

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 21<sup>st</sup>, 2015*. 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  
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

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**ADOPTION OF MEETING MINUTES FOR DEC 16, 2014**

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

Mr. David Douglas stated the minutes from December are adopted.

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**ADJOURNED PUBLIC HEARING to FEB 18:**

- A. CASE No. 2014-21                      Maciej Przybylowski** for an Area Variance for an Accessory Structure, a tree house, in the front yard on property located at **103 Kings Ferry Rd., Montrose.**

Mr. David Douglas stated case 2014-21 will be heard next month.

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**ADJOURNED PUBLIC HEARING:**

**A. CASE No. 2014-25                      Graphic Solutions and Signs on behalf of Children of America** for an Area Variance from the total allowed wall signage requirement for their leased space at the **Cortlandt Town Center, 3105 E Main St., Mohegan Lake.**

Mr. David Douglas asked Mr. Hoch, I understand that they've withdrawn that case?

Mr. Ken Hoch responded they sent me an email requesting that they withdraw their application.

Mr. David Douglas stated so that case is withdrawn.

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**NEW PUBLIC HEARINGS:**

**A. CASE No. 2015-01                      Robert Yannarelli on behalf of YEP LLC** for an Area Variance for the size of a freestanding sign on property located at the gas station at **2058 E. Main St. (Cortlandt Blvd.), Cortlandt.**

Mr. David Douglas stated if you could tell us basically what it is that you want to do.

Mr. Robert Yannarelli stated we're trying to change our – we had a Getty station and it became a CITGO station. We want to change the sign to CITGO, to improve the building, ours is pretty old that's there now.

Mr. John Mattis stated you have actually right now, it says: Getty on one sign and then you have the other one kind of below it, almost level with the pumps that has the prices and stuff. What you're doing is – you're only allowed 24 square feet because of the small property. You're proposing 45 square feet which, in this day and age is not a big sign. When you take into consideration that you need the logo and you also have to – these will be the illuminated, the three pricings and stuff and it's very similar in size if not smaller than all the other gas stations up and down the road. I think this is appropriate for that property.

Ms. Adrian Hunte stated I agree.

Mr. James Seirmarco stated I agree.

Mr. Wai Man Chin stated I have no problem.

Mr. Charles Heady stated I have no problem with it. It would make a better sign in the end anyhow, by the time you're done, the new one up. I have no problem.

Mr. Robert Yannarelli stated thank you.

Mr. John Mattis stated procedurally now, I move that we close the public hearing on case #2015-01.

Seconded with all in favor saying "aye."

Mr. David Douglas stated public hearing is closed.

Mr. John Mattis stated I make a motion that we approve the Variance requested for the size of the freestanding sign from an allowed 24 square feet up to 45 square and this is a type II SEQRA, there's no further compliance required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated that was easy right?

Mr. Robert Yannarelli stated thank you.

**B. CASE No. 2015-02                      Claus Rademacher, architects, on behalf of Gregg and Carol Myers** for Area Variances for the maximum building floor area and maximum building coverage on property located at 12 **Red Oak Lane, Cortlandt.**

Mr. Claus Rademacher stated good evening ladies and gentlemen, my name is Claus Rademacher. I'm the architect representing Gregg and Carol Myers. What we're proposing to do is we're adding – we're proposing an addition to an existing residential structure in the rear of the property in order to expand the kitchen areas of the house as well as the dining room and create basically a better living space for the owners which includes a breakfast room, a pantry and then some other elements. Right now the kitchen is rather undersized for the size of the house. In addition to that, there's a small extension on an upper floor which is above the footprint of the what we're doing on the first level which is the addition of some bathrooms because right now there's a very small bath that accommodates a number of bedrooms and they do have two children and they have a growing family and they're interested in expanding and having additional space in the house. Basically, what we're proposing is an addition of approximately 125 square feet on the second floor and about 525 square feet on the first floor as it's outlined in the floor plan as you can see. The entire extension is only in the back of the building, as I mentioned. It does not encroach upon the side yard setbacks. It's certainly well within the rear yard setback and what we've tried to do architecturally is to make it blend in as best as possible with the character of the house. I actually brought some images in addition to what I think you have to demonstrate that. I'll be happy to show that to you if you'd like. I wasn't aware of the high tech presentation techniques you have so I did it the old fashioned way. Would you like me to pass it around or...

