

Mr. Mattis stated I would just like to make a comment for the Code Enforcement Department. On Monday’s Work Session we had a neighbor that lives directly behind this property, and he expressed the concern of possible leakage of some kind from the property, and it seems like all the trees in that vicinity are dying. So I would like the Town to get in touch with the DEC after the property is cleaned up, and see if they can come out, and test that soil to make sure that the property is not contaminated.

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**CASE NO.L 22-08 WALTER HAASS for an Interpretation that the dwelling is a pre-existing, nonconforming two family dwelling, and if required, an Area Variance for the expansion of a pre-existing, nonconforming two family dwelling for a proposed second story addition and for the side yard set back for an existing one story sunroom on the property located at 3 Elm St., Cortlandt Manor.**

Mr. Mattis stated I will turn this over to our attorney as well.

Mr. Klarl stated as for this application we had before us Mr. Haass, and his architect, and we indicate that the client was looking to have this property deemed as a pre-existing, nonconforming, two family dwelling, and if needed an Area Variance for the expansion of the pre-existing, nonconforming two family house for a proposed second story addition, and for an existing one story sunroom. We indicate in the Decision & Order that the applicant did some substantial research here, and submitted very solid information as the status of this property as a two family dwelling, such documents as the surveys, and property cards. Therefore, having looked at the property, the records, and the architectural layout of the house, we concluded it has been a two family house since 1927. It is separated down the middle with separate entry doors for these side by side apartments, and in the Assessor’s notes in 1967 this is also how it is described.

So we conclude that the dwelling is a prior to zoning, nonconforming dwelling. However, various Board members pointed out to the applicant at our June and July meetings that once the dwelling was determined to be prior to zoning, nonconforming two family dwelling, the longstanding rule applies that a nonconforming use cannot be expanded. As a result, the Board finds, and determines the two family house in the R-10 Single Family Residential District cannot be expanded either by adding the proposed second story addition or by allowing the existing one story sunroom in the easterly side yard. Therefore, we deny the side yard Area Variance for the existing sunroom from 10 feet down to 7 feet. This is also a Type II action.

Mr. Mattis asked are there any other comments from the Board?

Mr. Douglas made a motion in Case No. 22-08 to adopt the Decision & Order as written seconded by Seirmarco with all voting "aye."

**ADJOURNED PUBLIC HEARINGS**

**CASE NO. 19-08 DENNIS SHERWOOD for an Area Variance for a side yard set back for a proposed two story addition on the property located at 70 Paulding Lane, Crompond.**

Mr. Mattis stated we will put this case aside for second call.

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**CASE NO. 26-08 DANIEL & VALERIE JACKSON for an Area Variance for a front yard set back for an accessory structure on the property located at 7 Amato Drive East, Cortlandt Manor.**

Mr. Daniel Jackson appeared before the Board. He stated I can see we have a full Board here tonight, and I would like to just hand out these documents to the Board, if I may. I was here at the last meeting to discuss our shed, and its' placement at the last meeting. First, I would like to start off, as I did at the last meeting, by offering my sincerest apologizes for placing the shed without regard for the law. As I said, I am new to Cortlandt Manor. Additionally, we are new to placing sheds. We are more aware now, and will make a much more mindful decision next time. Having said that though, it is important to stress that we did make a mindful decision on placing the shed, thought we didn't consider the law. We had considered such things as the environmental impact, quality of life, and other issues that I will go to discuss. If I may call your attention first to the aerial view of my house. It show a couple of important things here that I'd like to note. The first being that I am pretty isolated. I am at the end of a cul de sac, and I have screening from all sides by woods. Additionally, you'll see that there is only one house that could be impacted by the current placement of the shed at my house, and that one house will always only be the one house that will be impacted. The next picture is a picture of the shed. The reason I am showing you that is because my wife, and I very mindful in making sure that we put something nice there. We knew it would be out where people might see it. Additionally, it goes to show that we placed flowers around there. We placed a stone wall around it, and we were very considerate of the community, and the neighborhood. Additionally, what the picture shows is a large tree next, and I will make sense of that tree in just a bit. Now there are three particular areas that one could put a shed, the backyard, your left side yard, or the right side yard. Now this picture is a picture of my backyard. A couple things to show you here. One is a conservation easement that goes up into by backyard, there is wildlife, as well as a brook back there. It shows that if I was to place the shed directly in my backyard, at some points it would actually abut my deck, and at other points I'd have to walk around my house to get to the left side of my yard. Additionally, what this picture shows is in the middle of the picture you will see a little green 2 foot kind of canister. What that is is an intake valve for a propane tank. So I would like to discuss why we didn't place the shed on the left side of the house. Specifically, because of that propane tank. Now there was some question last time about how close you would want to put a shed to a propane tank, and still be safe. So I brought a technician out to discuss that with him, and actually he brought up a very good point. It is not how close you can put the shed to the

propane tank, it's how close you should have the shed to the propane tank should you ever need to service the tank, remove it, replace it. I promise I would talk about this tree in front of the shed. He mentioned that it is a tremendous job putting the shed there, because the tree protects the shed from any kind of heavy machinery that may ever have to come in, and dig up that propane tank. Also, the fact that the shed is well off to the side, and keeps that area clear where they could come in, and dig up the propane tank without having to move the shed. Now I would like to speak about the right side of the house specifically the children's play area. A couple things there. One is I am not going to place a shed in my backyard to impact the environment specifically, and we talked about this last time, if I have a shed it's going to have chemicals, fertilizer, soils. I am not placing it in the backyard because of the conservation easement, because of the animals. So I am certainly not going to place it in my child's play area. Though I care for the raccoons, and deer, or whatever, I care for my children more. It is important to note that I have young children, and I wanted to place the shed in such an area that is completely out of their way, out of their eyesight. They have an area, and they play back there. They are not enticed to go into the shed, though my wife, and I keep it completely locked, you know how kids are. We wanted to make sure it was out of their eyesight. The other thing I wanted to explain is about those two arrows on the aerial view, what that shows is the drainage through the children's play area on my land. Specifically, water goes from the top of the hill through the play area, and into the conservation easement, and into the brook. There is a picture here, the one with the rake in the foreground, shows that there is a slope going into that area, that is the bottom of the slope, and that is a picture of the woods, and shows just the kind of incline that we're talking about. So there is a bunch of water that comes through that area, and to place a non-permeable surface such as shed in that area would definitely impact drainage through that area. Now given all of this, a few members of the Board last time brought up the issue of precedence, and I'd like to speak about that a little bit here.

