

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 18<sup>th</sup>, 2010*. The meeting was called to order, and began with the Pledge of Allegiance.

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

Charles P. Heady, Jr.  
James Seirmarco  
John Mattis  
Adrian C. Hunte  
Raymond Reber

Also Present

Wai Man Chin, Vice Chairman  
Ken Hoch, Clerk of the Zoning Board  
John Klarl, Deputy Town attorney

**ADOPTION OF MEETING MINUTES for July 21, 2010**

Mr. Wai Man Chin stated the adoption of the meeting minutes of July 2010, so moved, seconded with all in favor saying "aye."

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**PUBLIC HEARINGS ADJOURNED TO AUG., 2010 DUE TO THE MORATORIUM**

- A. **CASE No. 51-08**                      **John Nolan dba Cortlandt Organics** for an Interpretation if leaf composting and wood waste processing facility is a permitted use in the M-1 district on the property located at **33 Victoria Avenue, Montrose.**

Mr. John Klarl stated this first application on tonight is **case 51-08** John Nolan dba Cortlandt Organics. As you recall, Mr. Chairman, we had adjourned this matter and we had a draft D&O back on April 15<sup>th</sup>, 2009. We had one prepared for this Board's consideration but we did not vote on it that night because the previous night the Moratorium was in act on April 14<sup>th</sup>, 2009 so this matter has been adjourned. Now the Moratorium was lifted and we believe that the application in **case 51-08** is disposed of by the new legislation concerning contractor's yards and concerning specialty trade contractor's. A copy of the legislation was handed out to the Board at our Monday night work session so we believe that the matter has been disposed of by that legislation.

Mr. Wai Man Chin asked should we have the applicant's actual withdrawal?

Mr. John Klarl responded I think what we can do is give a decision given consistent with the local law has resulted in this application be resolved under local law. As a matter of fact, I don't see someone on behalf of the applicant tonight so I think what we'll do is just we'll have staff prepare the appropriate Decision and Order.

Mr. Wai Man Chin asked do we have a motion on this one? To close and reserve...

So moved.

Mr. John Klarl responded actually, if you recall, we closed and reserved previously, had a Decision and Order but before we could vote on the Decision and Order the Moratorium came in place so it had been closed and reserved previously, now that the Moratorium has lifted we should do a D&O that we talked about.

Mr. Wai Man Chin stated do a D&O and then vote on it next month.

Mr. John Klarl asked would you like to bring back next time or do you want staff to do it the next couple of days?

Mr. Wai Man Chin responded I think we should bring it back next time.

Mr. John Klarl stated so prepare for the next meeting. We all have a new copy of the Ordinance as handed out by Mr. Hoch on Monday.

Seconded, with all in favor saying "aye."

**B. CASE No. 06-09                      Department of Technical Services** for an Interpretation as to what constitutes demolition/distribution of concrete aggregate as it was used in Zoning Board of Appeals **Case No. 33-08** Decision and Order.

Mr. John Klarl stated Mr. Chairman, once again, this matter was last on our agenda on April 15<sup>th</sup> 2009 and at that time we discussed our proposed Decision and Order but did not vote on it because the Moratorium had been enacted the night before and so I think we should prepare a Decision and Order much like we just described for the previous case.

Mr. Raymond Reber stated I think there was some talk that it was being withdrawn by Department of Technical Services based on the new law.

Mr. John Klarl stated it would rather be a short Decision and Order indicating that.

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

**C. CASE No. 08-09**                      **Jorge B. Hernandez, RA for M & S Iron Works** for an Interpretation of a structural steel & iron erector is a Special Trade Contractor on the property located at **439 Yorktown Road, Croton-on-Hudson.**

Mr. John Klarl stated Mr. Chairman, on the matter you just recited which is **case #08-09**, once again, this matter was before us back on April 15<sup>th</sup>, 2009 and we were adjourning it because of the Town Moratorium and now that the Moratorium is lifted we believe that this matter has been handled by the new legislation so I would recommend that we do what we did in the first two matters on the agenda tonight, and that's a prepared Decision and Order for the next meeting.

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

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**PUBLIC HEARINGS ADJOURNED TO AUG., 2010 FOR TOWN BOARD ACTION**

**A. CASE No. 11-09**                      **King Marine** for an Interpretation that the previous non-conforming use obtained by Briar Electric can be changed to a non-conforming use for marine storage, sales and services on the property located at **285 8<sup>th</sup> Street, Verplanck.**

**B. CASE No. 30-09**                      **Dominick Santucci** for an Interpretation that allows dwelling units over the existing commercial use on the property located at **2064 E. Main Street, Cortlandt Manor.**

Mr. Ken Hoch stated Mr. Chairman, I checked with the Town Clerk today. The King Marine case is still under review, the Santucci case has been scheduled for an October public hearing to amend the master plan and I think subsequently we'll have to go to the Planning Board.

Mr. John Mattis stated we should adjourn those two until at least November then.

Mr. Ken Hoch responded I would think so yes.

Mr. John Mattis stated I move that we adjourn those two cases until November, seconded with all in favor saying "aye."

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**CLOSED AND RESERVED DECISIONS: ADJOURNED TO SEPT., 2010 FOR TOWN BOARD ACTION**



**A. CASE No. 18-09 Post Road Holding Corp.** for an Area Variance for the dwelling count for a proposed mixed use building on the properties located at **0, 2083 and 2085 Albany Post Road, Montrose.**

Mr. Ken Hoch stated Mr. Chairman I received an e-mail from the architect for this project requesting that it be adjourned until October. He's planning to do some additional submission to this Board and also to the Planning Board.

Mr. Wai Man Chin asked does anyone on the public want to talk on this case?

Mr. James Seirmarco stated I make a motion to adjourn **case #18-09** Post Road Holding until October 2010 for additional information on the submission, seconded with all in favor saying "aye."

**B. CASE No. 42-09 Nick Danisher** for an Area Variance from the requirement for the front yard setbacks for a proposed single family dwelling on the property located at **22 Pierce Street, Cortlandt Manor.**

Mr. Patrick Bell stated I'm here this evening in representation for Mr. Danisher. Mr. Danisher's here as well. We've been in front of the Board a few times with this project. As is proposed now we're seeking a Variance for **2.6** feet for the northwestern corner of the house and it encroaches into the Ladd Street front yard setback to **2.6** feet. That setback is a **50** foot setback. Ladd Street is an unmaintained right-of-way and we feel that the Variance is not very significant and characteristics in the neighborhood and the project's been there a few times. We've reduced what was proposed at last month's meeting for the Variance substantially and that's where we stand at this point.

Ms. Adrian Hunte stated I believe that we've had some discussion at the work session and that we feel that in light of the change in the plans that the Variance would be minimal and that based upon that it would be all right for us to grant the Variance.

