

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, January 15th, 2014*. The meeting was called to order, and began with the Pledge of Allegiance.

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

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

Also Present

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

*

*

*

ADOPTION OF MEETING MINUTES FOR DEC. 18, 2013

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

Mr. David Douglas stated the minutes are adopted.

*

*

*

ADJOURNED PUBLIC HEARING TO FEB.:

- A. CASE No. 2013-18** **DOTS Code Enforcement** request for an Interpretation and determination of the non-conforming status: in **Case #161-87** an Interpretation was granted to this property that a tutorial service conducted by the Petitioner within their home was a customary home occupation. The Application was accompanied by statements from the applicant as to the number of students, employees, etc. At the time the Interpretation was granted, the Ordinance did not contain a cap on the number of employees or students that could be on the premises. Subsequently, the Ordinance was amended to limit the number of students and employees. A determination is needed as to what if any limits apply to **Case #161-87** presently.

Mr. David Douglas stated we'll deal with that next month.

*

*

*

ADJOURNED PUBLIC HEARINGS:

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. David Douglas stated I believe the applicant wants us to adjourn that to February. Is that right Mr. Karl?

Mr. John Klarl responded I believe so.

Mr. Ken Hoch stated correct.

Mr. John Klarl stated Mr. Chairman just to bring you up to the present, briefly, on Post Road Holding Corp., they've been before the Planning Board for some time and, as a matter of fact, in a recent Planning Board meeting the application was on the agenda again and they've indicated that they were doing certain traffic counts so Mr. Vergano, our Director of DOTS and the State DOT could look at curb cut. Apparently, somehow the traffic counts got skewed by -- something happened with the counting so they were doing them again but I expect this matter possibly to wrap up for the Planning Board in the next two meetings.

Mr. David Douglas asked should we adjourn it to March then if we don't expect it to wrap up by next meeting?

Mr. John Klarl responded why don't we leave it on because the applicant asked, I think in December, to go to February.

Mr. John Mattis stated they've got the strips on the road. They're doing the traffic counts today.

Mr. James Seirmarco stated I'll make a motion to adjourn it to February 2014.

Seconded with all in favor saying "aye."

Mr. David Douglas stated that **case #18-09** is adjourned until February.

B. CASE No. 2013-22 Frontier Development for Area Variances for the side yard setback, front yard parking setback, landscaping for parking area, parking spaces, and signage on property located at **3025 E Main St., Cortlandt Manor.**

Mr. David Douglas stated I understand it's also to be adjourned until February.

Mr. John Mattis stated I'll make that motion to adjourn that **case #2013-22** to the February meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated **case # 2013-22** is also adjourned until February.

C. CASE No. 2013-29 Marcia Royce for an Area Variance for the front yard setback to rebuild a fire damaged house on property located at **2223 Maple Ave., Cortlandt Manor.**

Mr. Frederick Turner stated good evening Mr. Chairman, members of the Zoning Board, Frederick Turner for the applicant Marcia Royce. I don't believe our architect is here this evening. This is an application for a front yard setback for a home that was damaged by a fire. It's **50** feet required. We request a setback for **41.5** as indicated on the survey. I provided a larger copy of the survey as requested by the Code Enforcement Officer. It's consistent with – the house will be rebuilt. It's consistent with other homes in the area. It's my understanding that this was legal non-conforming and then the setback was increased at one point. We would ask that the Board act on this application. You asked for a more current survey that would show the encroachment. There was an allegation of an encroachment of a driveway, the neighbor made. Our survey does show that encroachment and we are committed to removing it and will remove it, actually have talked to a contractor about getting the gravel – it's not paved, it's impervious surface, it's gravel – about getting that gravel off the adjoining property and getting that side yard driveway completely on the owner's property as a condition of approval.

Mr. David Douglas asked have steps been taken so far to achieve that? You mentioned that you talked to a contractor.