I understand the need for precedence, but in this case I don't think it applies, and the reason I don't think it applies is because we have a very unique situation here. I have a conservation easement. I have wildlife concerns. I have drainage issues. I am at the end of a cul de sac. I have screening around my land. No one else can see it except for one person. I have a propane tank. All these things together alleviate the concern about precedence, because we have a very unique situation here. Now there is actually one other picture I did want to call to your attention, and that was the picture that shows from the front door to the house that can actually see the shed. As you can see, they can barely see the shed. Like I said we did take great care to put it in such an area where it wouldn't impact anybody. Last, and in conclusion what I want to do now, which is pretty ironic, I would like to refer to the law here. I received this from the Town of Cortlandt, and this goes on to talk about how one can get an Area Variance from the Board here, and I want to specify that I am looking for an Area Variance, and not a Land Use variance, because an Area Variance, the burden of an Area Variance is much easier to meet than a Land Use Variance. So I would like to read the law to you. It says, "In making this determination the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment of the health, safety, and welfare of the neighborhood community by such grant." I was actually pretty surprised when I read this, because it makes no mention of precedence nor does it make a mention of feasibility of moving the shed elsewhere. Basically, what it says, well not basically what it says, it says that this all comes down to a balancing act between the benefit to myself, and the detriment to the health, safety, and welfare of the neighborhood, or community. I thought I proved that moving the shed into a compliant area would actually go against the health, safety, and welfare of the neighborhood, the very law that was enacted to protect. Having said all of this Chairman, and members of the Board if this is indeed a balancing act, I just can't see how the Board can rule against me in this matter. I appreciate your time.

Mr. Chin stated I drove by your house and saw the shed, and the property. What you said was fine, but also this is self created.

Mr. Jackson stated absolutely.

Mr. Chin stated and that we have take into the case of granting a variance, or not granting a variance.

Mr. Jackson stated actually sir I could argue that...

Mr. Chin stated please let me just finish. Personally, after looking at it, and listening to what you have said, I really don't have a problem with where your shed is, and I would like to Reserve Decision on this myself. I don't want to vote on this today, that is how I feel.

Mr. Jackson stated if I may respond now sir, we did bring this on ourselves through ignorance. What I would say though is that has no bearing on whether or not I should be granted an Area Variance.

Mr. Douglas stated that is not accurate. The law specifies specific factors that the Board is required to take into account, and one of those factors is specifically under the statute, whether the need for the variance is self created. So that is a factor.

Mr. Klarl stated Town Law, Section 267-b talks about the weight of the benefit to the applicant versus the detriment to the neighborhood, and in doing so we are asked to look at 5 factors, the bottom factor is if it is a self created hardship, and that is a factor that we look at. We can't just deny it on that basis alone, but it is one of the 5 factors that we need to look at.

Mr. Jackson stated okay, I see. I have those 5 factors right here.

Mr. Douglas stated looking at the 5 factors that we as a Board have to take into account, and one of those factors is do you have reasonable alternatives, and I know you are very articulate, and again I think that is a positive thing, but that doesn't change the actual facts of this case. There are reasonable alternatives. It seems to me you are saying that you have over 2 acres of property, but you can't find anywhere to put a shed on it other than a place where it is not allowed. It seems to me that you don't want to put it in the back yard, and I could understand why you might not want to, but to me it seems that you have a reasonable alternative. Speaking again about the law of precedence. Precedence is crucial, and that is one of the primary things we take into consideration. If we grant you a variance, and you can't justify that distinguishing that situation from many other people, then we will find ourselves granting other people variances. Speaking for myself, I don't know about anybody else, but I don't think that your situation is very unique. There is wildlife everywhere in the Town. There are drainage issues in many places in the Town. You actually have a much larger piece of property than a lot of other people have so you should have less of a difficulty than many other people would have. It's a nice shed, but to me I cannot justify in my mind voting in favor of this. The only reason you sound so persuasive is because you speak well. I would love to have exceptions for families with three kids. I am all in favor of that, but that is not how the code is written.

Mr. Seirmarco stated I just want to bring up a point about the tree. Although the tree looks very nice in front of there, that is a willow tree, and maybe five years from now once you live with that willow tree you will grow to hate it. Willow trees are a horrible tree to have in your yard. They are great trees to have in somebody else's yard to look at, but they are a horrible tree to have in your own yard. So just a point of argument, that is a willow tree, and I know my trees, and they make a mess.

Mr. Jackson asked you don't happen to own a tree cutting service do you?

Mr. Seirmarco stated no, no I don't.