Mr. Wai Man Chin asked anybody else on the Board?

Mr. Raymond Reber responded just for the record, I agree that they now presented a plan that minimizes the Variances. What they've submitted is exactly what we asked for in June. It's on the record after I checked the minutes but unfortunately in July they didn't do it but they got it right this time and it's exactly what we've asked for and it does minimize the Variances so therefore I have no problem with it.

Mr. Wai Man Chin asked anybody in the audience on this case?

Ms. Adrian Hunte stated I make a motion that we close the public hearing, seconded with all in favor saying "aye." I move on **case #42-09** Nick Danisher for an Area Variance from the

requirement for the front yard setbacks for a proposed single-family dwelling on the property located at 22 Pierce Street, Cortlandt Manor, that we grant the Variance which is 50 feet down to 47.4 feet, seconded with all in favor saying "aye."

**C. CASE No. 10-10                      John Delaney** for a Special Permit for an Accessory Apartment on property located at **41 Forest Ave., Cortlandt Manor.**

Mr. John Klarl stated on this application, which is **case #10-10**, the applicant was Mr. Delaney and it concerned a Special Permit for an accessory apartment and we had Mr. Hoch write to an attorney representing Mr. Delaney and his short letter to me dated July 27<sup>th</sup> to Mr. Hoch says: "although I do not represent Mr. Delaney in any Zoning Board of Appeals application I do represent him concerning violation notices concerning the same premises. Therefore, please find enclosed documentation indicating that Mr. Delaney no longer owns the premises in question." And, it's signed by his attorney Mr. Singer with the application that Mr. Hoch gave to me, it included a deed. The deed looks like it's dated 20<sup>th</sup> of July 2010. Mr. Delaney is the grantor and a court appointing guardian as the grantee in the deed. So, it appears that Mr. Delaney is not an owner of the property and therefore I think that we should mark this matter withdrawn as he's not an owner that can contribute for us in connection with the Special Permit.

Mr. John Mattis stated I move that we withdraw the case, seconded with all in favor saying "aye."

**D. CASE No. 11-10                      Curry Properties LLC** for an Area Variance for the requirement that 25% of the site be landscaped, for the requirement that there be a 50 foot landscape buffer between an HC Zone and a Residential Zone, for the requirement that there be a landscape strip of 25 feet between the interior curb and the street curb at **3026 E. Main St, Cortlandt Manor.**

Mr. Joel Greenberg stated first of all I'd like to thank the Board for adjourning the case for the last couple of months as we went through the Planning Board process. We've had our public hearing at the Planning Board level. We had no opposition, in fact, someone came, a neighbor came to support the project which is certainly a breath of fresh air. This Board, rightfully, postponing the granting of the Variance until you were assured that the Planning Board wasn't going to make any changes. At the last meeting the staff was told to write a Resolution. Basically, there have been no changes with regard to anything that this Board has been reviewing so I'd ask that if you could close the public hearing and have a decision for your next meeting.

Mr. John Klarl stated just to follow up on what Mr. Greenberg said, at the last Planning Board meeting the Board closed and reserved. They closed the public hearing and reserved the Decision. I think Mr. Kehoe said talked about the fact there was a Zoning Board of Appeals application Mr. Kehoe is going to write the Resolution so that it would have a specific condition it was subject to any Variance needed by this Board. He did close and reserve Joel.

Mr. Joel Greenberg stated yes, but they're having a Resolution at the next meeting.

Mr. John Klarl stated yes that's what it means. Mr. Kehoe specifically mentioned that the Zoning Board of Appeals application is being a specific condition.

Mr. Wai Man Chin stated I think that we should also close and reserve so we have our D&O written up so we read it before we actually sign it.

Mr. Charles Heady stated I make a motion on **case 11-10** to close and reserve until September, seconded with all in favor saying "aye."

**E. CASE No. 14-10 Michael Parthemore for an Area Variance for a 3<sup>rd</sup> freestanding sign for CRISTINA's restaurant at 15 Baltic Place, Croton-on-Hudson.**

Mr. Rich Bartzick stated I do believe the Board was going to come down for a site inspection.

Mr. James Seirmarco stated yes we did.

Mr. Wai Man Chin stated only a few made it.

Mr. James Seirmarco stated Ray Reber and myself were present. Thank you for your helper showing us around. We looked at everything and we have some comments this evening. I'll speak for myself. The front sign that you would include the sign for CRISTINA's seems acceptable. I would make a suggestion that the directory sign on the south part of the parking lot, it's quite small now, but the methodology is good, if it was enlarged to show the visual breakdown of the various tenants. Make that sign a little bit bigger and make it easier because the majority of the people are going to park in that area, they're going to come up and read that directory sign and go to the appropriate office and the same methodology you have right now is good one but it could be enlarged. The signs that are hanging down right now they're illegal. They're hanging down too low. If you were to reposition those signs, you have an extension in the middle with a wall around it, if you were to – right now they're in the sidewalk area, if you were to move those signs over the non-sidewalk area in the middle and raise them as high as you can, that would be acceptable. Ken, that's correct right? If they move those signs, not over a sidewalk...

Mr. Ken Hoch responded he would need a Variance but if you have an area where there's no pedestrian traffic.

Mr. James Seirmarco stated there's no pedestrian traffic so you would need a Variance for those signs. We did see a number of signs on the side of the building that to me serve nothing more than advertisement and they don't really help direct people. I don't know, Ray, any particular one, but just in general right?

Mr. Raymond Reber responded I think there were a number that don't comply with the sign Ordinances in terms of identifying businesses but rather advertising. Some of them, like the dentist, he's got everything plastered all over outside. What I would recommend is to have Code Enforcement go down and pick out all those types of signs and basically and say 'we want them done away with.' You're not supposed to be using your walls as billboards and that's what some of these are.

Mr. James Seirmarco stated I agree.

Mr. Raymond Reber stated also, as Mr. Seirmarco has said, if the site sign that's put out front is done properly it'll identify your main tenants will be the restaurant and the bank and then your other subtenants can be listed on that main sign. That will help a lot because as you can see right from 9A then as he said, if you have a proper directional sign to tell everybody to turn in that makes sense. There's a CRISTINA's sign for example, as you're coming in the road, talk about a sign that is so misused. If you come in, that's the first sign you see for CRISTINA's, you get the impression that's the door to come in so you go back, you park your car, you walk all the way up to that sign and under that sign is another sign tacked on the door that says "use the other door, do not enter." That sign should come down. That's the kitchen. Those are the kinds of things that need to be sorted out. Again, the directory sign can be real key because everyone does have to park in the back to get into that building and what Mr. Seirmarco and I had trouble with was even when you look at that sign, the little graphic it presents, there's a graphic of the second floor which shows staircases on the corners, well in fact in the building they're not on the corner because in the first floor they're in the interior because the second floor is reduced to the footprint of the first door.