Mr. Frederick Turner responded we talked to a contractor. I don't know if we -- physically haven't done the work we know but we're committed to doing it and we accept it as a condition of approval. We're committed to doing it.

Mr. David Douglas asked do you know if a date's been set for the work to be done?

Mr. Frederick Turner asked did you hear the Chairman's question?

Ms. Marcia Royce responded no I didn't.

Mr. Frederick Turner asked has the work been set to remove the encroachment?

Ms. Marcia Royce responded yes, within – by the end of January it'll be gone. If you want the name of...

Mr. Frederick Turner stated weather-permitting.

Ms. Marcia Royce stated weather-permitting. If you want the name of the person I'd be happy to submit that.

Mr. David Douglas stated that would be great.

Ms. Marcia Royce responded his name is Kenny Lewis.

Mr. David Douglas stated I think we had talked about adjourning this matter until the work has been completed at our work session. I think that's what the Board would be inclined to do and if it's done in January then we'll vote on this in February.

Ms. Marcia Royce responded okay, sounds fine to me because we talked at the beginning of the week and we arranged a meeting together and he's going to show me the different types of situations he's been involved in and he's very practiced in doing something of this nature.

Mr. John Mattis asked so, weather-permitting this will be done at the end of January? Certainly by our next meeting which is the middle of February – the 19th this should be completed so if we vote on it next month it's no hardship for you.

Mr. Frederick Turner stated no, thank you for asking. That's our plan. Thank you.

Mr. David Douglas asked anybody else want to be heard on this case?

Mr. Charles Heady stated I make a motion on **case 2013-29** to adjourn it until February.

Seconded with all in favor saying "aye."

Mr. David Douglas stated **case #2013-29** is adjourned until February.

D. CASE No. 2013-31 William Caffrey petition to re-open this case for an Area Variance for the side yard setback for a deck on property located at **103 4th St., Verplanck.**

Mr. Raymond Reber stated this requires a unanimous vote of the Board. The issue is confusion in the original filing as to a proposed deck. There have been significant changes to clarify the situation. I make a motion to re-open **case 2013-31**.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the **case #2013-31** is re-opened. It is required to be unanimous and it is unanimous. As discussed at our work session we'll then re-advertise this case and it will be on the agenda for hearing in February.

Mr. Raymond Reber stated I make a motion to adjourn to February unless there is somebody here specifically who wants to speak on this case.

Mr. David Douglas stated it's not a matter of adjourning it to February. I think it gets scheduled.

Mr. Ken Hoch stated you have to advertise it again.

Mr. David Douglas stated so, it'll get advertised and it'll be on the agenda for February.

Mr. Raymond Reber stated so on **case 2013-31** adjourned to the February meeting.

Mr. David Douglas stated again, I don't think we have to officially adjourn it. It's not adjourned if I'm understanding the procedure right but it'll be on for February.

E. CASE No. 2013-33 Sharon Garb for a Special Permit to establish and maintain appropriate screening for an existing contractor yard on property located at **2201 Crompond Rd., Cortlandt Manor.**

Ms. Adrian Hunte stated Ms. Garb at our work session we discussed additional screening and that perhaps we need to give you an opportunity to see what part of the yard you want to contain and what, if anything, you will be using as screening that will be adequate height and sufficient for Mr. Hoch's and the neighbors – you can't hear me.

Ms. Sharon Garb responded no, but I can read your lips.

Ms. Adrian Hunte stated at our work session we discussed the screening that would be needed or that you would use and what portion of the property perhaps would be contained as the contractor's yard and the type of screening that you would be entertaining whether it be live plants or some other deer-resistant matter. I think we said that we would keep this open and perhaps adjourn the matter to give you an opportunity to come back with a proposal.

Ms. Sharon Garb stated I could speak on some of it now if it's appropriate. We would like to – really need to and want to maintain all of our property the way it is owned. We would be very willing to put up live shrubbery, trees, to block off the back neighbor's portion so that we'll try to keep the peace.

