

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, December 21st, 2011*. 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:

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

Also Present

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

ADOPTION OF MEETING MINUTES for Nov. 16, 2011

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

Mr. David Douglas stated the November minutes are adopted.

* * *

ADOPTION OF 2012 MEETING DATES:

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

Mr. David Douglas stated those meeting dates are approved.

* * *

ADJOURNED PUBLIC HEARING TO JAN. 2012:

- 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 that has been adjourned to January at the request of the applicant.

*

*

*

ADJOURNED PUBLIC HEARINGS:

A. CASE No. 14-11B Capurro Contracting, Inc. on behalf of Patricia Doherty for an Area Variance for a front yard setback to rebuild a deck and for the existing front steps; and the side yard setback for the existing house on property located at **122 Westchester Ave., Verplanck.**

Mr. Thomas **Certiara** stated I'm the land surveyor who has certified this survey. There is a new survey. I understand the Board was not given that survey. To be perfectly honest with you, I thought I was – Sebastian and some of the other people were coming tonight, at least that's what I was told. I don't have a whole mess of copies.

Mr. John Klarl asked before we get going, have you gotten any calls from Mr. Carbone as to whether he's coming tonight?

Mr. Thomas **Certiara** responded I have not.

Mr. John Klarl stated because if he was coming tonight, I'd thought we'd wait for him. Mr. Hoch, we haven't heard...

Mr. Ken Hoch responded no, I had a brief conversation yesterday reminded Mr. Carbone that we were meeting tonight and all he told me was that he does not agree with the new survey.

Mr. Thomas **Certiara** stated I don't know what his concerns are at this point. I'm unable to answer those – we have revised it, I think, since the previous surveys that you guys have gotten. We will be the first ones to admit that there were mistakes made early on in this survey and we have since corrected those, of course at no cost to our client, with significant research. At this point, we've traced the property lines in this survey back to the origination to the filed maps and also from the deeds that came out of the **Timoni** estate here. As I'm sure everyone is aware, there are a lot of property disputes and discrepancies in Verplanck stemming from a number of issues dealing with, especially around 6th Street, dealing with the width of 6th Street. It's mapped at **80** feet, evidence from street layouts and monuments along Broadway evidence – it was actually constructed as **60** feet wide instead of **80** feet, but it's still mapped at **80** feet. That's the way the filed map says and that still holds.

Mr. John Klarl asked is that the Latham map?

Mr. Thomas **Certiara** responded that is the Latham map, yes. There's two versions of the Latham map filed, but honestly, in this area they're the same. It's only around the water that

they seem to have erased parts of the lots that were in the water.

Mr. John Klarl asked how far back does the Latham map go?

Mr. Thomas Certiara responded the Latham map goes back to **1836**. That's the original subdivision of this property and that is the controlling document for this. That's where the streets were laid out, where the blocks were laid out and where all of the lots were laid out. Now those lots haven't always been followed, they've been split, divided and so on since then but the blocks of streets, that is a controlling document for that. Even though the streets have been laid out at **60** feet, the document states that 6th Street is **80** feet wide and according to general case law, rules of evidence and procedures for surveyors, that error there is given to the Town so that error gets thrown into, essentially, the properties, the blocks on each side of 6th Street. What that creates is it creates the blocks on the southerly side of 6th Street and on the northerly side of 6th Street, instead of **200** feet like every other block in the area, are now **190** feet and that's just again according to the case laws and the standards that the Town gets that width because it was mapped at **80** feet. If someone made the mistake that still goes to the Town. So, what you end up with there is you end up with the lot widths instead of being **100** feet deep, say in the center of the block anyway, say they go back down to **95** feet and that's evidence – we found evidence of filed maps dating back, we showed a couple of them here **1875**, that shows that lot is **95** feet, the lot is **95** feet deep and also we found deeds from the mid **1800s** that also state the lots are **95** feet. So, surveyors and attorneys have recognized that discrepancy as far back as the mid **1800s**, not very long after this map was made. That should be nothing new. Concerning the other discrepancies that Dominic, if you'll excuse me I forget his last name.