Mr. James Seirmarco stated there were entrances on the side of the building, psychologist's office.

Mr. Bartzick stated there's entrances, there's four staircases on the sides.

Mr. Raymond Reber stated but they're not in the corners. We're trying to find the right door. That's the other thing, they're not labeled. We couldn't find the right door because it isn't positioned right on the corner and also because there's no signs. Again, the recommendation is take the directory sign, enlarge it as recommended, change the graphics so it's a little bit more representative then you label each stairway; stairway A, stairway B, stairway C, stairway D, then when you list your tenants not only do you give the room numbers but you group them so that there's stairway A second floor and you list their tenants and their room numbers, stairway B second floor. If you be a little more definitive that way I think you'll serve the customers much better in terms of finding their way around the building. That's our recommendation. We understand there was also a request since the last meeting from Wells Fargo who's now taking over Wachovia who wants bigger signs. I think my recommendation and I think Mr. Seirmarco agrees with me, at most, I would concede to a directional sign. You'd have your Baltic Place



sign, maybe on the near side, you put their directional sign on the far side because that's where the bank is. That's all they need and then they can have their big Wells Fargo on the building.

Mr. Bartzick stated when I spoke to Wells Fargo they kind of have one company that's redoing the signs and then they have someone else that I'm working with to get the sign in the front so it's kind of two different departments.

Mr. James Seirmarco stated you're not the only one. When we do gas stations they have these signs premade, they like their sizes, they like them lighted from behind and they always say 'well we already made the sign.' We understand that but that's unfortunate.

Mr. Raymond Reber stated Wells Fargo is a big company they can deal with the few dollars. Basically, what we're saying is Wells Fargo has two signs, they'll be on the main sign on the entrance coming in then the directory sign if it's a directory sign is only 4 square feet, we don't have to limit that, that they automatically get and then they put the sign on the building. People will find it. They're my bank, I will find them, I'm sure anybody else can find them.

Mr. James Seirmarco stated I think we spent a lot of time on the directory sign, the more detail the better as Mr. Reber said, mark the stairways A, B, C, D and it should be pretty clear. Try to remove as many signs on the side of the wall that there's nothing more than – the one dentist had over each door, on the windows on both sides of the corner of the office. He doesn't look like he's hurting for business. He probably doesn't need all these signs.

Mr. John Mattis stated with proper directory signs I agree. There's an attorney there that has signs on three sides of the building and on the doorway where you go in he's got a sign up above and a sign next to it. You don't need that. You don't need two signs for the architect. If you have better directory signs then all you'd basically need is a sign where you go in the door and that'll get rid of a lot of that signage there.

Mr. Bartzick asked do you have any parameters on how big the directory sign should be?

Mr. James Seirmarco responded we would make an allowance to make it fairly substantial.

Mr. Raymond Reber stated I'm willing to be flexible on that because it's in the back of the building and it's a very serviceable type of sign so I think you folks lay it out and if it looks reasonable and it's not gaudy with gargoyles hanging off of or something.

Mr. Wai Man Chin stated I think what we're looking for is for an overall plan.

Mr. John Mattis stated and that will take care of the tenants as they come and go also because you'll have adequate signage for each place that you rent out and one can just replace another.

Mr. Bartzick stated thanks for coming out.

Mr. Wai Man Chin stated what we should do is adjourn this until next month until we hopefully see some kind of plans.

Mr. Bartzick stated I'll see if I can get some sketches made up.

Mr. Raymond Reber stated in the meantime Mr. Hoch can have his department review with you some of the "advertising signs."

Mr. Charles Heady asked did you want to give them a certain size he should make them?

Mr. James Seirmarco responded we're going to give him some leeway on this. We would like – now it's so tiny. You have to walk right up to it to read it. That's the place where we would like to see it a little bit bigger so we would have to give them some leeway.

Mr. Wai Man Chin asked what is the permitted size now?

Mr. Ken Hoch responded **4** square feet would be the directional so he'd need a Variance to make it what I think the Board wants him to have.

Mr. James Seirmarco stated we could allow him **8** square feet.

Mr. Raymond Reber stated you can look at it as a freestanding sign too.

Mr. John Mattis stated freestanding sign is allowed **24** square feet and if that's too small to fit everything we could give up to **48**. I don't recommend that we do that but give it something that we can – because once you read that and you can make sense of it, then the necessity of just about everything else except the small sign at the door where you go in is eliminated.

Mr. Raymond Reber stated just use common sense. You know what it is. It's a sign that when you get to a reasonable distance of it you can start reading it and it provides all the information that's appropriate. That's what makes sense.

Mr. Wai Man Chin asked anybody in the audience?

Mr. James Seirmarco stated I make a motion we adjourn this to September to give the applicant a chance to undertake some of the comments that we made this evening, second.

Mr. John Klarl stated to produce an overall plan.

Mr. James Seirmarco stated to produce an overall plan based on some comments, with all in favor saying "aye."

**F. CASE No. 15-10**                      **Janette Aiello** for an Area Variance for the side yard setback and the building height for a detached garage on the property located at **7 Old Albany Post Road, Croton-on-Hudson.**

Ms. Janette Aiello stated thank you for taking this under consideration again this month. I brought the original list of problems that I thought we would solve with rebuilding this garage. The same list as last month with just a couple of notes, the date, of course, is different and we're taking off the second story so now it looks like this list. I worked with Karl Grimm to redesign this building increasing the footprint to the back of the property as was recommended by the Board last month. I did submit the revised plans more than two weeks ago and you didn't have them for the work session I guess.

Mr. Ken Hoch stated that was my office's fault. I was out a few days. This was brought in and placed in a box and I didn't know we had it.

Ms. Janette Aiello stated Mr. Hoch you have done so much to help me through this project you're forgiven for whatever happened. What's on this plan, I'll just walk you through it, there's parts that are different. In the center of the top page you see a big rectangle and there's a slanted rectangle inside that, that's the present footprint of the falling down garage that the back corner of it comes close to the property line and if I were going to increase the footprint on the back side it would be way too close or crossing the property line which is not what I have in mind. We've rotated the building footprint so that it runs parallel to the property line now so it never gets closer to the property line than the existing front corner. Can you see that? You see the diagonal? We've increased the footprint in the back of the property **8** feet. We are still more than **18** feet away from the back of the property line which is all woodlands and a commercial property. The shape of the building now is a one-story structure with some clear story windows in it. It has a cross-shaped roofline allowing for clear story in four directions which is really nice because I'm an artist and that's what this building is for. It's for me. We have indicated on the front of the building it looks like there's two patio doors there right now, we've indicated where a garage door header would exist. I would prefer to be able to open one door to go in to the front rather than have a garage door occlude some of the light inside of the building when it was opened. That's why there's a big 'X' over the double doors. It shows where an **8** foot wide garage door could be hung but we've put in just a **5** foot wide double door so that it looks centered under the windows above. On the plans, you'll note that the height of the roof on one side is **14** feet above the ground and on the other side is **17** feet above the ground. Exactly two sides of the building are **14** feet above the ground on exactly two sides, the other two sides the roof would be **17** feet above. I know that the current building Code requires it to be **14** feet. When I asked the architect Karl Grimm about this he said that he was trying to bring it down but he wanted the **45** degree angle for watershed. It could possibly be brought down if we couldn't work that into the Variance somehow. It's still a building with only electricity in it. I think that the building he drew this time is what I had imagined when I first thought of doing this project. Does the Board have any questions about the revised plans?