Board members stated we can see it from here.

Mr. Claus Rademacher stated basically this is the rear of the house currently. What exists currently, which we're actually moving is a rather sizeable back deck and a stone patio surrounded by low stone walls. The deck that is there now is 280 square feet and the patio is 558 square feet. Within the footprint of these two elements is what we're adding on the back so we're really not encroaching significantly on the land per se, if you consider that the fact that these are the areas we're building upon. This is just basically the view from the back. The reason we're introducing some masonry is because there's masonry in the front of the house so we wanted to keep it consistent with the character of the house as you walk around. The roof line is respected. There's a gable in condition which is typical to what's happening in the front of the house as well. The window types, doors and what not, we're trying to relate them back to the original house. That's it.

Mr. John Mattis stated for the record, I'd like to say that you told us the addition – but I just caught a mistake on this. You said the additions are 125 square feet upstairs and 525 on the main floor for 650 and what you gave us is actually a 775 square foot.

Mr. Claus Rademacher responded well that's the amount that we're over in terms of the allowable.

Mr. John Mattis stated well you're showing 2,500 on the first floor, 3,150 and you're showing 1,850 on the second floor up to 1,975 so that goes from 4,350 to 5,125, that's 775 more, it's not 650.

Mr. Claus Rademacher stated well I was adding up the two different areas.

Mr. John Mattis stated it's right off of what you gave us. It's just for the record that we state that correctly.

Mr. David Douglas stated Mr. Heady this is your case.

Mr. John Mattis stated I didn't mean to take his case away from him but I caught a math error there.

**Inaudible.**

Mr. Claus Rademacher stated what is on the drawing is correct. I apologize.

Mr. Charles Heady stated I was out there. I've seen the back. You've on the papers there that you're going to demolish the deck in the back and put the addition on it right?

Mr. Claus Rademacher responded yes.

Mr. Charles Heady stated but overall, as Mr. Mattis is saying, you're over in the square footage on the whole thing. If there's a possibility maybe if you want to cut it down a little bit. You may

have to go over the footage on the whole addition to maybe reduce it down a little bit. According to the code you're over quite a bit so you've got to maybe think it over. I don't know what you want to do with it, as Mr. Mattis explained to you on the square footage, overall.

Mr. Claus Rademacher stated we realize we're above what we are technically supposed to be but we are on a cluster lot. These are fairly tight lots and I think when the development was built, I believe around the late 1997 or so when it was built, I think they really maxed out the – they've limited the lot sizes and they maxed out the building envelopes but we felt with 120 foot setback in the rear yard we have a lot of space and we were hoping that we would be granted the additional square footage to give us that extra room in the house itself.

Mr. Charles Heady stated I understand that, you've got the room back there it's true. As far as the code and the square footage it doesn't work out.