Mr. Reber stated I would like to reinforce what Mr. Douglas said, and I take a little offense to some of your points. Your comment about not wanting to place the shed next to a sensitive area, because of storing chemicals too near where your children play. My counter to that is that should not be a concern. Anything you store in there should be stored in such a way that it will never get out. So it doesn't matter where you put the shed. If you are going to be that careless about what you keep in there, because you're afraid of someone else getting into that, then I would say you have serious problems. That is one issue. The second issue, you raised the point about detriment to the neighborhood versus the benefit to the applicant, that is one of the minor issues that we really address, because if we used that as a sole criteria, and someone

wanted to put a statue in their front yard, is that really something that hurts the environment, no, does the Town want it, of course not. We had a problem a few years back about people putting playgrounds in the front yards for their kids, and the Town said they did not want that, because where would it stop? What else would they want to put in the front yard? Why do you have a 10 foot set back in a side yard? Is 10 foot really more environmentally safe than 9 foot? It is an Interpretation. We are reading the code, and our code says we don't want things in front yards, and will only allow things in the front yard when basically the owner has no other choice, and really needs to have what he wants, and I think what Mr. Douglas said about you having a large yard. I looked at your pictures, and let's go to your picture that shows the pipe for the propane tank, and you can see the ground in the back, and there is a fence coming off the deck, you don't want to put it on the other side of that pipe, because it would be in the way of any equipment coming in to service that tank in the future, fine, put the shed on this side up against the background here just in front of the deck area, that is a possibility, or on the other side where you talk about the drainage coming off of the hill. Those are issues we deal with all of the time. A shed this big is not going to create a nightmare. It can be properly graded, and the drainage can be directed around, and past that shed. So again, I don't think that you made for a good argument, and I still do not think that it meets the criteria that we have to go through when we look at all 5 factors. You can't set a precedent of saying that this is unique, and I agree this is a very nice shed, it looks pretty, but there are a lot of things that come before us, and we sit here, and say that is beautiful, but you know what, the code says no, and in the case of structures in front yards, the code is pretty adamant, and they truly don't want things in the front yard. So I would have to say no.

Mr. Seirmarco stated if you did not have the shed up yet, and you came upon the code, and said let me tell the Board that I have nowhere else to put the shed, I would think that Mr. Flandreau would have told you not to put it where it is today, and you would have chosen another spot. If after the fact, there was no other spot but this one, I would be in favor of it, but I would think that if you came before you put the shed up, you would have chosen another spot. So with that in mind I believe that I cannot agree to this. It is very unfortunate, and it is a good looking shed, but if the clock were reset I think you would have chosen somewhere else.

Ms. Hunte stated I would just like to say that I am also in agreement with my colleagues here. Yes, it is unfortunate that it is a beautiful shed. However, it is a self created issue that you imposed without having the permission of the Town to place the shed where it is. If the shed had not been there, as Mr. Seirmarco pointed out, then you would have found another area to place it. There is other property available to place the shed. So I would also not be able to vote for this.

Mr. Heady stated as my colleagues had already said, if you came before you put up the shed, I think you would have found another area to place the shed.

Mr. Jackson stated I just want to say that I appreciate your time here, and I do want to apologize to Mr. Reber. I didn't mean to offend him by my argument.

Mr. Mattis stated I think last month I was the one who spoke most favorably in regard to this. I went out there and looked at it, and I think what I really have to go to is when you have something that you have done without a permit, we have to look, and treat it like it is not there. If that were not there, would we approve it? While you have made some of your points, and you made some of them very well, I don't think you've made enough points that the preponderance goes in your favor in this case. As much as I do not think it is a detriment to the neighborhood, that is only one of the criteria that we use. So I would have to vote against this also. Are there any other comments?

Mr. Jackson stated if I may ask, how much time will I have to move the shed?

Mr. Mattis stated you will work that out with the Code Enforcement office.

Mr. Flandreau stated we'll give you some time.

Mr. Jackson stated thank you very much.

Mr. Chin stated so are we going to vote on this, or is the applicant saying he is going to move the shed to somewhere else, and that he will not require a variance so he can withdraw the case?

Mr. Mattis stated we have several things that we can do here. We can do a vote tonight. You can adjourn the case. I don't know what that would do other than to find a suitable location that doesn't require a variance, and at that point you can just withdraw the case, you don't have to come back, you can send in a letter.

Mr. Jackson stated sure if I adjourn it, then it will probably give me some more time to move the shed.

Mr. Klarl stated the adjournment would be until the September 17<sup>th</sup> meeting.

Mr. Douglas stated I am not so sure about him adjourning it. I can understand if he wants to withdraw it.

Mr. Klarl stated he can adjourn it, and then withdraw it when he is in compliance. He can adjourn to September, and then he can come it and say he is in compliance, and withdraw the case.

Mr. Douglas stated so in other words he would move the shed before the meeting in September.

Mr. Reber stated then what is the point in leaving it on the docket. We have a practice of trying to move things along. He can just withdraw it now can't he?

Mr. Flandreau stated he can withdraw it today.

Mr. Douglas stated I don't see any reason why we should carry it over to the next meeting. He can withdraw it now.

Mr. Chin stated he can withdraw it, and just talk to Code Enforcement, and tell them where he is placing the shed, and that way there is no violation given to him on a future date.

Mr. Jackson stated okay, I see. So then I will withdraw the case, and I will talk to Code Enforcement about moving the shed.

Mr. Mattis stated okay that case is withdrawn by the applicant.

Mr. Jackson stated thank you for your time.

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**CASE NO. 27-08 JANET & KENNY HO for an Area Variance for front yard set back and floor area ratio on the property located at 14 Harper Ave., Montrose, NY.**

Mr. and Mrs. Ho appeared before the Board.

Mr. Douglas stated the last time you were here we discussed the variance that you had requested, and we think it is basically consistent with the neighborhood, but we were concerned about the landscape, lot coverage issue. You were going to go back, and get us some calculations to see what is actually covered. If I am understanding the numbers that came back, you are allowed to cover 50 percent of your property, and you have covered slightly more than that, 56.9 percent. So the issue is you would have to get a variance for that as well as for the addition. I think there was some concern from the Board about granting over 50 percent. The primary purpose of lot coverage, our biggest concern is when people cover almost all of their



lot. Although this is not way over, but this is something that we take seriously. So my personal view is that I would be very hesitant to grant a variance with respect to the coverage issue. I think you may just have to cut back a certain number of feet in the driveway, and turn it into gravel or something like that. That would be up to Code Enforcement, but that is what I personally feel would be most appropriate. I am in favor of the variance for the addition. It seems consistent to me, but the coverage is an issue.