Mr. Wai Man Chin stated looking at it for the first time.

Ms. Adrian Hunte stated the height on both sides not being even I have an issue with that. I know it's for water run off but I think if the slope is even lower I don't think that's going to affect it.

Ms. Janette Aiello stated I know also the **45** degree angle, because he found those triangular windows and he said 'I'd like to put in the **45** degree angle in the roof peak' but that's not critical to doing the project I know.

Mr. Wai Man Chin stated I happen to agree with the architect on that myself because trying to get a window to match up with a roofline that's going to be less than the **45** would be a custom-made window.

Ms. Janette Aiello stated also, this imitates the roofline peak on the house itself and I thought that would looked nice, that it would match a little bit.

Mr. Wai Man Chin stated I especially don't mind the **17** feet on both sides, and **14** foot on the other side. I like a pitch on a roof myself to drain water and everything else a little bit better than most flat roofs or lower roofs.

Mr. John Mattis stated I oppose the **17** feet. If we gave **17** feet, everybody architecturally would want it. It is really **17** feet filled in on that side because the front, the back and the other side are all **17** feet. If that was now filled in for drainage it is effectively **17** feet. You've got **8** feet **6** inches on the second floor. The purpose of the **14** foot height Variance is so you really can't have anything in a second floor. It's only supposed to be a little crawl space and that defeats the whole purpose of what the **14** foot is in the Code so I can't support that.

Ms. Janette Aiello stated since the inside was clear story, it's all open rafters, that doesn't matter. There's no floor, no.

Mr. John Mattis stated but it could be.

Mr. Raymond Reber stated that's our problem is we have to look at the possibilities. You may do it that way and then **8** years from now you sell and somebody else comes in, puts a floor in, puts a bed up in there and converts that building into some sort of...

Ms. Janette Aiello asked the change would be?

Mr. Raymond Reber responded to me, I agree with Mr. Mattis, if we drop it to **14** your pitch is a little bit lower but it's still quite adequate and as far as if you want to have the upper peak window I know that since it's a fixed window, they're not a big problem. They easily can cut them and the carpenters can frame them out and you can have it anywhere you want on the peak. I can show you many houses, there's a whole bunch of houses over in Krugers that they have those kinds of windows in the peaks.

Ms. Janette Aiello stated I think this was a modular thing that he had located so he put that into the plans figuring it could be repeated in the four gables which would be nice but if there's some clear story that really brings a lot of light in but I don't think that it impacts if we lowered the roof. I think it could be...

Mr. Wai Man Chin stated no you'll still have a clear story it's just that the window will be a little bit different.

Ms. Janette Aiello stated I couldn't do the math about what the angle would be. It would be enough to shed water? It wouldn't look flat?

Mr. Wai Man Chin responded not exactly flat. It's still going to be on a pitch – personally I like a **45** but you know, like some of the Board members say **14** foot is the Code and they're trying to stick with it.

Mr. Raymond Reber stated your width is **16** feet with the overhang it comes to approximately **17** feet, is the width of the building, if we knock off the **3** feet you're down to that upper dimension is **5** foot **6**. Five foot **6** on **8** is still a decent pitch. Other than that it looks fine.

Ms. Janette Aiello asked other than that the extended back of **8** feet looks fine?

Mr. Raymond Reber stated and you corrected the alignment problem with the property line.

Ms. Janette Aiello stated it's going to help with the drainage too the way he's built in the foundation to actually come up the first row of blocks which will be all poured which I think actually is a good idea. What do we do?

Mr. Wai Man Chin stated I have no problem with any of the other issues.

Ms. Janette Aiello stated just the height.

Mr. Ken Hoch stated just what I'd like to see on this plan. I'd like the architect to put the dimension from the rear of the garage to the property line. The dimension from the rear wall to the rear property line and also have him do a zoning chart. Put the square footage of the house. This is a fairly large garage. I don't know if you have any other accessory structures but I want to ensure that it doesn't exceed **50%** of the square footage of the house because then you'd need another Variance.

Ms. Janette Aiello responded this garage building doesn't exceed **50%** of the square footage of the house.

Mr. Ken Hoch stated I would just like him to put that on the plan.

Ms. Janette Aiello responded and that's called a what chart?

Mr. Ken Hoch responded just have him do a little zoning chart, the square footage of the house, the square footage of the garage and any other accessory structures.

Ms. Janette Aiello stated we have a Rubbermaid shed on the property too, that's included?

Mr. Ken Hoch responded yes, have him include it too.

Mr. Wai Man Chin stated he should indicate a zoning chart on here indicating that what Mr. Hoch said about the dimensions from the rear yard and the side yard. He should have some of those dimensions on there so we know how we're going to give this Variance. Anybody else in the audience would like to speak on this?

Ms. Adrian Hunte stated on **case #15-10** Janette Aiello I make a motion that we close the public hearing, seconded with all in favor saying "aye." On Zoning Board of Appeals **case #15-10** for Janette Aiello I make a motion that we grant the Area Variances for the side yard setback and height of the detached garage is no more than **14** feet for the art studio and also that the architect place dimensions from the rear wall to the rear property line and that the square footage in the garage and any other structures that they do not exceed **50%** of the property and that a zoning chart should be included in the plans, seconded with all in favor saying "aye."

Mr. Wai Man Chin stated everything's been granted but you have to abide by what was indicated. You have to have a zoning chart indicating the square footage and that the height of the garage is no more than **14** feet from the lowest grade level. You don't have to have new drawings. Mr. Hoch can tell you everything on that.

Mr. Ken Hoch stated he'll have to do a new drawing for your building Permit. He can get started on that.

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## **NEW PUBLIC HEARINGS**

### **A. CASE No. 16-10                      Lewis Sign Co. for Key Bank for an Area for an additional freestanding sign on the property owned by Yorkcon Properties located at 3000 E. Main St., Cortlandt Manor.**

Ms. Elizabeth Manning stated I represent Lewis Sign Company. Key Bank is requesting a pylon sign of their own in front of the bank.