Mr. Raymond Reber stated I think at the work session and our discussions, what we agreed at that time was that you're grandfathered first of all, so you have the right to maintain the operations that you have there.

Ms. Sharon Garb stated thank you.

Mr. Raymond Reber stated the issue is the Code says, generally if there's a contractor's yard operation there should be some reasonable screening and the term reasonable becomes the issue and unfortunately because of the elevations involved here it creates some difficulties and I think we suggested that since you are interested in trying to work with your neighbor that we postpone it for a month, allow you and the neighbor and maybe Ken Hoch get together and see what you can come up with because as far as what we can do officially in terms of reasonable screening, it's not going to totally solve the problem. We can't ask to have 40-foot trees planted, it's an unreasonable request. I think that was the reason to adjourn and see if there's something that can be worked out that shows best efforts to try and help the neighbor out, but as you say, you have a right to continue the operation and it's grandfathered. There's no reason for us to say that that has to be taken away.

Mr. James Seirmarco stated I would suggest though that you hire a professional or if you can do it yourself, put something on paper showing the screening positions, where they're going to be, where the trucks are going to be parked, something that we can certainly...

Ms. Sharon Garb asked just along the back wall – the back of the property facing the neighbor's property?

Mr. James Seirmarco responded we shouldn't be doing the design here. We should see a plan that shows the screening, where you're going to put it, what type is going to be, what the positions are, how mature they'll be when they're planted, what type they are and I would suggest though that some effort is made to clean up certain portions of the property to make it just look generally better.

Ms. Sharon Garb responded yes, that's fine.

Mr. Raymond Reber stated there's also the idea that without giving up any rights of use of any part of your property that also there could be some arrangements made with the contractors as to where they park certain equipment normally and what have you so, again, it minimizes any impact. But, again, it's just an accommodation. You're not giving up rights to any part of your property. It's just again, trying to accommodate the contractors who use the property and your neighbor so that there's some reasonable compromise.

Mr. James Seirmarco stated if there are in-roads, roads on the property that you presently use routinely, I would sort of sketch them in also just so we have some record that these are – they're partially indicated on the map but not – because it's just good to have it as record that this is a road that we'll be using a lot and you're going to put up a gate, put up a gate, and whatever...

Ms. Sharon Garb asked is it okay to draw it on the survey, a copy of the survey?

Mr. James Seirmarco responded I think that's – if it's acceptable to Ken it's acceptable to us.

Mr. Raymond Reber stated there was also a discussion of potential noise and I think we discussed that. It'll be clearer to contractors and what have you that engine noise is engine noise. There's nothing you can do about that. A car could be parked there, somebody in the house or whatever, but there's going to be some guidelines in terms of things that could cause excessive noise, certainly if I have a stereo on in his pickup truck that he's got blasting or something, that would be unacceptable and it would be a noise violation which then the Town could serve and get you in trouble.

Ms. Sharon Garb stated we have one of the contractors here that does the sanding and he's willing to speak if you'd like to ask him any questions about what time he does...

Mr. Raymond Reber stated we understand that it could be weird hours. If they've got a truck that can do snowplowing and it's snowing all night, some people want them out there **4, 5** in the morning, we understand that that truck's going to startup then but in normal engine noise starting a truck and driving, that's not unreasonable. Unreasonable would be if you're dropping half a ton of gravel onto a back bed of a truck or something but that doesn't go on there.

Ms. Sharon Garb stated only if we use salt.

Mr. James Seirmarco stated and if there are operations that are every day, you got there at **5** o'clock in the morning and you start loading gravel. That's probably going to be unacceptable. An occasional snow night, that's fine, it's acceptable to the Town Code. There's certain time frames, certain length of time for noise to be produced but we're trying to avoid some daily **5** o'clock in the morning there's **8** people out there talking and shoveling every single day, day-in, day-out, weekends included. We're trying to avoid that.