Mr. stated Carbone.

Mr. Thomas Certiara continued Carbone, thank you. He's concerned with the east/west – kind of along, between Westchester Avenue and Broadway. Again, the filed map controls to a certain extent here in establishing the street line of the northwesterly line of Westchester Avenue here. In establishing that line – is essentially the Westchester Avenue along the property here. Establishing that line we are holding well established monuments and center line spikes – spikes that have been set in the center of the roads over the years and perpetuated. Those spikes and monuments, again, we have filed map references from **1931** and some deeds earlier on reference those monuments and those spikes. We found maps in other areas from the mid **1800s** that also reference these center line spikes. We feel strongly that those are good evidence and it appears that everything was built off of Broadway. Broadway was built and everything came off of that. So, holding those monuments, the blocks are a thousand feet long according to the filed map, so we come a thousand feet off of that line of Broadway and that establishes that street line for us, the street line of Westchester Avenue there. There's inch or two of play here but that's not uncommon for stuff that's **100** plus years old, **120** years old. That establishes that street line right there. concerning the back line, all the deeds, all the way far back as the Timoni deeds state that the division line between the two brick buildings on the back of the property is the property line. The current deed is incorrect in stating that the property line composes of two lots on the old filed map. That's just an incorrect deed. Even if you go one deed previous to that, it doesn't

hold up. Somebody just wrote up a deed that doesn't make – is just frankly incorrect. The discrepancy that I know that Mr. Carbone has concerning – and his concerned client Patricia Doherty, is that her deed and some of the old deeds, as far back as the early **Timoni** deeds, state that it's **100.56** feet from that brick building to the street line. Our survey right now is measuring that at **96.94** feet. It's a pretty decent size difference here, we're talking four feet or so but again, going into case law and into accepted practices of land surveying and boundary determination and title work, is that the distance is very low on the order of calls. A distance, even if they measured **100** feet, if they call out the building and they call out the street line, those hold over that distance. The general thinking is that they would not have made the call for that brick line and the street line if that's not what they meant. If there's an error, if there's a discrepancy say between a physical call in a deed, such as the building line and the street line and then a distance, the distance loses. The physical call's hold over the distances and that's evidence by countless, countless amounts of case law. Mr. Carbone feels that the whole street line is wrong though, we should move the street line. The problem with that is that you can't move one block in a subdivision. You have to move the entire subdivision as a whole and if you start doing that – we actually sent our field crews down there, we went onto Broadway and we located a whole bunch of buildings up and down Broadway and when we hold those monuments and when we hold those center line spikes, we're dead on the faces of those buildings sometimes within an inch here or there, again when you deal with **100** year old monuments it's not bad. There's no room to move this block here and it's unfortunate that the other deeds or whoever surveyed it in **1921** or measured it put that **100.56**. I don't know the reasoning for that but based on the math of fitting the whole subdivision on here and they're holding the call of the brick buildings, it just doesn't add up to that **100.56**. Beyond that, that's as far as we can take it. If they would like to take it to a title attorney or something else that kind of falls on them, it's of reach where we can make our certification on that.

Mr. John Klarl asked have you been contacted by the adjoining property owner concerning maybe doing a property line agreement?

Mr. Thomas **Certiara** responded we have not, no we have not.

Mr. John Klarl stated because that's the way obviously people settle disputed boundaries.

Mr. Thomas **Certiara** responded I understand that there's a lot of property line agreements in process and have been completed in Verplanck over the years but no, I have not been contacted by anyone.

Mr. James Seirmarco stated this is like **15** feet difference.

Mr. Charles Heady asked **2** feet isn't it?

Mr. Thomas **Certiara** responded no, we're talking about **3 ½** feet. Do you have a copy of the...

Mr. James Seirmarco responded I do not.

Mr. Thomas **Certiara** responded if you'd like, I can – this is where the refuted property line is that we showed on the survey.

Mr. John Mattis asked this is the new one?

Mr. Thomas **Certiara** responded this is the most recent survey, yes. That survey has been revised significantly.

Mr. David Douglas stated we don't have this.