Mr. John Mattis stated unfortunately, Key Bank is not a standalone on that property. There's one site plan which includes Kohl's, Key Bank and the former Circuit City and they're only allowed

two freestanding signs. There's a Circuit City sign sitting there plus there's a Kohl's which has Party Time, an Autoparts and some various others so we would have to grant a Variance for a third sign. It doesn't make sense to grant a Variance for a third sign when a Circuit City sign is sitting there for no reason because Circuit City is closed. Our discussion at our work session was that if a sign could be put up near that driveway light that comes back to you that could include Key Bank and have space for whatever replaces Circuit City, that would work because then you have the one sign for the Kohl's and all the others and then this will take care of you and the whatever replaces Circuit City. If you do that you don't even need a Variance. You might need a size Variance but you wouldn't need a Variance for a third sign.

Ms. Elizabeth Manning stated sounds like a great idea.

Mr. John Mattis stated that is something that I guess you have to discuss with the landlord.

Ms. Elizabeth Manning asked so then you're suggesting that it be right in that median?

Mr. Raymond Reber responded wherever it's conveniently located to be seen. Typically, in any multi-commercial parcel you have your main sign at the entrance that lists who's over there. that's why we're suggesting do the same now because that's a common entrance off that light so somewhere where it's conveniently seen propose a sign. The location of that – does that have to go before Planning Board?

Mr. Ken Hoch responded it may yes.

Mr. Raymond Reber stated the site plan revision. They have to decide as to the location.

Mr. John Mattis stated one thing that you could do but it doesn't make any sense is add on to the Circuit City sign but that's hidden behind two trees now. It's not a good position at all.

Ms. Elizabeth Manning asked I noticed that, you can't see it at all. I should just go back to the client and suggest what you just said?

Mr. John Mattis asked does that make sense to you? Anybody in the audience? I make a motion on **case 16-10** to adjourn until the September meeting, seconded with all in favor saying "aye."

**B. CASE No. 17-10                      Barbara Korein** for an Area Variance for a garage in the front yard and the height of the garage on the property located at **2519 Maple Ave., Cortlandt Manor.**

Ms. Robin Zahn stated I'm the architect. This is Barbara Korein the owner of the property. Any questions you want me to just.

Mr. Wai Man Chin asked you're here for?

Ms. Robin Zahn stated the shape of the property – the only place to locate the garage is really in the front. That's Maple at the top and the house is back there so we need a front yard Variance just to get it in there, it's **500** feet from Maple Avenue. I don't know if you've seen photos. Have you been to the property?

Mr. Charles Heady responded I've been to the property. I was there Friday at 11:00 and nobody was home. What I wanted to ask is; you already have a three-car garage. You have two cars down below and one up by the main entrance no?

Ms. Barbara Korein stated that appears to be a two-car garage. There's no way to get to that garage. It's a very strange garage plus it's not attached to our house. There's no way to get up into the house from that garage. The only way that you could drive to that garage, which we've never done, is to drive along the lawn right next to the lake because when they did this addition they built up for a septic field, which is there, so we've never parked anything down there because 1) we've been told we should never drive across a septic and 2) I don't think it's right to drive a car and have cars that close to the lake. We really only have a one-car garage.

Mr. Charles Heady asked did you build the house originally?

Ms. Barbara Korein responded no. We bought it two years ago.

Mr. Charles Heady stated because when people have a two-car garage like that they take preference to having a driveway to go down to get in and out of that garage. It doesn't make sense.

Ms. Robin Zahn stated I think what might have happened is before the Korein's bought the house somebody redid the septic because my little diagram here and I can show you on the photos too that there's a berm. You can definitely see that the septic was built up and then there's a three or four foot drop down to the lake. That really prevents you from grading anything to get it down there aside from having it right on the line of the lake which is the only flat property but then, again, as you come this way we'd be taking out probably **10** trees to continue in and then what you would end up with is driveway, driveway and then the egress road which is right next to it.

Mr. James Seirmarco asked what do you presently do with that garage? Just storage.

Ms. Barbara Korein responded presently we use it for kayaks, garden equipment, bicycles. The one car garage that's with the house, I don't know if you noticed it, it's pretty small. I can't put a bike in there with my garbage can.

Mr. Charles Heady stated it's an **8** foot garage door I think it is.



Ms. Robin Zahn responded it is but it's **12 foot 6** wide and **18** long. What we're planning on doing as a second part to the project is to take out the two unattractive garage doors that are down there, take the left side and use it as like a boat house storage, put a nicer overhead garage door and then put in a stair. The stair to the second floor is in this hallway, put a stair down to the basement with a door out here so that they actually have access to the lake from the house because right now you go out the front and you have to walk around the house this way or you have to go through the pool and down the old beautiful stone steps but there's no real convenient way. We're planning on putting a ramp. Make a nice stone ramp, trying to make it look like the old stone, bring that down and then also have interior stair that will come down to just a small space and let them go out to the lake from there. We are definitely taking out at least one bay and really using the other bay just for storage.

Mr. Charles Heady asked but that's not what you're here for tonight though?

Ms. Robin Zahn responded no, that's a whole separate thing but that's the intent so we are really intending on taking out one of those bays anyway. This one it doesn't have to be garage doors either if you objected to having more than three garage doors on the property we could fill it with other kinds of storage doors. The intent is to make this not look like a garage anymore.

Mr. Wai Man Chin stated looking at those pictures I wouldn't want to have to drive down that grass.

Mr. Charles Heady stated the garage itself you want to make it **24 x 24**? Is that what you wanted to do?

Ms. Robin Zahn responded no, the garage itself, I have drawn it. The exterior dimensions are **23.6** deep by **25.9** wide. My reasoning for that, aside from it being the proportions, I'm trying to make it look nice. The intent now, honestly I had designed a much larger garage with a second floor storage area that had a dormer in it and made it look like the house and then Ken very nicely told me that it's not going to happen. So, the Korein's very nicely said 'okay, let's just do something that we think can pass.' So, I really brought it down to a minimal size that I thought would really function as a two-car garage and still look okay. The intent now is to make it a nice old stone with timbers and try to make it look like it was part of the original site like the stone walls that are in the back. So, trying to make it look like it was there, part of that whole stone, before their house was actually built. Trying to make it look like part of the old estate. My dimensions as I have them the **23.6** by **25.9** because of stone I have a **1** foot and **1/8<sup>th</sup>** inch walls so you've got to take out two feet plus for what the wall thickness is. The interior dimension ends up being **21.5 3/4** by **23.8 3/4**. Graphic standards is minimally **21.10** so I'm below graphic standards in the depth of the garage and **22** wide. That **22** wide from graphic standards really allows no room on the sides for a bike, for any kind of storage, that's just minimal. We brought this down to minimal dimensions.

Mr. Raymond Reber stated you're saying I have a problem with the **2** foot thick walls that you're going to use?