Mr. Mattis stated and we don't really want to hold you up, but I think what we're saying is you have to get rid of a certain amount of pavement to get to that 50 percent. You can work with Code Enforcement to do that, and in the meantime you can start with your construction, but we'll make the approval subject to you complying with that 50 percent. So you won't be able to get your CO, but that will give you time work with it while the construction is being done.

Mr. Seirmarco stated it should only be about 3 or 4 feet. So you might want to do some pavers or something like that.

Mr. Mattis asked do pavers count against the coverage, if they're porous.

Mr. Flandreau stated it would depend upon what type of pavers they choose.

Mr. Mattis stated so there are ways of still having something there that doesn't count against the coverage.

Mr. Reber stated you heard about the previous case, and one of the points that we have to address is self created. So of course gravel does not count, and that is what was there previous to the paving. So you really just have to revert back to what was there.

Ms. Ho stated we are quite aware of the drainage with gravel, because every time it rained it was going into our basement.

Mr. Reber stated there is curbing, and drainage that may have to be put in, and we'll leave it up to Code Enforcement to work with you on some covering that will allow you to accomplish what you want, and still stay within that 50 percent, and I also concur that with respect to the other variances it is really in line with the neighborhood. The footprint is still the same, and I am in favor of those variances.

Mr. Mattis asked are there any other comments? Is there anyone else in the audience that would like to speak regarding this case?

Mr. Douglas made a motion in Case No. 27-08 to close the public hearing seconded by Mr. Heady with all voting "aye."

Mr. Douglas made a motion in Case No. 27-08 to grant a front yard Area Variance for a bay window from 35 feet down to 13.44 feet, and to grant a front yard Area Variance for a second story addition from 35 feet down to 15.94 feet, and to grant an Area Variance for open front stairs from 29 feet down to 14.19 feet, and to grant an Area Variance for the total floor area from 1300 square feet up to 1774 square feet, but deny the requested Area Variance for landscaping coverage from the allowed 50 percent up to 56.9 percent. This is a Type II Sequa with no further compliance required. This is with the condition that they come into compliance with the 50 percent lot coverage before a CO is issued seconded by Mr. Seirmarco with all voting "aye."

## **NEW PUBLIC HEARINGS**

**CASE NO. 29-08 DOUGLAS MARGREY for an Area Variance for a side yard set back for a proposed addition on the property located at 38 Durrin Ave., Cortlandt Manor.**

Mr. Douglas Margrey appeared before the Board. He stated I am here to see if I can get a variance on new two car garage that I want to put up on the left side of my house.

Ms. Hunte asked I just want to clarify that you are not looking for a variance for the front of the house, it would be on the side?

Mr. Margrey replied it would be on the side, yes. The front if it is almost 10 feet, it is 9.5 feet, but the line goes back on an angle over the back portion, and is only 2.8 feet off the line.

Ms. Hunte asked would you be able to shorten the side of the garage that is 2.3 feet from the edge there?

Mr. Margrey replied well this is the first step, and I kind of wanted to just see. I've never gone through a variance process before so I didn't know what the Board would allow. There is really not much on the left side of me. There's about 10 feet, and then a concrete structure that they had used for a garage, and the house is probably 30 yards passed that. There is nothing really there.

Ms. Hunte stated it looks to me as if you were to shorten it by say 2 or 3 feet on that side that is closest to line that would only require a variance of 2 to 3 feet as opposed to 7 or 8 feet, which we would be more inclined to grant.

Mr. Margrey asked you mean shorten the side?

Ms. Hunte replied correct, well that corner.

Mr. Mattis stated unless you made it a little narrower, or some combination of both.

Mr. Margrey asked would it be possible to maybe come ahead of the house about 2 or 3 feet?

Mr. Mattis replied yes.

Mr. Margrey stated okay. Would I then have to go through another variance hearing to do that?

Mr. Mattis stated we would adjourn this to next month, and you could come back with revised plans. You would be allowed to move it 3 feet forward, and not require a variance in the front.

Mr. Margrey stated okay. So then there would be just be a variance in the back is what you are saying?

Mr. Chin replied it would still be on the side there.

Mr. Seirmarco stated we are trying to reduce the variance as much as possible. So if you move the garage forward, and if you can make it slightly narrower that would reduce the side yard set back also.

Mr. Mattis stated so it would be a combination of moving it forward, which would reduce that somewhat, and take a foot, or two off of that, and make it narrower, and that might bring it into compliance, if not a much smaller variance.

Mr. Chin stated right now the plans indicate it is 22' 4" wide by 26' long. So what we're saying is if you want to move it out 3 feet forward, and then maybe instead of 22' 4" wide maybe drop it down to 20' wide, and that is still plenty of room for 2 cars, and that way it would reduce that variance on the side considerably. You have to have your architect just draw up those changes.

Mr. Flandreau stated you can come into the office, and I can show you on the plan exactly what the Board is looking at.

Mr. Mattis stated okay so you will be on next month, and that would be the third Wednesday, which is September 17<sup>th</sup>, and you can work with Mr. Flandreau, and your architect. Is there anyone in the audience that would like to speak?

Ms. Hunte made a motion in Case No. 29-08 to adjourn the case to the September meeting seconded by Mr. Chin with all voting "aye."