Mr. Tom Hughes stated for the neighbor's sake we always try to start not before **8** a.m. just to respect the neighbors. We never would get there **6** in the morning or anything to that effect and normally we're home by dinner too. We take that into consideration and respect all the neighbors. I know the people – the other contractors feel the same way. We always try to keep it – on weekends sometimes there's nobody there. We're really not bad neighbors as far as that goes.

Mr. Charles Heady asked if you have a bad storm you're bound to start early in the morning which I can understand, you know before **8** o'clock.

Mr. Tom Hughes responded there's always a night when – the Town trucks are probably out a lot more than us and make a lot more noise, unfortunately. We're in-and-out more or less...

Ms. Adrian Hunte stated thank you. Any other comments? Hearing none, on **case #2013-33** for Sharon Garb for a Special Permit to establish and maintain appropriate screening for an existing contractor yard on property located at 2201 Crompond Road, I make a motion that we adjourn this matter to the February 2014 Zoning Board of Appeals meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated **case #2013-33** is adjourned to February.

Mr. Manuel Foto asked so the course of action for the next meeting is they're going to have a proposal prepared? Is that the plan?

Mr. Raymond Reber responded no, what we're asking for is that you and any other neighbor that's got a concern here meet with the Garbs and maybe contractors if they want to participate, we suggest that it's done with Ken Hoch as the facilitator. We're asking that you folks try and work out something because like I said, if we just follow the Code, we don't think anybody's going to be happy. We'd rather have you folks come up with something that's reasonably neutrally agreeable.

Mr. Manuel Foto responded no problem.

F. CASE No. 2013-34 Jesse Stackhouse for a Special Permit for an Accessory Apartment on property located at **3 Hill & Dale Rd., Cortlandt Manor.**

Mr. Jesse Stackhouse stated 8 Hill & Dale Road, Cortlandt Manor. I'm here for a Special Permit for an accessory apartment located on 3 Hill & Dale Road.

Mr. John Mattis stated there was some discussion last month and subsequently at our work session. It's always been a question of how we determine the square footage both of the primary residence and the accessory piece of that residence and we've come to the conclusion that there is a state Code definition of habitable space and it excludes things like: bathrooms, closets, halls, etc. That will be applied to both the primary residence and the Special Permit residence, the small accessory apartment. You've given us something here verbally but we'd like to see a diagram of that so we can confirm all the square footage. It looks like you meet the Code now but we'd like to see that for next month and then we'll give our approval.

Mr. Jesse Stackhouse asked don't you have a floor plan? I thought you guys had a floor plan from the architect.

Mr. John Mattis responded yes, but we just have a statement here that says...

Mr. Raymond Reber stated no the one that's up on the screen there [inaudible].

Mr. Ken Hoch stated there's no dimensions. You need a plan that shows the net dimensions.

Mr. Jesse Stackhouse asked of upstairs and downstairs?

Mr. James Seirmarco stated see that up on the screen, you have the floor plan. There are no dimensions of those rooms I don't think.

Mr. Raymond Reber stated see the problem is – what has to be done usually is there's a table prepared and it lists the square footage for each room but then you have to exclude so we have a closet – that bedroom, that's not a **12 1/2" x [12]"** living space; it's that less whatever the closet is and the same with the other rooms. So if you could just make a table of those spaces that are living spaces and make any corrections for a closet or whatever that's included in those dimensions then we come up with a table and if you do that for upstairs and you do it for downstairs that then confirms the numbers that you're issuing here and based on the numbers, as Mr. Mattis says, it looks like it's within the allowable configuration. We just need that tabulation.

Mr. John Mattis stated we need the tabulation.

Mr. Jesse Stackhouse stated in other words, you're looking for the square footage of each room – is that...

Mr. John Mattis responded that square footage taking out the closets and that should come up to **563** square foot. Somebody's done that but we don't have any details.

Mr. Jesse Stackhouse stated I understand what you're saying but I just want to get it right in my head.