Mr. Thomas **Certiara** responded no, this one was – they have one copy of it over there. When we hold the math and hold those monuments and hold the map at a thousand feet coming from Broadway, we end up right here and that's the solid line – it says 'street line as surveyed, see note **11**.'

Mr. James Seirmarco asked this is what?

Mr. Thomas **Certiara** responded that line represents the dash line there represents the **100.56** from, again, right here, this is the division line – this is the building remains but here is the building right here. I understand that it's not the ideal situation and there's steps and it can be interpreted in the right-of-way and so on. I live in Beacon and do a lot of survey work in Beacon, honestly we find the same stuff in Beacon. It's nothing new. It's unfortunate but that does appear to be the way it is.

Mr. John Klarl asked have you been contacted by a surveyor for the adjoining property owner to discuss any differences that he's noted or differences you've noted?

Mr. Thomas **Certiara** responded no, I haven't been contacted. The only people who've been in contact with me are Patricia Doherty, Dominic...

Mr. John Klarl stated your client.

Mr. Thomas **Certiara** responded my client was Sebastian Capurro from Capurro Contracting through Patricia Doherty through them.

Mr. John Klarl stated same interest.

Mr. Thomas **Certiara** responded right, same interest, and then Mr. Dominic Carbone are the only people who have been contacted...

Mr. John Klarl asked you haven't talked to a surveyor who's doing work for the adjoining property owner?

Mr. Thomas Certiara responded no, we have not been contacted by...

Mr. John Klarl stated the surveyor should have a sit-down.

Mr. Thomas Certiara stated I did not know that this adjoining property owner had a survey or was getting surveyed. I have an old survey supplied by them.

Mr. John Klarl stated I don't even know if that's the case but I was wondering if you've talked with...that's why I'm asking if someone's approached him, a surveyor from the adjoining property.

Mr. Thomas Certiara responded we have a copy of an old survey that was prepared for that property...

Mr. John Klarl asked Mr. Romeo?

Mr. Thomas Certiara responded yes, and we generally line up with that. Dominic has told me that he also believes that is wrong but he has not elaborated to me as to why.

Mr. John Klarl stated but, we're just looking at the offsets and it looks like the offsets are fairly close to the Romeo survey. If he disagrees with you there he would also disagree with the Romeo.

Mr. Charles Heady stated there's not that much difference.

Mr. Thomas Certiara stated I give my offsets to the Town because to be honest with you...

Mr. John Klarl asked but in a sense you've pretty confirmed the Romeo survey?

Mr. Thomas Certiara responded yes.

Mr. John Klarl asked do you agree that's a fair statement?

Mr. Thomas Certiara responded at least this line of the Romeo survey. I have not checked the...

Mr. John Klarl asked but the disputed line...

Mr. Thomas Certiara responded the disputed line here, yes. But, there's two disputed lines and it's not only just between Pasquale Carbone and Ms. Doherty, it's also in the street but I can't...

Mr. Charles Heady asked on Westchester Avenue?

Mr. Thomas Certiara responded yes. Again, holding the monuments and holding the math of the original subdivision map, coming down a thousand feet, that solid line is where we end up. If we

start sliding the whole subdivision map, now we're going to start encroaching on buildings on Broadway and so on. I am aware, and I've talked to other people and seen other surveys where down along 6th Street it does appear that there's a discrepancy where many of the buildings are over the line by about **3** and **3.5** feet. We don't know exactly where that starts or how that happened, but in concern to where the street lines are, they're pretty well fixed. I don't feel that we can move those at this point.

Mr. Charles Heady stated we've had problems before in Verplanck with the lines also in the past. A lot of them are off all the way through that section. You think that you and the survey and Carbone could get together and kind of make some kind of agreement there on that?

Mr. Thomas **Certiara** responded I don't know what the issue is with the side line with this one. I thought we had passed that point especially since we generally agreed with Romeo map in our new interpretation in this one versus the previous ones you have. As far as the street lines go, I think this is about as close as we're going to get, to be honest with you, because I can show that where they say the property line is, but from a professional surveyor and ethics perspective I can't really move that property line.