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**CASE NO. 30-08 RON DECRENZA for an Interpretation to overrule the decision of the Director of Technical Services in which the application for subdivision to the Planning Board was put on hold until the violations on the property are addressed.**

Mr. Flandreau stated I received a call in the office today asking for an adjournment to the September meeting.

Mr. Seirmarco made a motion in Case No. 30-08 to adjourn the case to the September meeting seconded by Mr. Chin with all voting "aye."

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**CASE NO. 31-08 HAROLD & MARY STAFFU for an Area Variance for a front yard set back, and Area Variance for a rear yard set back, an Area Variance for a side yard set back, and floor area ratio on the property located at 9 John St., Mohegan Lake.**

Ms. Mary Staffu appeared before the Board. She handed a letter to Mr. Mattis.

Mr. Mattis stated this is a letter dated August 20<sup>th</sup> from Stephen Espositon at 11 John St., now where is that in relation to your property?

Ms. Staffu stated they are if you are looking at the front of my house, on my left.

Mr. Mattis read, "I live next door to Mary at 11 John St., and I have no objection to the construction that they wish to do. If you wish to contact me my number is....Signed, Stephen Esposito." He asked can you just describe to us what you are looking to do?

Ms. Stafu stated I am not changing the shape of the house. I have two bedrooms and a den, and I'm moving upstairs, and the downstairs will become a dining room, kitchen, living room, and family room. We need more room.

Mr. Mattis stated so the footprint is not changing whatsoever?

Ms. Staffu replied no.

Mr. Mattis stated so basically you are just adding a second story.

Ms. Staffu stated yes, and I did have a variance for everything that was done previously.

Mr. Heady stated I went there, and talked to the young lady, and I suggested that she get a letter from her neighbor, which she did. Otherwise, I really have no problem with it. They are not changing the footprint, she is just going up.

Mr. Mattis stated I was also out there, and it is just simply going up. It really doesn't encroach on the

neighbors or anything. One of the things we do look at is the proximity to the neighbors, and this does not encroach anymore than it is now. Is there anyone else who would like to comment?

Mr. Reber stated I was just going to say that in looking at the other properties on John St. they are all divided equally, and somehow this property is carved out of three lots in a subdivision lot, 48, 47, and 46, and it is a very weird shape. Every house on that street follows the lot lines except for this one. It is a very odd shaped lot.

Mr. Chin stated I would like to say that back in the 1991 Decision & Order it was actually granted from 48 down to 16 feet, but it was only brought to 26 feet so it was even about 10 feet less than what the original variance had given her.

Mr. Mattis asked is there anyone in the audience that would like to speak?

Mr. Heady made a motion in Case No. 31-08 to close the public hearing seconded by Mr. Chin with all voting "aye."

Mr. Heady made a motion in Case No. 31-08 to grant a front yard Area Variance from 40 feet down to 26.17 feet, to grant a side yard Area Variance from 15.3 feet down to 11 feet, and a rear yard Area Variance from 30 feet down to 20 feet, and an Area Variance for floor area from 1500 feet to 1833.93 feet for a proposed second story addition. This is a Type II Sequa with no further compliance required seconded by Mr. Chin with all voting "aye."

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**CASE NO. 32-08 SETH & JEANNE GERCHBERG for an Area Variance for the lot width of two proposed subdivisions on the property located at 35 Forest Lane, Crompond.**

Mr. Barry Friedman appeared before the Board. He stated I am here representing Mr. and Mrs. Gerchberg. They are actually out of town for a family reunion, and they asked me to represent them. The subject property is at 35 Forest Lane in Crompond. The existing property is 82,500 square feet which encompasses the entire blue area (referring to drawing). As you know, this area is predominately summer homes, which have been converted to year round use, modest homes. There is an existing structure on the property right now. What they are seeking to do is to get a variance from the required 150 frontage required to 100 feet so they can basically reinstate the former lot line that was part of the originally filed map from the 1930's. At some point in time, this existing lot line was merged, so they are looking to change it back to what it originally was. We have 206 feet so in order to reinstate that lot line, we would have 100 feet for this lot, and 106 feet frontage for that lot. What you see here is the neighborhood, the subdivision on the original filed map really did consist of substandard lots so this I think is representative of the neighborhood. So we are looking for a variance for that. We have an application before the Planning Board as well, but we need a variance to proceed.

Mr. Douglas stated the fundamental problem that we face here is that this neighborhood was of a certain character, and it had certain zoning, and the problem is that the zoning has changed, and the nature and character of the neighborhood has changed. It was, as you had said, a summer colony, but the zoning has changed, and what the bottom line is that we can't turn the clock back to the way it was. We can't allow you take a lot that would now be a standard lot under current zoning, and subdivide it so it becomes substandard so it reverts back to what it used to be. That to me seems problematic given where in the colony you are located. If look at the map, there are some areas that still have pretty uniform, narrow lots, but the lot next to this lot is a conforming lot, the lot across the street from them is a large lot, the one behind that is a large lot, two down to the left, or right depending on what way you are looking, is a larger lot, and it seems that what you're proposing is to move backwards, and make something substandard, and I

don't see how that can be justified.

Mr. Friedman stated I wasn't suggesting that we go back to the summer community as it was. I was just trying to change it just in terms of the general size of the lot, and the modest size of the homes around it.

Mr. Seirmarco stated I can understand there are quite a few, pre-existing, nonconforming lots, and houses at this time.

Mr. Mattis stated at one time that was an R-20, and everybody got basically a 100' x 200' lot, and they put their little cottages on it, but that has changed. The Town has changed the zoning to R-40, which requires 150 feet width. The property to the right is smaller, but it is over 200, across from that is 241. So if you say the other ones are all 100' x 200', that is because they were that way under the old zoning, to grant this would take a step backward. In effect, we would be reverting the R-20, and the intent of changing the zoning was not to have that, and as part of that zoning change these lots were merged, when you had two lots contiguous, that didn't conform under the same, they were deemed to have merged. So we would be undoing what the Town Board intended in changing from an R-20 to an R-40.