Mr. Raymond Reber stated because the state says forget about looking at the overall dimensions, for example, of the floor space because it says: don't count halls, don't count bathrooms, don't count closets so the easiest way to do it is: okay, living space or rooms – each room and give a square footage and if there's an adjustment as you have an adjustment for the bedroom, you have an adjustment for the living room, make those corrections and then you have a table and that's the total square footage of living space.

Mr. Jesse Stackhouse stated when he did this he asked me if you wanted it on it and I said "I don't know." But okay, no problem.

Mr. John Mattis asked anybody in audience would like to speak?

Mr. Charles Heady asked what about this floor plan he gave us? He's got one for the basement and one for the existing floor.

Mr. John Mattis responded but it doesn't show how they arrived at their **2,300**...

Mr. Raymond Reber stated you don't know the dimensions of the closets in some of the other spaces...

Mr. John Mattis stated we just need a table of that and that'll be good because it's in the file then. We'll have a record of it. I move that we adjourn **case #2013-34** to the February meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated **case #2013-34** is adjourned to February. See you next month.

G. CASE No. 2013-35 **Miriam Arrighi** for a Special Permit for an Accessory Apartment on property located at **4 Hollow Brook Court South, Cortlandt Manor.**

Mr. Ken Hoch stated I received an email from here representative asking for an adjournment to February so she could prepare a plan showing the dimensions of net habitable space.

Mr. Raymond Reber stated if you can ask her that whoever does it for her that they make a simple table. That's the best way for us to track it.

Mr. Charles Heady stated on **case #2013-35**, I make a motion to adjourn it until February.

Seconded with all in favor saying "aye."

Mr. David Douglas stated **case #2013-35** is adjourned until February.

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

Mr. David Douglas stated Mr. Hoch, I believe we got a letter from the new attorney.

Mr. Ken Hoch stated yes, Mr. Sullivan's here.

Mr. John Sullivan stated good evening Mr. Chairman, members of the Board. My name is John Sullivan, I'm an attorney in Yorktown Heights here on behalf of the property owner Rita Weeks. I was just retained in this matter on Monday of this week and as I communicated to Mr. Hoch, my intention this evening to request an adjournment so I may familiarize myself with this matter somewhat, conduct an investigation. I've quickly come to learn that there's a bit of history and there have been some prior proceedings that maybe relevant here as well so it would be my

request to adjourn this matter. I'll do my best to get as up-to-speed as I can by next month and hopefully make some substantive progress in moving it forward.

Mr. David Douglas stated at the work session we had talked about your request and I think the Board was inclined to grant your request to adjourn it, however, anybody's who's come here to be heard on this matter we're let them speak and be heard. We'll just keep it open and adjourn it until next month and you can give whatever presentation you want to give next month.

Mr. John Sullivan stated okay, thank you.

Mr. David Douglas asked anybody want to be heard on this case?

Mr. Louis Pelosi stated I'm a resident of Hale Hollow Road at the other end of the street from the house in question. I was here at the last session and heard you all quite diligently apply the statutes to each person who came before you. You were given two depositions by former tenants stating very clearly that the property in question was under-utilized contrary to what the owner was saying and that there were building Code, not violations, but Permits were not issued for work that was being done. The meeting was adjourned because a new lawyer was being considered. It seems as though this new lawyer has appeared just before this meeting. Again, this has to be adjourned. I believe that in one form or another this case has been to you for 2 ½ years. I would hope that at the next session enough information will have been provided that you can come to a determination about this. It was also said by one of the residents of the street that we are a wonderful family. I will simply tell you that my end of the street there are no trespassing signs not to deter deer hunters but to deter the owners of this property from coming up our driveways. Thank you.

Mr. David Douglas stated I just want to state for the record in terms of how long this has been in front of this Board. This is only the second month that this case has been in front of this Board. I just want to make it clear. There were proceedings in front of – in Town Court I believe but in terms of the application to the Zoning Board we had our first hearing about this in December.

Mr. Louis Pelosi stated okay, I stand corrected, thank you.