Mr. Charles Heady asked what's the difference on the street line there?

Mr. Thomas **Certiara** responded about **3.62** on one end and **4.06** at the other end.

Mr. John Klarl stated Mr. Carbone appeared before us on May 9th 2011 meeting and I think he said to us at that meeting that he believed the **1971** Romeo survey was correct and the **2011** TEC survey was in error.

Mr. Thomas **Certiara** responded yes, the previous survey that you had, as I said, we will admit, I will admit that there were errors made on that map. We came off of some property line markers that were set out there that upon further research that when it was brought to our attention, that we honestly dug deeper and spent more time surveying around the area...

Mr. John Klarl stated Mr. Carbone tells us in May that he agrees with the Romeo survey and we're looking at your survey which seems to pretty much agree with the Romeo survey also.

Mr. Thomas **Certiara** responded yes, in general yes.

Mr. David Douglas stated we need to hear from him as to what he disagrees with because it sounds like he should be in agreement here.

Mr. John Klarl stated I don't think there's time pressure that no one's selling or anything like that, is it?

Mr. Thomas **Certiara** responded I don't think they're selling. I do believe that they're just trying to get – to be honest with you I don't know.

Mr. John Klarl asked yes but we don't believe there's time pressure in terms of mortgage commitment, a closing date. We think this is being resolved between adjoining property owners not that there's a time pressure here so I think, Mr. Chairman, perhaps we should hear from Mr. Carbone and let him say what his issues are, if any.

Mr. David Douglas stated I think that's a good idea. Mr. Hoch, could you speak with Mr. Carbone and tell him to come next month?

Mr. Ken Hoch responded yes.

Mr. John Klarl asked do we have an extra print of the survey to give...

Mr. Thomas **Certiara** responded I have two prints right here. Again, I was under the impression that they were going to supply them to you.

Mr. John Klarl stated do you want to give it to Mr. Carbone so that...

Mr. Thomas **Certiara** responded I supplied five copies to Sebastian and Patricia and I don't know what became of those.

Mr. David Douglas stated I guess between now and next month, make sure that we've got them.

Mr. Thomas **Certiara** responded I'll touch base with Sebastian and one of us will get the maps in for you. I have a second one right here.

Mr. John Klarl stated so that way we can give one...

Mr. David Douglas stated one for us and one for Carbone, but it would be nice if we had one for...

Mr. John Klarl stated but just tonight so we can start off.

Mr. Ken Hoch stated I can make some copies.

Mr. Thomas **Certiara** stated and also just to mention, there's a lot of notes on the newest revision of the maps. We have a total of **19** notes on this map. We tried to the best of our abilities to explain to everyone down here in Verplanck, in this area, what our – we tried to explain it as accurately and descriptive as possibly could. Would you like me to leave this copy?

Mr. David Douglas responded yes please. One goes to Mr. Carbone and one is for us to copy. We'll adjourn. Anybody else want to be heard tonight?

Mr. Charles Heady stated I make a motion on **case #14-11B** to adjourn it to our January meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated **case #14-11B** is adjourned until January.

B. CASE No. 15-11 **James Meaney (revised)** for an Interpretation as to whether Local Law 12 of 2010 prevents the Green Materials application to the Planning Board, PB No. 28-08 filed 8/22/08, from proceeding; whether Local Law 12 negates the ZBA Decision and Order in Case No. 33-08; and whether the Applicant can obtain a Use Variance from Local Law 12.

Mr. David Douglas stated I believe that the applicant has requested an adjournment to January because neither the applicant nor his attorney could make it today. I think we had discussed the fact that we'd grant the adjournment and tell the applicant and his attorney that it's the final adjournment and that they need to be here in January or we will deem it to be abandoned.

Mr. Ken Hoch stated that information was relayed to the applicant's attorney.

Mr. James Seirmarco stated I would add that we should ask for what we asked for last time.

Mr. Ken Hoch stated we did that.

Mr. David Douglas stated at our work session we discussed it as well.

Mr. Ken Hoch stated we relayed that request to the attorney.