Mr. Seirmarco stated and I think that we have done some things with merged lots in the past, and when we did that we created not one substandard, but standard lot, and one maybe slightly substandard lot, which would almost be two standard lots.

In this case you are taking a standard lot, and creating two substandard lots. I could not go along with that. If maybe at least one was standard, and the other one close or slightly under standard, but creating two substandard lots is not the legislative intent.

Mr. Friedman stated while the zoning here as you said was once R-20, and while the zoning here has changed, these lots would still meet the front yard, and side yard set backs under the R-40 zoning. So in terms of the size of the lots, and the set backs, it would meet all of those, and the lot area is just short. So that is the only problem that we have here. Something else I would like to say, if it is possible, someone, someday might come along, and buy this land, and put up a home, and if that were the case, still needing a side yard set back, and having a larger home on the property, and frankly I think that would end up being out of the character of the neighborhood.

Mr. Mattis stated well the people now are trying to create two lots, and you could have two houses there rather than one.

Mr. Friedman stated but they would be smaller, because they would have to meet the set backs.

Mr. Mattis stated well that is hypothetical, and we can't deal with hypothetical.

Mr. Reber stated I went out there, and studied the area, and the houses now in the colony that were cottages for the most part have been converted to year round living. If you go down Paulding Lane, you can see they are all year round houses. Where this property is located, and you look at the houses there, and it is obvious that many of those lots have not been developed. So what you have now is that this lot is not only 200 feet wide, the lot next to it is 200 feet wide, and the lot across the street is 241, and the two lots next to the one across the street, they're both 135, and 133 feet wide. You go down the street, and there are other ones of that nature. So in this area you'll notice that there a lot of nice homes there now. So I really think, as stated, this is going to be developed as a permanent residence so I agree with my colleagues. To me the Town had an intent to upzone that area, and I just can't see any justification, or any reason why we would revert back, and make smaller lots so you can put two houses up in there, which to me would not really match the immediate there. It is generally lower density housing along that street.

Mr. Chin stated it is actually an R-40A, which means there could be a two family house there.

Mr. Reber stated as long as it doesn't exceed lot coverage.

Mr. Chin asked when did the lots merge, and why did they merge them to begin with?

Mr. Mattis stated that is when the code changed. As part of the change of the code, when you have two nonconforming lots contiguous under the same ownership, if it makes a conforming lot, they just automatically merge. This would be a giant step backwards, we'd basically be confirming this as an R-20 again, which is totally against the intent of the code. Your argument that it meets all the criteria, well you could have a 75 foot property width, and if it was deep enough it could still be honored.

Mr. Chin stated this is quite a large variance, you are talking about 33 percent.

Mr. Mattis stated Mr. Seirmarco made a very good point earlier. We have granted these basically only when we could one lot in compliance, and a slight variance on the other lot. This is a variance from 150 feet down to 100 feet roughly on each of the lots, and that is really a stretch. Are there any comments from the audience?

Mr. Gregory Day appeared before the Board. He stated I live across the street from the proposed subdivision. I own the lot that is 241 feet wide, and I am here just to speak my mind against granting this variance. It would be against the character of the neighborhood. It would change the quality of life in the neighborhood. It is my understanding that this house was just recently purchased in June. It was put back on the market 21 days ago, and there is a notation in the listing saying there has been an application made to subdivide the property, and that will reduce the price of the existing structure should they be granted this variance. At the moment the house is not being lived in by the owner. It just seems as though someone is trying to flip the property, and make some money off of it. Also, it has been rumored that the interest in taking advantage of the two family zoning. So you are looking at possibly squeezing a two family house into a lot that is 50 percent smaller that is required by the zoning code. In listening to the prior applications here made tonight this appears to be most drastic of the applications to the Board, and I just believe that there is no compelling reason. I understand there is a balancing test here, and this certainly would be of much greater detriment to the community than any kind of monetary gain to the applicant, and I believe that the argument tonight was well reasoned, and I agree with where the Board appears to be going.

Mr. Mattis stated okay, thank you for your comments.

Mr. Reber stated you remind me of another point speaking about two houses versus a bigger house. If I was living across the street with a larger lot, I'd be much happier having the one lot with a nice, bigger house because the house would have more value in the neighborhood than having two lots with two little houses on it. So I think it is detrimental to the value of the houses in the neighborhood, if we allow two small houses versus one larger house.

Mr. Day stated certainly, and the house that is there now is from 1930. I have been at my place for four years, and it has been listed just about as long as I have lived there. I agree that a larger house would be more in conformance with the neighborhood. Thank you.

Mr. Mattis asked is there anyone else who would like to speak?

Mrs. Barbara Stevelman appeared before the Board. She stated my husband is Harold Stevelman. We moved to Mohegan Colony in 1967. We are the property immediately adjacent to the applicant that is seeking a variance. When we bought our property, we bought the lot next to us. So we had never developed the lot next to us, because we would have a sense of the value of preserving the character of the neighborhood. Now as I have been sitting here, I have never had the opportunity before to observe the Town of Cortlandt seal in such detail, and presumably that represents something of the idea that we are looking for in our community, which is pleasant residences. I am very familiar with the Town of Cortlandt,

and I know that Mohegan Colony was nice in its' beginning, but it was founded by very articulate, idealistic, confrontational, involved people, and they were owner occupied. They were very modest, they

were owner occupied, and they all have a tremendous stake in the neighborhood. I am here because I see that our street that I have been living on for 41 years is at a tipping point. There have been 10 homes that go from Pine Rd. to Pond Rd., 4 are unoccupied. These were modest homes, as the gentleman said, they had deteriorated, and they are not owner occupied, 2 more are rentals. So we only have 4 owners living on that street from Pine Rd. to Pond Rd., and 2 of those 4 are here tonight. I believe another owner has made an attempt to speak to people in the town. My other neighbor is in support of this position that we don't want, and what we don't need is a for profit only subdivision of a small lot. At least one of which would be substandard. If we are going to preserve the Town of Cortlandt with that kind of ideal, then this is a neighborhood, this a street that is in jeopardy, and we don't see why someone should come along, buy a property, seek to subdivide it to someone who will develop that has nothing to do with living in the community. Thank you.