Mr. David Douglas stated because we try to move quickly if we can.

Mr. Gary Ray stated husband of Rita Ray-Weeks. My only comment is that he's implying, I think, that we have used his driveway to turn around which is of course completely untrue because our property is before his driveway. If that's not what he was suggesting then I apologize. Secondly, he mentioned Code violations. There are no Code violations. Whenever we have gotten a Code violation we have corrected it. There's an implication here that we flout the Code Laws. We do not. We abide by all Code Laws. I'd like that reflected.

Mr. John Mattis stated I think what he meant was some construction being done because they talked about some of these apartments that were gutted or something and they had problems with

the flooding and there was work being done. We asked Mr. Hoch at the last meeting if there were any Building Permits to do that and he said "no." I think that was what he was talking about.

Mr. Gary Ray stated yes, and I would like to know what basis do they have? We have replaced some sheetrock and done some flooring which does not require any Code of anything. They are making an accusation based on nothing and I just want that reflected in the minutes. Thank you.

Mr. Raymond Reber stated as our Chairman says, we like to keep these things moving along and I do feel that hopefully the attorney that just spoke will be prepared next month because as far as I'm concerned we've got to seriously sort this out this month if we can.

Mr. David Douglas asked anybody else want to be heard this month?

Mr. Raymond Reber stated on **case #2013-37** for Department of Technical Services Code Enforcement at 1 Hale Hollow Road, Croton, I make a motion that we adjourn to the February meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated **case #2013-37** is adjourned until February.

*

*

*

NEW PUBLIC HEARING:

- A. CASE No. 2014-01** **Edward Merriam** for Area Variances for the front yard setback from an allowed 50 feet down to 35.5 feet, the side yard setback from an allowed 16.4 feet down to 8.4 feet, maximum building coverage from an allowed 1,625 square feet up to 1,797 square feet to allow construction of front and side porches on property located at **18 MacArthur Blvd., Cortlandt Manor.**

Mr. Edward Merriam stated I'd like to put a front porch on my house. On the side I wanted to have a roof to cover the steps that go out from the kitchen.

Mr. James Seirmarco stated I have a few questions. I did visit the site. The room that you gave us drawings for and sketches, that's just the porch? Those are not windows in that porch? It'll be an open porch?

Mr. Edward Merriam responded we wanted screens there. They're the ones that roll up-and-down.

Mr. James Seirmarco asked so in the wintertime...

Mr. Edward Merriam responded we wouldn't use it in the winter.

Mr. James Seirmarco asked it's not going to be converted to habitable space, heated space or anything like that?

Mr. Edward Merriam responded no, we're not putting an insulation and it's a three-season porch. We're hoping for spring, summer and fall.

Mr. James Seirmarco stated the problem I see here is that the piece of property is 'x' square feet, you're house is quite large. It covers a major portion of the piece of property. We granted a Variance for the kitchen in **2000** which even enlarged the building more and now with this enlargement you would be over the allowed lot coverage specifications. You would need a Variance for that also so now you would have a Variance for the kitchen, a Variance for the porch, a Variance for lot coverage on top of all those things. We don't usually give Variances on Variances. It sets a bad precedent. It might be time for a different house. That's all I'm saying. We grant Variances because of hardship. This is obviously self-created hardship by wanting a porch. The kitchen was a different story. We granted that because that's a reasonable request. This is sort of like a luxury. I'm not sure that I would support a Variance on a Variance on a Variance because it just becomes a cumbersome process for a lot of that size. I'm not saying it's too small or whatever, it's just it's been used to its max already with the lot coverage and this would make the lot coverage over so you would need a Variance there also. That's just my personal feeling. I don't know how anybody else feels about this.