Mr. David Douglas stated we're basically saying we'll grant them the adjournment. You must show up. You must bring the authorities and the information that we had asked you to bring or if you don't do all that we'll get it abandoned.

Mr. John Klarl stated we would like it **10** days before our next work session.

Mr. David Douglas stated **10** days sounds good. Do we have a motion to adjourn it on those conditions?

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

Mr. David Douglas stated the case is adjourned to January with those conditions.

* * *

NEW PUBLIC HEARINGS:

A. CASE No. 30-11 Shadi Kahder for renewal of an Accessory Apartment Special Permit on the property located at **8 Ridge Road, Cortlandt Manor.**

Mr. Shadi Kahder stated I just purchased a home back in March and I wasn't aware that I had to get the Permit switched to my name, it was new to me. I spoke to Mr. Hoch and he told me what I had to do. I got inspected and I think everything was okay. I just want the Permit so I can go home and watch the Knick game.

Mr. James Seirmarco stated just for the record, there's been no violations of that...

Mr. Shadi Kahder responded no sir, everything was good. Everything is the same way when I purchased the home.

Mr. Ken Hoch stated I have no violations on record.

Mr. David Douglas stated the first Permit was granted back in **1984**?

Mr. James Seirmarco responded November '84, yes.

Mr. Charles Heady stated **1989**.

Mr. David Douglas stated he was granted in **1984** and a C of O was issued in **1999**. This has been here for a while.

Mr. James Seirmarco asked does anybody in the audience...

Mr. Shadi Kahder responded no, I don't have a big fan base. I'm new up here.

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

Seconded with all in favor saying "aye."

Mr. David Douglas stated public hearing is closed.

Mr. James Seirmarco stated I make a motion on Zoning Board of Appeals **case 30-11** to grant a Special Permit required for renewal of an Accessory Apartment.

Seconded

Mr. James Seirmarco stated this is a type II SEQRA, no further compliance is required.

With all in favor saying "aye."

Mr. David Douglas stated your Permit's granted.

Mr. Shadi Kahder responded thank you. Happy Holidays everybody.

B. CASE No. 31-11 Nadine and Stanley Lim for an Area Variance to allow an accessory structure (back-up generator) in front yard on the property located at **5 Diane Court, Cortlandt Manor.**

Mr. David Douglas stated tell us what you're seeking.

Ms. Nadine Lim stated we are seeking a stand-by generator that would go in the front of the property. We have a survey there that shows it's a flag lot. A couple of reasons why we're requesting it in front instead of in the back. In the back we have to put it very close to the house. There's a five foot clearance next to any windows that are required by the specifications of the manufacturer which we would do. We would need to keep it close to the house because the gas pipeline comes in, of course, at the front of the property, runs all the way from the beginning of Diane Court in to where we would like to be able to put the generator against some of the rock facing and further away from the house on the other side of the walkway which will, of course, keep us from having to run a gas line from the front of the house across two garage bays and the side of the house to the back of the house, also where the septic is. We're sitting, surprise, surprise on a rock ledge it's Cortlandt Manor and we have had work done before and they can't put it underneath so they would actually have to run the pipeline on the side of the house. We don't think that's a good...

Mr. James Seirmarco asked so that's a generator that would run on natural gas?

Ms. Nadine Lim responded yes it is. Same as the stand-by generators that run on propane but they can hook them up to natural gas if you have a gas line.

Ms. Adrian Hunte stated it's Ms. Lim – L-I-M? I visited the property. There's a huge boulder on Roberta Drive then you make the left turn onto Diane Court. Down the hill, there's a house, there's 7 and then there's a house to the left and then there are two houses down the driveway. Are you the one all the way down?

Ms. Nadine Lim responded if you're coming off of Roberta, there's the big yellow sign that was in the front of our house.

Ms. Adrian Hunte stated yes, I did see it but there are two houses down there but I think one may actually be on Roberta Drive.

Ms. Nadine Lim responded one's on Roberta, yes that's the Lipton property so we're the first ones coming up on the left, we're just number 5, which is the old Case property, the folks that lived there. They were the original folks that built it.