Mr. Mattis asked is there anyone else that would like to speak? He asked Mr. Friedman do you have any final comments?

Mr. Friedman stated no.

Mr. Mattis stated I think you can see where this is going. Now we stated before we don't like to adjourn, but since the owners are not here, would you rather adjourn it to go back, and discuss this with them?

Mr. Friedman stated yes, I think before the guillotine is pulled, I should speak with them.

Mr. Klarl stated I think it would be wise to talk with your clients first.

Mr. Friedman stated when I speak to them and they understand your rationale do I still need to appear?

Mr. Mattis stated you can just then send a letter withdrawing the case, but I think you can see where we are coming from with this.

Mr. Douglas made a motion in Case No. 32-08 to adjourn the case to the September meeting seconded by Mr. Seirmarco with all voting "aye."

Mr. Reber stated I would like to just have it noted that this is adjourned for one month only so the applicant needs to be here next month, if they still wish to proceed they must appear next month.

Mr. Mattis stated so we are going to adjourn for one month only with no further adjournments.

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**CASE NO. 33-08 JAMES MEANY for an interpretation if demolition/distribution of concrete aggregate is a Special Trade Contractor as per Table 307-14 and 307-15 on the property located at 5716 Albany Post Rd., Cortlandt Manor.**

Mr. John Lentini architect, and Mr. James Meany appeared before the Board.

Mr. Lentini stated I am here with Mr. Meany and Dan Gennaro. We are here to get a determination on the advice of Code Enforcement that we are in fact a Special Trade Contractor, which is allowed in an HC zone. The site where this contractor is operating is in the HC zone, and it involves stone work. After some discussion with Code Enforcement we were prepared to go to the Planning Board for advice that we would probably be sent back here by the Planning Board for this determination. So Mr. Flandreau was kind enough to send us here ahead of time. In any event, the site, I am sure you are familiar with the former site.

It is in an area that is remote for the most part, and from most residences so it is a perfect site for this operation. Besides that, there is equipment there that can be used. The type of operation this is where

contractor's would bring in material that they have limited use for so it becomes a renewable resource. Any stone, concrete products is all reduced to gravel, and then sold back out. Other materials that would be taken in would be mulching materials, but essentially materials that would be reduceable, and then re-distributed. Because of its' position at Annsville Circle, and the anticipation that most of the traffic would be coming from Rte.9, and Bear Mtn. Pkwy., actually Ed Vergano had suggested that in order to have less trips around the circle that we would actually use where the sanitation yard is off the Bear Mtn. Pkwy. We are not even coming around the full circle. There are a lot of very positive things with this operation. The most that has been stressed to me is that this is a green consideration. It is a wonderful thing, and they are doing this in the Bronx for years. A sidewalk contractor can break up the side walk, bring it here, dump it, and it is reused. There is very little loss, and it is done very efficiently. The machines do not run full time. It is not like there will be machines running all day. So if there are any questions that the Board has we will try to answer them.

Mr. Reber stated first I would like to say that this type of project is green, and good for nature, reusing a product that would otherwise not be used is all good. The fact that is a parcel where rock crushing, and rock processing has been going on for a number of years is also good. However, when I look at this and read the code, I think that there is no issue here. When you look at the code, as you said, this is in the HC zone. The HC zone says that you can have a Special Contractor's yard. We have had them in the past, and one of the factors that we would go to is the Standard Industrial Classification manual, concrete work comes under Special Trade Contractors so obviously this is a typical type of trade that we would see in the HC zone. So it really is not an issue for us. There is no variance needed. There is no Special Permit needed.

It is just our Interpretation of the code, and if you read the code it becomes very clear. So in that sense to me, it seems pretty straightforward. So I have no issue with this at all.

Mr. Mattis asked are there any other comments?

Mr. Chin stated I have seen the same construction taking place off of the Major Deegan, and I have seen that go on for awhile. Sometimes it is running, crushing, and sometimes it is not. So it is not consistently running all of the time. I really see no problem with this either.

Mr. Heady stated it is allowed in the HC zone so I agree with the other Board members. I just want to know about the dust that would be created from this.

Mr. Mattis stated that is really a Planning Board issue at this point.

Mr. Lentini stated this is porous material so they would be used water to alleviate that. The water is not even waste water, because it just goes back into the material.

Mr. Mattis asked are there any other comments, or questions?

Ms. Hunte stated looking in the SIC code this seems to be a classical definition of a Special Trade Contractor so I see no problem with this.

Mr. Mattis stated so this should give you the green light to go to the Planning Board. Is there anyone in the audience that would like to speak?

Mr. Reber made a motion in Case No. 33-08 to close the public hearing seconded by Mr. Chin with all voting "aye."

Mr. Reber made a motion in Case No. 33-08 that the Interpretation as to whether demolition/distribution of concrete aggregate is a Special Trade Contractor, and therefore is allowed in the HC zone. Our

Interpretation is that it does fall within the Standard Industrial Classification as such, as is therefore a permitted use. This is a Type II Sequa with no further compliance required seconded by Mr. Chin with all



voting “aye.”

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Mr. Mattis recalled Case No. 19-08.