Mr. Raymond Reber stated reinforcing that position, it was in **2000** that this Board was asked so that a foyer and a kitchen could be added to the house on the front side. That required us allowing you to encroach by **6 feet 2 inches** and that was granted. Usually if somebody comes to us and says "we don't want to come any closer to the road, we just want to go laterally" those things we tend to say "okay, that's reasonable," but that would allow you a shallow porch, just the **6 foot 2 inches** that you got for the kitchen you could have for a small porch to the side of the foyer but, as Mr. Seirmarco said, I don't know of any time we've ever allowed a Variance and then let somebody come back and say "oh, now we're going to take another Variance on the first Variance and push it farther. Likewise, I would be opposed. As for the porch on the side of the house, that does exactly what I said before. You already have that Variance for the kitchen. This doesn't encroach any further on the side yard than the kitchen and as you say it's really just to cover the entrance so which generally, we're very flexible on in terms of providing it covered. I have no problem with that one but I do have a problem with coming out beyond where the foyer now is in the front house because that's already in violation of the setback.

Mr. John Mattis stated and it's already – I'm sorry, your proposal is for like coming out **12 feet** for a porch, I believe...

Mr. Raymond Reber stated **11 feet 10 inches**.

Mr. John Mattis stated that's a pretty – most porches are kind of shallow and wide, people put chairs on them or something but this is more like a deck that's appropriate for a backyard, not for a front yard the way it seems to be proposed based on the dimensions.

Mr. Raymond Reber stated a lot of porches are as much esthetic as they are livable space and so, that's why I said, if you came out **6 feet, 6 foot 2** which was already granted for the kitchen and you match up with that – we've had requests where a lot of porches that's all they ask for is **6 feet**. It's enough to put a chair there, to sit there. They can do the architectural features but I certainly wouldn't go beyond that.

Mr. Edward Merriam responded the Variance request from 2000 was – that wasn't made by me. That addition was built in the **1960s**. I don't know if that makes a difference.

Mr. Raymond Reber stated a Variance is a Variance. They don't expire.

Mr. Edward Merriam stated I thought you were getting the impression that I was requesting a lot of Variances.

Mr. Raymond Reber stated no, no, I'm talking about the property not you per se.

Mr. John Mattis asked can I ask why you want it to come out so far?

Mr. Edward Merriam responded if you look at the picture you see the porch is coming out to the level of that front part of the house. It is coming up to the front part of that front line of the kitchen there so we are matching that and what's sticking forward is the steps.

Mr. James Seirmarco and Mr. Raymond Reber stated that's not the way the plans are drawn.

Mr. John Mattis stated no, it's not drawn that way at all.

Mr. Raymond Reber stated you would have a **6 foot 2 inch** porch if that was the case because that's what the kitchen comes out. Your drawings very clearly shows that you're going beyond.

Mr. Edward Merriam stated we have – can I show you showing this as an example? There's a front door and there's the porch that's there right now, the landing, and then the steps go down that way.

Mr. Raymond Reber stated this is the plan we're looking at – here's your kitchen, here's your foyer and it says it's coming out to here, an additional **5 feet 8 inches** so that your total coming out from the original house is **11 feet 10 inches**. That's what the plan shows.

Mr. Edward Merriam stated yes, that's right.

Mr. Raymond Reber stated what we're saying is this addition beyond the line of the kitchen

that's a problem.

Mr. Edward Merriam stated okay. I understand.

Mr. James Seirmarco stated if you look at this particular drawing, your own drawing, you'll see that – we all got these packages.

Mr. Edward Merriam stated no, I understand what you're saying.

Mr. James Seirmarco stated what Mr. Reber is saying is if you stayed within the contour of the front kitchen and foyer and went across and made the porch not encroaching the front yard setback I might be inclined to go along with that but the way its drawn here it's just too big. On the side, the cover for the steps, I have no problem with that.

Mr. John Mattis stated as I brought up and Mr. Reber said most of the front porches are for esthetic reasons and people have chairs there and sit there but this looks to me like it's going to be a front deck rather – like people have in the backyards and the purpose of the Code is, first of all, they don't want people too close to the front, they want the setbacks uniform but secondarily with porches, we've had cases like this before that the purpose of a porch is to be a porch not to be a place to entertain people. If it's a deck that you're considering and it appears that way the way that it's drawn I don't know what you're going to use it for but that would be more appropriate in your backyard. People shouldn't be throwing parties and having people on the decks in the front yard. They should have porches that don't protrude out like this.