Ms. Robin Zahn responded well it's **1** foot thick on each side so I'm taking two feet out from the overall dimensions.

Mr. Charles Heady stated we were talking at the work session that we better make it **24** x **20**, the garage.

Ms. Robin Zahn responded I know I heard that dimension but if it's only **20** feet deep and I've got **1** foot thick walls, it's an **18** foot deep garage which is **4** feet less than graphic standards says it should be.

Mr. John Mattis asked why are the walls so deep?

Ms. Robin Zahn responded because we're making it stone and the back of the garage too is built in a little bit by **4** feet so it's the foundation.

Mr. Raymond Reber stated a foot is only a half a foot more than typical if you use **4** inch studs, it's going to be at least **6**, nowadays they even go with **6** inch studs.

Mr. Wai Man Chin stated I'm also looking at the grading on it. There's almost kind of a retaining wall...

Ms. Robin Zahn stated I've got the foundation in there.

Mr. Wai Man Chin stated it's a lot thicker **6** inches.

Mr. Charles Heady asked it's in the bank there right?

Ms. Robin Zahn responded right.

Mr. Wai Man Chin stated a foot is probably the most desirable.

Ms. Robin Zahn responded I'm actually taking out another **2** inches in the back where it is the retaining before the wall goes up so yes that's even less than that.

Mr. Wai Man Chin stated based on what you said and the thickness of the walls and everything else I don't mind the size of it. I think most of the Board members is the height of it which is only in the front.

Ms. Robin Zahn stated we can bring it down to **14**. Basically, I lowered the height of the garage door. Typically, I've almost always done an **8** foot high garage door but I brought the garage door down to **7.6** and I need to get a little bit of stone above the eave line to make it look like it should look and it's a less than **30** degree slope. The back, because it's dug in, the height is only **12** feet in the back, it is **16** in the front but the mean...I can bring it down a little bit but then the

slope is really going to be very shallow for snow loads and all of that. I tried but I'm just trying to get it to look -- the house, the roof on the house has a much greater pitch and the part of the dormers are **45** so this is pretty low pitch.

Mr. Raymond Reber stated I follow your logic there is a difference here from the previous case where we had an issue because there they were dealing with a **16** foot spance so they could still maintain the pitch.

Ms. Robin Zahn stated when you're dealing with the depth I'm given to by graphic standards I can't really do too much.

Mr. Raymond Reber stated your depth here is a lot more so it does bring the pitch down and your overhead space is only showing a **7** feet even with the reduction of the door to **7.6**...

Ms. Robin Zahn responded I'm going to have a structural ridge, no colored ties, it's a cathedral and there's no space in there at all.

Mr. Wai Man Chin stated **7** foot is to the top of the ridge line.

Mr. Raymond Reber stated so you're going to have no space, agreed.

Mr. Wai Man Chin stated I, myself, don't have a problem with the height based on the pitch. Like was indicated on the last one, there was a very narrow garage so the height or steepness was greater. You're a lot wider. You're bringing it right now is at **30** degrees you said?

Ms. Robin Zahn responded it's a little less than **30**.

Mr. Wai Man Chin stated less than **30** so it's not the greatest for even snow melting and going down.

Ms. Robin Zahn stated I did it by the height of the **14** feet.

Mr. John Mattis stated and the issue of front yard is you're so far back that the only real neighbor there it's their back yard. It's really not a front yard in terms of the neighbors.

Mr. Charles Heady stated when you go up you wouldn't even think it's the front yard because it's so far to get up there. It's about **500** feet at least.

Ms. Robin Zahn responded it's **500** feet to where we're putting the corner of the garage and then the house is...

Mr. Charles Heady asked so you want to end up with a **26 x 29.9**?

Ms. Robin Zahn responded no **23.6** deep x **25.9** wide is the way I drew it...to the outside, not including overhangs if that matters.

Mr. Wai Man Chin asked do we have any comments from the audience?

Mr. Charles Heady stated on the inside where you put the roof, is that going to be trusses in there, do you know?

Ms. Robin Zahn responded no I'm probably going to just do a structural ridge and a **2 x 10** framing.

Mr. Charles Heady stated she wants **16** feet though.

Mr. Wai Man Chin stated yes, that's to the top of the ridge.

Ms. Robin Zahn responded the outside.

Mr. Wai Man Chin stated that's the top ridge. Personally, I think it's not that great in height from zoning in the front. The back is only **12** feet.

Mr. Charles Heady asked what about inside though?

Mr. Wai Man Chin responded the inside is just open.

Mr. Charles Heady stated from the ridge down on the second story I should say.

Mr. James Seirmarco stated there won't be any trusses up there.

Mr. Charles Heady stated I know she said no trusses but how many feet? It won't be **8** feet at the top?

Mr. Wai Man Chin responded no it's an open A-frame, that's it.

Ms. Robin Zahn stated there's no floor. There's no way to get a floor. The other thing is that the garage door openers are going to be up at **10** feet and at that **10** feet you're only going to have another **4** feet above it, or **5** feet. So, there's nothing that can go up there.

Mr. Wai Man Chin asked anybody else from the Board?

Mr. James Seirmarco responded normally I would like to see it more than **14** feet but in this particular case there's certain justification for it and I don't have a problem with that.

Mr. Charles Heady stated **case 17-10** I'd like to close the public hearing, seconded with all in favor saying "aye." On **case 17-10** we don't need a front yard Variance that they're asking for but they need the height for the garage. We're going to give them **16** feet, am I right?

Mr. James Seirmarco responded yes.

Mr. Charles Heady stated this is a type II SEQRA no further compliance...

Mr. Raymond Reber stated you probably want to include the front yard Variance.

Mr. John Mattis stated I think technically they need it so we better put it in.

Mr. Charles Heady stated just be allowed in the front yard, seconded with all in favor saying "aye."

**C. CASE No. 18-10                      Hudson Valley Home Builders Inc.** for an Area Variance for front and rear yard setbacks on the property located at **39 Arlo Lane, Cortlandt Manor.**

Mr. Anthony Cessarini stated I am the owner of the property of **39 Arlo Lane**. This is located in an industrial area. During the construction there was an oversight on my behalf for the bump out and the front and the rear right corner of the setback to be within the setback area. I'm here tonight to ask for permission to request a Variance for front and rear setback.

Mr. Wai Man Chin stated you kind of did a no-no but it's there. It's only a **2.2** feet Variance on the front setback but I think that from – usually I have a problem with this because there people build their house, build something and all of a sudden then come back for a Variance and I don't think that's right when we gave them something to begin with. Based on what you had indicated from where the Variance is located and what's across from it and everything else I don't see a problem with granting you another little Variance. Anybody else on the Board like to say anything about this?