Mr. James Seirmarco asked so, you're speculating that there's rock so you couldn't bury the pipe?

Ms. Nadine Lim responded we know there is. We did the driveway three years ago and we wanted to be able to put drainage in that would pull more water away from the house and we also don't have a basement on that side of the house it's rock ledge which we were able to confirm when they tried to dig it out further. Putting it in the back of the house, of course, wouldn't require the Zoning Board, we would have just filed a Permit to put it in the back and the plumber that does the gas piping says "well, in this case we just run it over the top and you don't have to go to the Zoning Board." It's unfortunately comes out to over **50** feet of running gas pipe over the top of the house and then to the side because the specifications, even though it's a small generator, it's a **10K** as opposed to **20K** which most people get to power it – well you hear a lot of generators I'm sure, it's not meant to power the whole house, it's meant to keep a wooden house above **48** degrees when it's cold and keep two refrigerators going. My daughter and I have made quite a few runs to the Peekskill Homeless Shelter with food with all of the power outages. Anyway, back to the fact that we know that we would have to run it to the back over the top. We had it assessed by the plumber.

Mr. Raymond Reber stated I'm quite familiar with this property because the Cases were my friends. They were neighbors so I knew when they were having this house built and what was going on. You're right, there's a lot of rock. It was very difficult getting that house built. The fact that your house is so far back in the lot, actually behind – when you look at the neighbors in some ways you're behind the houses on the street coming up. Again, you've got that big boulder in front so to me it seems very logical to locate it where you're proposing which is just in front of that big boulder, gets it off your walkway and away from the house on the gas line and to try and run a gas line, to run it up on your house and around the back, to me, is just foolishness. My only recommendation would be, when you put it in, just put some shrubbery around it so it's kind of hidden so you don't realize it's there and with that I'd see no problem with what you're proposing.

Ms. Adrian Hunte stated I don't either. In fact, if you put it in the back of the house it appears as though that might be more visible from the road.

Ms. Nadine Lim responded if we put it in the back of the house it would be much more visible to the neighbors to our right and they immediately when we put up the sign asked us what was going on and the neighbor that is immediately behind us. There were some dead trees on his property and, well everybody had dead tree issues, and our tree guy finally got there last week and we went over to speak with him because there were some dead trees he had that kept coming over and falling onto our property and since our tree guy was there he said "do you mind if we take these down? She's paying for it." And, he said "no problem, but by the way what's that big yellow sign in your driveway?" He was happy to hear that it wasn't going his direction which I can't blame him for that. And, I don't know, power goes out, you hear this constant hum so I'm sure that's what he was sensitive to.

Ms. Adrian Hunte stated I don't see a problem with it.

Mr. John Mattis stated I think Mr. Reber summed it up properly and I agree with that.

Ms. Adrian Hunte asked anyone in the audience wished to be heard? On Zoning Board of Appeals **case #31-11** which is for an accessory structure (stand-by generator) in the front yard I make a motion to close the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated public hearing is closed.

Ms. Adrian Hunte stated on Zoning Board of Appeals **case #31-11** for Nadine and Stanley Lim for an accessory structure (stand-by generator) in the front yard at 5 Diane Court, Cortlandt Manor, New York, I make a motion that we grant the Variance to allow the generator to be in the front yard. This is a SEQRA type II, no further compliance required.

Seconded.

Mr. John Mattis stated I would add that we should have appropriate screening that the Town's Code Enforcement would sign off on. Screening meaning bushes and stuff so that it's not visible.

Mr. Charles Heady stated in front of the generator.

Ms. Nadine Lim asked just in front of the generator?

Mr. John Mattis responded yes, just some plantings.

Mr. John Klarl stated subject to the Director of DOTS?

Mr. John Mattis responded yes, subject to the Director of DOTS.

Ms. Nadine Lim asked how does that affect my actually getting my folks in there to do the work?

Mr. John Mattis responded do the work first then put the plantings.

Ms. Nadine Lim stated then they give us the C of O that it's all right.

Mr. John Mattis responded correct.