Mr. James Seirmarco stated if you want to us to adjourn this case and go back and redesign the front porch with the comments that we just gave you, that's certainly agreeable – I would be agreeable to make that motion but if you're inclined to have us vote on this you can see the way it's going.

Mr. Edward Merriam stated I guess the reason why I had – it was coming out that far is the door is on that front line of the house so if we have the entire porch stop at that front line I guess we would have to have the door – we would have to seal that off and have the door in a different place. You see what I mean? That was my thinking of why it stopped at that same edge of the existing porch is because our door opens out to the front. If we got rid of that existing front porch and had the house stop where...

Mr. James Seirmarco asked you're talking about the foyer?

Mr. Edward Merriam responded no, you walk out of the foyer straight onto a, I don't know what you call that; a landing.

Mr. John Mattis stated a landing and then the steps.

Mr. Edward Merriam continued and then the steps go down towards the driveway, not towards

the street. I guess I would have to seal up that place where the front door is and then have the door be put in on the south side of the foyer. I guess that would make it smaller.

Mr. John Mattis stated I see what you're saying but that doesn't justify having a **13-foot** wide porch just to have to be able to go on your stoop and go over to the porch because you're also showing a **13-foot 2-inch** wide porch. You don't need that much to come out of that door and go over.

Mr. Raymond Reber stated you can leave the foyer the way it is, still have your front entrance the way it is just put a door on the side of the porch going out onto the porch.

Mr. Edward Merriam responded yes, that's what I just described, the south side.

Mr. James Seirmarco stated his landing for his steps is going to protrude also.

Mr. Raymond Reber stated forget that drawing. You don't use that. You go back to the way the existing is now here and you just put a door here and his porch is here. He doesn't have to change anything, leave the landing if he wants...

Mr. John Mattis stated and the stoops and the steps can stay where they are.

Mr. Raymond Reber stated it's not like he has to rebuilt the whole thing.

Mr. Edward Merriam stated but you'd prefer for it to be – it should be more narrow though, it shouldn't go out to the driveway is what you're saying?

Mr. John Mattis responded I don't care how wide it is, my concern is that it comes out in front of the front line of the kitchen and the foyer, the front of the building line. If you keep it in line with that I think that would be appropriate.

Ms. Adrian Hunte stated I tend to agree.

Mr. David Douglas asked do you want to take Mr. Seirmarco up on his suggestion that we keep...

Mr. Edward Merriam responded no, I don't want to vote on it. I'll have to think about it. I might just not do it.

Mr. David Douglas stated right, what we'll do is we'll adjourn it for a month and then you can come back in the interim with either revised plan or decide if you don't want to proceed that's fine too, it's up to you.

Mr. John Mattis stated I think we look favorably on the Variance on the side so even if you decide not to do the front, don't withdraw the case because we'd probably approve that side part

of it anyway.

Mr. Edward Merriam stated so either way I would need to come back in February.

Mr. David Douglas responded yes.

Mr. John Mattis stated I don't think you're going to start construction on this within the next month or so, so this will have time to go back to your architect and stuff and see what you can do.

Mr. James Seirmarco stated I make a motion on **case #2014-01**, 18 MacArthur Boulevard, Cortlandt Manor to adjourn this to February to give the applicant a chance to revise his plans to reflect the comments that the Board made this evening.

Seconded with all in favor saying "aye."

Mr. David Douglas stated **case #2014-01** is adjourned until February.

*

*

*

ADJOURNMENT

Mr. John Mattis stated I move that we adjourn the meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated meeting is adjourned.

*

*

*

**NEXT MEETING DATE:
WEDNESDAY, FEB. 19, 2014**