Mr. Raymond Reber stated I'm somewhat familiar with the neighborhood but I did drive out there again today to refresh my memory. I have serious problems with any expansion on these houses and the reason is, as you mentioned, this was a cluster housing project. The Town had agreed as a condition for creating some open space to put in smaller properties than they normally would have and that street has basically two types of lots: there's the half-acre which this lot is and there are one-acre lots and then there's the one on the corner which is about an acre, it's a bigger one because it's on the bend. The town had agreed that the developer could max out each house, that's why your house that you have is within 50 square feet of the max allowed because they said "okay, that's the deal we make." Normally, when we give Variances it's usually due to a hardship or some very unique situation where you say "well, the code didn't intend to restrict this." I don't see anything here that makes this unique. The code says we don't want a piece of property over a certain percentage of a lot because that's the character of the town and the neighborhood. The developer was granted the ability to go 4,400 square foot house on this lot. There's no intention, nobody in his right mind believed that these houses would be expanded after they were purchased. They're good size homes. Now, is there a hardship here? It's hard to find one. It's hard to find one that's so unique that we have to ignore the restrictions and say "okay, we'll make a special case out of this." There's nothing unique here. The owner just decided that the house he owns isn't spacious enough for what he wants. Now, normally the suggestion is "fine, then you sell this and you go buy a bigger one." If we grant this it basically says there are no rules restricting anybody else from coming to us and saying "we should have the right to go over." What are we going to cite as a unique situation? What are we going to cite as another particular hardship? I was trying to think of what could be a weird situation. Well, if the owner was in the military, went over to Afghanistan, got seriously injured, became wheelchair-bound, comes back to us and says "I've had this house. It's been in the family for years. I can't get to the second-floor bedrooms anymore. Would you allow some modifications so that we can have a bedroom downstairs?" and he came to us for a couple of hundred square feet. We might be sympathetic because that's a very unique situation. You're not asking for just a couple hundred square feet. You don't have a hardship. It's self-created in wanting this so to me I can't see any way of justifying this. I'm sorry.

Mr. Claus Rademacher stated it's not like we're adding – obviously you know from the plans, we're not proposing to add bedrooms. We're not adding room count. All we're doing is enlarging spaces. We're not...

Mr. Raymond Reber stated I understand all that. You're just making very large rooms but the point is...

Mr. Claus Rademacher continued we're not creating more rooms for members of the family to grow into. That's not the idea here.

Mr. John Mattis stated I want to interject here. When you say "room for the family members to grow into": you've got a 4,350 square foot house excluding the basement and you want to go to 5,125 square feet and you need room for the family members to expand? That house is bigger than – probably twice as bigger, three times as big as the average house in Cortlandt and as Mr. Reber said, there's a reason why they have this coverage. The purpose of our board is to grant relief where relief is necessary. I see no relief here when you have monstrous sized bedrooms, monstrous living room, a kitchen nook that's bigger than most people's dining rooms in addition to a large dining room. To me this is akin to putting a McMansion on a postage stamp. It's just not appropriate.

Mr. James Seirmarco stated I have a totally different approach to this. I look at the neighborhood. I look at the large size houses and I go by the rules this board goes under: does it affect the neighborhood? No. Is it self-created? Yes. Is it – I forget...

Mr. David Douglas asked you want the cheat sheet?

Mr. James Seirmarco responded I want the cheat sheet so-to-speak. The request of the Variance is not substantial. I don't think that going from 20 to 25% lot coverage is substantial, it's only a few percentage. Does it have an adverse affect or impact on the physical or environmental conditions of the neighborhood? No. So, it doesn't have to meet all of these but if it meets the majority of them and I have no problem with it. If it was 50% lot coverage or 60% or 75%, in my mind it would create a McMansion-type structure but 25% lot coverage from 20 to 25% is not a McMansion in my definition. A McMansion is somebody that has a quarter of an acre lot and has 90% coverage or 85% and that happens all in Rye and the many, many areas throughout the states. This doesn't qualify as a McMansion to me so I don't have a problem with this.

Mr. Raymond Reber stated the trouble is the town defined and very reasonably, set these rules in place so that was their decision. Who are us to say that the town was wrong in setting these criteria? And there's one criteria that's really important and it doesn't mean, like you say, that all five have to be met or not and that is "self-created." There's no hardship here and this is purely self-created.

Mr. James Seirmarco stated I absolutely – I agree with that but...

Mr. Claus Rademacher stated I would also like to – I’m sorry go ahead.

Mr. James Seirmarco stated this is a Zoning Board of Appeals. You’re asking for some leeway here and we have the ability to grant some leeway, not a lot, but some and I don’t think that a couple of extra percent lot coverage is a lot, it’s some, to me.