Mr. Raymond Reber stated one of the other factors here that only minimizes the problem is the Variance requirement is only for the center section of the building, the entranceway which actually projects out a little over **2** feet because the rest of the building is set at the setback that was previously set so it's not like the whole building is encroaching it's just that center projection which it shouldn't be there but like I said it does minimize the impact, certainly from a perspective of anyone coming down Arlo Lane, they wouldn't know the difference whether the setback was where it originally was supposed to be or where it is now is not something that the eye could distinguish.

Mr. Charles Heady asked it's just that small bump out right?

Mr. Anthony Cessarini responded it's just that small bump out.

Mr. John Klarl asked **2.2** feet?

Mr. Anthony Cessarini responded yes.

Mr. Wai Man Chin stated and for the front entrance only.

Mr. Anthony Cessarini stated it's only for the front entrance. The rest of the building is behind all that.

Mr. Wai Man Chin stated we add the **1.2** feet for the right setback.

Mr. Raymond Reber stated and again because it's angled relative to the property line we are talking about the one corner not the whole rear of the building.

Mr. Wai Man Chin stated I make a suggestion that Code Enforcement we make sure that we do get from now on a foundation survey prior to any other construction on that foundation until it's certified.

Mr. Charles Heady stated we realize that now before it starts up from now on.

Mr. Raymond Reber stated I think it's a very simple, when Code Enforcement issues a building Permit with that Permit to have to have in red or something a sign as to when there has to be a check before they progress and that way if the builder gets caught progressing beyond a certain point without meeting the appropriate checkpoints then they just have to tear down the overbuild until they get it fixed. As long as you tell them ahead of time so they know then it will be done right.

Mr. Wai Man Chin asked anybody in the audience? I make a motion on **case 18-10** to close the public hearing, seconded with all in favor saying "aye." I make a motion on **case 18-10** to grant the Variance on an area Variance of **2.2** feet for the front yard setback and **1.2** feet for the rear yard. On the front yard it's only for the entrance area and also that in the D&O we should indicate that a license agreement between the Town and the owner be pursued.

Mr. John Klarl stated we'll make that a condition Mr. Chairman.

Mr. John Mattis asked that's for the fence?

Mr. John Klarl responded actually, as if I recall from talking on Monday night I think that area includes the driveway, a curb and a fence.

Seconded with all in favor saying "aye."

**D. CASE No. 19-10                      Design Development on behalf of Subway at the  
Cortlandt Town Center for an Area Variance for two signs on the property located at  
3121 E. Main St., Mohegan Lake.**

Mr. Adrian Coldental stated we want to see if we can have the Variance on the signage, an increase on the signage because once we did the signage for this store under the Code we saw that it was under-proportioned compared to the existing tenants. If you see over here, this is attached down on the back of the building. This is the sign compared to the existing Code. To see the proportions; this is the proportions of the sign with the current Code in which it will be in the rear. If we do the same proportions on the front it will look totally out of proportion compared to the existing. Most of it, the Blockbuster and the one on the next, the Danny Cycles so we think that if we increase this sign it will look better compared to the stores next to it. We also are asking for a Variance on the back because if we do the signage with the proportion as is requested by Code it will look even smaller, half of that size on the back. It will be almost impossible to read.

Mr. Charles Heady stated you can hardly see.

Mr. Wai Man Chin stated on the rear, what you're showing there, is a lot smaller than Danny Cycle that's next to it right now.

Mr. Adrian Coldental stated we're fine with this one over here.

Mr. Charles Heady asked we keep increasing this one also right?

Mr. Adrian Coldental responded we are increasing that already. That's how we want it but most of us are asking **100%** increase on both of the signs.

Mr. John Klarl stated **100%** for the front and the rear.

Mr. Adrian Coldental responded yes.

Mr. James Seirmarco stated signs are based on the square footage of – and your sign is almost as big as Blockbuster's which had probably four times the square footage area of your store. Speaking for me personally, I see no reason to make it any bigger than it exists right now, what you're showing me right there.

Mr. Adrian Coldental stated that one sign area for the front have to be **1** foot – that's the proposed.

Mr. John Klarl asked that's factoring in the Variance that you're seeking?

Mr. Adrian Coldental responded exactly.

Mr. John Mattis asked can we go back to the first page?

Mr. Adrian Coldental stated that is what we're asking.

Mr. John Mattis stated I don't have any concern with the rear of the building. I think that looks fine but when you look at the front of the building that sign – Subway sticks out, it's very easy to read and you're asking for **32** inch letters. Danny Cycles only has **21** inch letters. That hangs down more, your Subway, and it looks bigger. It's not fair to compare it to Blockbuster because Blockbuster would never get those letters again. They had twice the area when they got that sign Variance. They gave up half of that space to Panera. You only have building frontage of **16** and **3/4**, Danny's has **33** feet and yet they're only using **21** inch letters.

Mr. Raymond Reber stated but remember when we draw the box we draw it based on the largest dimensions which Danny's is **27** because that's that center logo is **27** high.

Mr. Wai Man Chin stated right now that **32** inches is actually from the top of the arrow to the bottom of the arrow on the 's' and the 'y' so basically it's **2** foot **2** to the letters and **2** foot **8** to there's another **3** inches higher and lower from the actual letters there basically is what you're doing with the Subway because of the logo. The letters is actually **2** foot **2**.

Mr. John Mattis they're asking for **32** inches size of letters. It goes up another **3** inches so it's **29**. I have a chart here that says size of letters **32** letters given to us by Ken Hoch tonight.

Mr. Raymond Reber stated but they're asking for the **26** inch letters if you read the detail from the sign company, **2** feet **2** inches, the letters...

Mr. Adrian Coldental responded it's **2** feet **2** inches the overall height of the sign and then you have...

Mr. John Klarl stated so **26** inches.

Mr. John Mattis stated so **26** and then that little squiggle there is **2.8** then how did we get **32**?

Mr. Ken Hoch stated John I took the largest dimension.

Mr. John Mattis stated I'm sorry, I missed the arrow on the bottom.

Mr. Wai Man Chin stated so he's going to the maximum based on – we have to go to the maximum not just the letter. The maximum is the top of the arrow and the bottom of the arrow. So we have to go by that as your total height. The letters are actually **2** foot **2** but the sign is actually **2.8** due to that little arrow.



Mr. James Seirmarco stated yes, but it will be bigger than Panera, it will be bigger than Danny's Cycles, height wise.

Mr. Wai Man Chin stated yes, it still will be. Danny's because the height is based on that squiggly that he has over there.

Mr. James Seirmarco stated that's his choice but he's still twice as big as...

Mr. Raymond Reber stated and Panera if you look at Panera's, that's a ridiculously small sign. It really is.

Mr. John Mattis stated it's too small.

Mr. Adrian Coldental stated the top of Panera is more or less the same height from the top and then Panera doesn't have anything coming down and yes we do have the same depth proportional as depth goes on the top comes down to the bottom.