Ms. Adrian Hunte stated plantings are something that just...

Ms. Nadine Lim stated I will say that these generators, the way that it's been described, they open up and every three months, usually most people do it every year to six months but we have a rather fastidious generator gentleman, every three months he comes and he makes sure the oil level is correct, so on and so forth. He said to me "you just have to give me or my guys to get in there."

Mr. John Mattis stated you've got plenty of room in front of it.

Mr. David Douglas stated it shouldn't be a problem.

With all in favor saying "aye."

Mr. David Douglas stated it is granted.

C. CASE No. 32-11 Curry Properties for an Interpretation that the additional sign area for a building with frontage on two streets can be utilized on the building frontage, but if not, an Area Variance be granted to allow increased signage on the E. Main St. building frontage on property located at **3026 E. Main St., Cortlandt Manor.**

Mr. Joel Greenberg stated as we had discussed at the work session in the application we had given two options here and based on discussion with the Board at the work session we will drop the first option and request the Variance. The total square footage will conform to the **80** plus **40** to the **120** square feet but the Variance we're requesting is to have the **120** square feet facing Cortlandt Boulevard/Route 6 versus Westbrook Drive which, as we showed at the work session, that building is so far back from Westbrook Drive, it would make no sense to put a sign there. As we looked at the work session the signs are rather spread apart and certainly not obtrusive at all; Service, Subaru, Curry and Hyundai and plus their emblems. Basically, here is the layout of it and we have **119** point something square feet.

Mr. David Douglas stated just for the record, when you say you had two options, the first one was for an Interpretation...

Mr. Joel Greenberg stated that we're dropping.

Mr. David Douglas stated you're dropping seeking the Interpretation and now you're just seeking the Variance.

Mr. Joel Greenberg responded correct.

Mr. John Mattis stated the first option, I'm glad you dropped that because that would have been a little tricky and the Code is silent on that. It's better to stay away from that if possible.

Mr. Joel Greenberg stated as I was telling – every time Ken and I read it "well maybe it's this

way, maybe it's that way," it's really very difficult.

Mr. John Mattis stated and the option you're looking at, the Variance is **39.7** square feet which is **49%**. We're allowed to give up to **100%**. The building sits quite a ways back. None of these signs – **24** inches was the maximum height I believe on any of these. The smaller signs spread out. The **119.7** square feet is made up of five or six signs.

Mr. Joel Greenberg stated you're right. The largest lettering is **24** inches.

Mr. John Mattis stated these are probably smaller signs than we'll see in most of the area. I have no problem with this.

Ms. Adrian Hunte stated I don't either.

Mr. James Seirmarco stated I don't either.

Mr. Charles Heady stated I would like to bring up something I explained to you last time. You came here for a Variance for the houses in the back. I also told you about the road where the gas station had the cutouts going out to the gas station on Westbrook and also on Route 6 right? I explained to you before, right to this day, he's got these cars parked – they're not supposed to be there up on the main road, right on the curb, they also have them on Westbrook Drive on the grass sometimes which is a violation. The only they understand if we serve a violation and then they will stop doing it. They're on Town property. They're not supposed to do that.

Mr. Joel Greenberg stated I will check that first thing in the morning. I was there a few days ago.

Mr. Charles Heady stated they were there. They were there today.

Mr. Joel Greenberg stated I'm not saying they weren't. I will be happy to make sure they're not there anymore.

Mr. Charles Heady stated okay.

Mr. John Mattis asked anyone in the audience to speak? I move that we close the public hearing on **case #32-11**.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the public hearing is closed.

Mr. John Mattis stated I move that we grant a Variance in the front yard from **80** square feet of allowable sign to the proposed **119.7** square feet. This is a type II SEQRA, no further compliance is required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the Variance is granted.

Mr. Joel Greenberg stated Happy Chanukah, Merry Christmas and Happy New Year.

*

*

*

ADJOURNMENT

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

Seconded with all in favor saying "aye."

Mr. David Douglas stated the meeting is adjourned.

*

*

*

**NEXT MEETING DATE:
WEDNESDAY JAN. 18, 2012**