Mr. Claus Rademacher stated we’re not asking for additional height. We’re not asking for really additional bulk. We’re not creating a monster. We’re not creating something that’s inappropriate. We’re not proposing a pool or a tennis court or a basketball court. The neighbor directly next door has a very large outdoor pool with pool structures and fencing and balustrades and has, by your definition McMansion qualities.

Mr. John Mattis stated but he has the one-acre lot and he’s within his envelop of what he’s allowed.

Mr. Claus Rademacher stated he may be but that’s what...

Mr. John Mattis stated he is, he’s not “maybe.” He is.

Mr. Claus Rademacher stated but we’re not proposing that. We’re simply proposing a relatively modest addition to an existing house that I don’t think is objectionable and certainly I don’t think half the neighbors would know it even existed until they went around to the back yard.

Mr. John Mattis stated until the next neighbor comes in, the fellow next door to you that has the pool and everything else and said “you just gave a Variance to my next door neighbor, now I’d like to build my house bigger and do it,” and we’ve set the precedent that we would have to do it because if we told him “no” there’s no hardship for you, there’s no reason why we have to. You have the very house. We would lose that on appeal, up and down that street if the other ones came into us. In effect, then we’ve rewritten the code and I’m not prepared to do that.

Mr. James Seirmarco stated what you’re asking – you’re allowed to do 600 square feet under the existing code, you’re asking for an extra 600. I don’t think a 4,000 square foot house...

Mr. John Mattis stated it’s 725. It’s not 600.

Mr. James Seirmarco stated whatever, it’s only a few percentage.

Mr. Raymond Reber stated and he’s within 15 feet of the maximum floor area.

Mr. James Seirmarco stated I don’t find that significant.

Mr. John Mattis stated if this weren’t granted, there’s no hardship on that house, no hardship whatsoever.

Mr. Tom Vanderbudock stated I'm good friends with the Myers' and I'm also their contractor that they hired because I do a lot of construction in my own town; Putnam Valley and I general contract down in Manhattan. You're talking about a hardship, so she likes to cook in her kitchen, she's a cooker. She's having a tough time in that kitchen. We go to a lot of dinner parties there. She's a very quirky type of stove and an island that has no exhaust properly and the way the – you talked about large bedrooms and large living rooms. If we could take the bedrooms and make them a little smaller and take that wasted space that's above the garage and turn that into something smaller and be able to push it out the back, and reconfigure the house, it would be the ideal thing to do. They're not trying to create a McMansion, they're just trying to create a little quality of life in the kitchen area and what we did is in good taste, come up with a design. We went through seven different designs to try to see how we could get it inside the back yard so it looked like it was inside the patio area, because they use that area anyway. Again, it's not encroaching on the side lines or on the side of the house. I understand the rules of the town and I understand you're talking about a hardship. The hardship is: she's a woman and she likes to cook, the husband likes to cook and that's their main area. We tried to figure out if we could put the kitchen in the front of the house. We tried to see if we could work inside the best envelope inside the house but we thought this was the best way. If we could show you two different designs we came up with and show you how we got to this point, we thought the same way you did. We know that there is a Variance and we know that there are restrictions and we know we're looking for a hardship but – and the hardship here is she's not a veteran, she doesn't need a wheelchair, but she can't cook properly in the kitchen the way it's set up. I don't think she's just putting it on just because she wants to have a bigger house. I think it's the need of the quality of the kitchen life that actually where everybody sits and eats and cooks. Now, with the addition upstairs for the two bathrooms, it's a very, very small bathroom. There's no way of making that bathroom bigger and they have a boy and a girl so they're trying to do is actually trying to access the bathroom so they could actually split the bathroom in half so the boy and the girl could actually get a bathroom without being a boy and a girl, that's the reason for that. That's not encroaching anywhere, that's just making a little peak. We're just trying to work with the inside of the envelope of the house.