Mr. Dennis Sherwood appeared before the Board. He stated I was here for the last several meetings to try and get an approval for a variance for a garage. We adjourned it last time to see if I could shrink it down, the size. If you just refresh my memory, I was not able to get a variance because of the size, it was too excessive, and another reason it did not belong in the neighborhood?

Mr. Mattis replied yes, and no it is not that it doesn't belong in the neighborhood. You wanted a 13 foot variance on a 20 foot requirement, which is very excessive.

Mr. Sherwood stated yes, and then I also asked if there was any way we could shrink it down possibly to a 21' x 25', or even 20' x 25', and it was still excessive. In trying to make the garage go deeper into the property I had an issue with my septic tank being in the back, and it is pumped up to the front. So in order for me to make the garage go deeper to fit two cars in the garage I would have to some way move my septic tank over to the right of the house. It just seemed to be more expensive, and difficult in doing such a thing. Right up the road from me on 59 Townsend Road there was an Area Variance issued on July 20, 2005. Basically the same piece of property, 100 feet wide, his actually is a little shallower than mine, I think 300 or so feet deep, mine is 100 feet wide by 400 feet deep. He went from a property line of 20 feet down to 11 feet giving him a two car garage, which was 22' x 23' giving him a 9 foot variance. I recall that you had said if I do for you, then I have to do for somebody else, and pretty much it is in black, and white here that you did something for somebody, and kind of told me I couldn't have that.

Mr. Mattis stated well it is not that if we do it for somebody we have to do it for somebody else, and it is not black, and white. We look at each case separately. You heard discussions tonight that we look at the property, we look at what is next door to it, you have a letter from the people next door that they don't want it, there is no buffering there. So I can't speak for the other property. If you go back, and you look at the minutes, and what the discussion was on that, there were very, very specific reasons why we granted that variance, and they may be reasons that may not be relevant to you at all. So you can't say it is the same case, and if we gave it to them, then we have to give it to you.

Mr. Douglas asked what was the name of the owner of the property, and what was the address again?

Mr. Sherwood replied it is 69 Townsend Rd. They actually had a little more difficulty in getting that variance where they had an issue with water.

Mr. Douglas asked do you have the Case number, and the owner's name?

Mr. Sherwood replied yes, it is Durand Rooms, Case No. 34-05. As far as the people next to me claiming that there is no buffer zone, and that it would be blocking their view, grant it that it makes no difference that they don't live there, they live in California, and they are trying to sell the house. What is the difference if I put a single car garage, double deep, it is going to be more blocking whatever view that they don't have. They also asked that if I was granted the variance that I put up several trees, which I would have absolutely no problem in doing.

Mr. Mattis stated well we are not going to get into debate over this, but a variance of 2 or 3 feet is a lot different than a variance of 13 feet on a 20 foot set back requirement. So that is important to note.

Mr. Sherwood stated oh sure I understand, but what I am saying is that I went down from 25' x 25'....

Mr. Mattis asked would you be willing to go to an 18 foot wide two car garage with one door?

Mr. Sherwood asked 18 foot?

Mr. Mattis replied yes 18. We have a member of this Board that has an 18 foot wide two car garage, and he gets his cars in and out with no problems. That would be a 6 foot variance. That would be similar to this case.

Mr. Sherwood stated okay, I think, I mean yes. It is better than me having to move my septic system.

Mr. Mattis stated it is also better than having one car garage.

Mr. Sherwood stated sure, absolutely. I am just trying to see how I can work this without having complications with my septic system. It is a complicated system to begin with to have to move it around. There are three boxes in the back. It is a pump up system so it is not easy to move.

Mr. Mattis stated right now in front of us we have a 25' x 25' garage so if you would cut that down to 18' x 25' the proposed variance would go from 13 feet, and it would go down by 7 feet, and would only be a 6 foot variance.

Mr. Sherwood stated I don't see where I should have a problem with that.

Mr. Douglas stated I don't have the decision on the Rooms case, but I took a look at my notes, and I believe with granted that variance with certain conditions having to do with installation of curtain drains. So there may have been other conditions also. I just want it to be clear for the record that it is not as though we just granted it, there were different circumstances in that case.

Mr. Sherwood stated I know, I understand that.

Mr. Chin stated there were circumstances why we granted it, and we look at each case individually based on different circumstances.

Mr. Sherwood stated I understand. I did stop, and speak to him about it, and he told me what he went through, and I explained to him my issue, and grant it my issue is not as extreme as his. I just wanted to bring it up.

Mr. Seirmarco stated I think so far you have shown some improvements here as far as coming back to us, and looking at a smaller garage.

Mr. Chin stated by making it 7 foot less in width you are reducing the variance by almost half. A 13 foot variance is way too much. I have an 18 foot wide garage, and I have no problem with two big cars.

Mr. Sherwood stated I understand. I am sure that would work out for me just fine. I am going to be raising the driveway up to meet that so there won't be a slope there.

Mr. Mattis asked are there any other comments from the Board? Is there anyone in the audience who would like to speak?

Mr. Heady made a motion in Case No. 19-08 to close the public hearing seconded by Mr. Chin with all voting "aye."

Mr. Heady made a motion in Case No. 19-08 to grant a side yard Area Variance for a proposed garage from

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the required 20 feet down to 14 feet. This is a Type II Sequa with no further compliance required seconded by Mr. Chin with all voting "aye."

Mr. Sherwood asked now do I go back to my architect to draw up another set of plans?

Mr. Flandreau stated yes, you can have the plans draw up, and just bring them into the office.

Mr. Sherwood asked do I then have to come to another meeting after that?

Mr. Mattis stated no, you just come in with your drawings, and they will issue a Building Permit.

Mr. Sherwood stated thank you for your patience.

Mr. Douglas made a motion to adjourn the meeting seconded by Mr. Seirmarco with all voting "aye."

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Christine B. Cothren