Mr. John Klarl stated Mr. Chairman, factually it's been prior to July said Jennifer Convertibles channel letters are **20** inches, Danny's Cycle are **21** inches, and Panera is **23** inches. That's what our fact sheet says.

Mr. Wai Man Chin asked Panera is **23** inches?

Mr. John Klarl responded the letter height is **23** inches.

Mr. John Mattis stated I guess it's looking at the 'P' not the rest.

Mr. Raymond Reber stated from the visual that they show I don't really have a problem with it. It seems to fit in reasonably as illustrated there.

Mr. James Seirmarco stated I have a problem. It's too tall for me.

Mr. John Mattis stated I like the fact that you can read it well because you would drive in there, you can't even read Panera but that's kind of a function of the type of lettering they used also. It's important to be able to make out what these signs say for safety purposes.

Ms. Adrian Hunte stated I don't know Blockbuster's plans but it sort of balances it out the Blockbuster being the largest.

Mr. James Seirmarco stated it shouldn't. His square footage is a quarter of that.

Ms. Adrian Hunte stated I'm just saying visually it balances out...

Mr. Wai Man Chin stated if we had Blockbuster in front of us now that sign won't be that high.

Mr. James Seirmarco stated I agree.

Ms. Adrian Hunte stated it wouldn't but it's there so since it's there.

Mr. James Seirmarco stated I think I can read Danny's Cycle just fine and that's taller. I don't agree.

Mr. John Klarl stated Danny's Cycle is **21** inches.

Mr. James Seirmarco stated that's fine.

Mr. John Mattis stated and Danny's Cycle's sign is over **55** square feet and this is less than **32**.

Mr. John Klarl stated and the logo for Danny's Cycle is **27** inches.

Mr. Wai Man Chin stated which is an inch.

Mr. Adrian Coldental stated the other problem that we had is Danny's Cycle you're really...

Mr. Wai Man Chin stated Danny's Cycle the logo is an inch higher than...

Mr. Adrian Coldental stated it's a long sign. They have a difficult sign already – Subway it's a very short...

Mr. Wai Man Chin stated it's very small – I happen to know that it's Panera that's why I go there sometimes but otherwise I can't see that sign from quite a distance actually. Based on what you have on this photograph or make up photograph with the Subway sign on it I don't seem to object to the size of it. I don't.

Mr. John Mattis stated and I don't.

Mr. Raymond Reber stated and I don't either. As the applicant said, when you have something like Danny's Cycle, you just don't have enough room you don't have enough area, we're still constrained by the **100%** overage limit so if they tried making their letters taller than the total area they consume becomes beyond anything that we can grant so there is a relationship between the length of the sign and the area allowed and the height you can use. There's a logic to saying that Subway could be a few inches and as I say, when you visually look at it, I don't think it distorts the front of the whole building.

Mr. Wai Man Chin asked anybody else from the Board? Anybody in the audience?

Mr. Raymond Reber stated I make a motion on **case 19-10** Design Development for Acadia Realty Trust for Subway that we close the public hearing, seconded with all in favor saying

"aye." I make a motion on **case 19-10** Design Development for Acadia Realty Trust for Subway located at 3087 E. Main Street, Mohegan Lake for a front wall sign Variance for **31.6** square feet versus a **16.625** allowed and a Variance of **14.975** and for the rear wall grant **16.13** versus an allowed **8.3125** producing a Variance of **7.8175**. This is a type II SEQRA no further compliance required, seconded.

Mr. Wai Man Chin asked can you poll the Board?

Mr. Ken Hoch stated Mr. Reber; yes, Mr. Mattis; yes, Ms. Hunte; yes, Mr. Seirmarco; no, Mr. Chin; yes, Mr. Heady; yes. The motion carries.

Mr. Wai Man Chin stated motion carried.

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Mr. John Mattis stated I'd like to bring one thing up before we adjourn and that is an as-built survey. Mr. Reber recommended that Code Enforcement stop anything if they catch it and take it down. I don't think that the Town has the power to do that but I would recommend that we send a letter to the Town Board and suggest to them that they put some kind of stiff penalty in the Code if that's not done because it's really embarrassing when you have a building that costs quite a substantial amount of money and somebody builds it bigger than they're supposed to. If you saw the as-built it would never get built that way but since they go through with it it's very difficult for us to tell them to cut it back.

Mr. Raymond Reber stated I'm not so sure that they don't have that power.

Mr. James Seirmarco stated we've done that.

Mr. John Mattis stated they should face a substantial fine if they don't get an as-built.

Mr. Raymond Reber stated they'll get a fine if they don't tear it down, it's a wasted cost, but if it clearly spelled out in their building Permit their requirements and the inspections that are needed and the intermediate surveys, if they violate that I think Code Enforcement has all the right to go back and say 'no, that doesn't meet what you're approved take it out.'

Mr. John Mattis asked could we research that? Find out what power that the Code Enforcement has.

Mr. James Seirmarco stated if you were to look at other municipalities Codes, although we're frustrated and although I would like to see a hefty penalty, chances are that other townships and the courts don't uphold to big major penalties when it comes to this stuff.

Mr. Wai Man Chin stated no, they do.

Mr. John Klarl stated it depends.

Mr. Wai Man Chin stated I disagree with you on that.

Mr. John Klarl stated towns are constantly trying to compare Code violations we're high on some and we're low on some.

Mr. John Mattis stated it really doesn't matter. It's a problem in Cortlandt. I just want to see that there's some teeth in being able to enforce that when they just blow through it and build and then they come back to us.

Mr. Wai Man Chin stated I agree. I think there should be a penalty.

Mr. John Klarl stated I think for the most part the new system that was established some years ago has been honored. We don't get to see it at work.

Mr. Ken Hoch stated this one, he started this and we did a foundation inspection and he was supposed to submit a survey and then the winter came, but he kept going and he never submitted it and he's way down on Arlo Lane so it's not a place we drive by a lot and then suddenly he needs a framing inspection.

Mr. Wai Man Chin stated I think from the Building Department standpoint you've got so many Permits out and I think that every once in a while somebody should go out to these sites and just say – look around. I've seen that done in other municipalities where they come by and they make sure that they haven't done more than what they're supposed to. I know down low in Westchester when I was doing a lot of architectural work, believe me, there was a lot of building inspectors always there checking everything making sure that things weren't built before there was...

Mr. John Klarl stated just from my perspective and I only see it when it goes sour, years ago we used to see more scinds and the new system has...

Mr. Wai Man Chin stated the only time we see it is when they want another Variance because they already built it.

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## **ADJOURNMENT**

Mr. Wai Man Chin stated may I have a motion to adjourn, seconded with all in favor saying "aye."

**NEXT MEETING DATE:  
September 15<sup>th</sup>, 2010**