Mr. Raymond Reber stated just so that those that might be watching understand, the existing kitchen/breakfast area: it's roughly a square area and it measures approximately 14' x 19' and then you're saying isn't adequate and I must say, I know a lot of good cooks and I have some relatives that love to prepare meals for big people and have very nice kitchens that are in less space. I have a problem and what you're really doing is you're taking that kitchen and you're removing it and you're replacing it with a new mudroom, a pantry, a bar area for the dining room and some closets and then you're building a new kitchen behind it in the new area and that kitchen that you're proposing is going to be almost 18 feet deep by almost 20 feet wide. That is a monstrous kitchen by anybody's standards. To me, that's absurd and again, it's irrelevant. There's a kitchen in there. That's the house the way it was built. They don't like it, find another house.



Mr. Tom Vanderbudock stated so you want these hard working people that love their neighborhood and love their neighbors to just go out and sell their house and built somewhere else because...

Mr. John Mattis stated that's a sympathy case that we don't consider. Everybody could come in and say it's a sympathy case. We're looking at the code.

Mr. Raymond Reber stated that's the house they bought.

Mr. John Mattis stated that's the house they bought. You know what people do? They move to a bigger house if they want a bigger house. We see it all the time.

Mr. Tom Vanderbudock stated but again, I do understand why there are Zoning Board of Appeals. I know there's reasons to appeal and there's reasons not to appeal but if no one in that neighborhood can ever put an addition on it I think that would be – it seems...

Mr. John Mattis stated if the houses were built smaller they could. They were maxed out that's why they can't. That's the code.

Mr. Tom Vanderbudock stated I understand. I understand the code.

Mr. John Mattis stated there's no assurance anywhere that if you're maxed out that you can move in and you can expect to expand.

Mr. Raymond Reber stated that was the conditions of the cluster housing that we would restrict the size of the lots but you could still build a large house to the maxed allowed and would allow the developer to cluster. The alternative would have been, we don't cluster, they get two-acre zoning and then they could build bigger houses because they'd be spread apart but a decision was made and I think we are obligated to live to those standards that was agreed to.

Ms. Adrian Hunte stated I'd like to go back to our basics as did Mr. Seirmarco notwithstanding issues of relative size and what you want to do with the property, that's their business, whether we consider a kitchen small or large is – I don't think that's the issue. The Zoning Board is to take into consideration the benefit of what the applicant is trying to do and needs the Variance for as ways against the detriment to health, safety and welfare of the neighborhood or the community. Going back to those, and they're not absolutes but they are guides for us, I don't see an undesirable change in the character of the neighborhood or any detriment to the nearby properties. Do you have some other alternative? You probably could make this a little smaller, but – the Variance itself is not substantial in the sense that you have a larger house and the percentage is somewhat small. The Variance is not going to have an adverse affect or impact upon the physical or environmental conditions in the neighborhood and the alleged difficulty is not self-created. It doesn't have to necessarily be a hardship and self-created in of itself does not constitute a reason for denial.

Mr. Wai Man Chin stated I'm going to have to agree with Mr. Seirmarco on what they are projecting on this thing. Again, I think we've got a board that's kind of split up but that's how I feel. It's not a substantial Variance.

Mr. John Mattis stated I would interpret some of those points differently, primarily I feel it does change the character of the neighborhood because the purpose of that coverage ratio is to keep open space in a cluster area and they maxed out on the housing and, as I said, the next one that comes in on that street that asks for something, we would have no grounds to turn them down since we've set the precedent and then all of a sudden you can have up and down that street, 25%, 30%, whatever it is so what's the sense of having a code.

Mr. Charles Heady stated I think you ought to go over the plans and see if you can work something out and come back to us if you want to. I mean, it's up to you. It's a suggestion. I'm trying to help you out.

Mr. Tom Vanderbudock stated I understand.

Mr. David Douglas stated I think I'm in a position I hate to be in because the position is the board seems to be split and – I mean the three, so I've kept quiet but, as I said, I hate being in this position. I'd rather have my vote not matter. My view, Mr. Reber said a lot of things that I was planning on saying. I think that it's significant that this was a cluster development and that when the town approved this that it approved a certain vision and allowed the houses to be a certain size and I think that we have to respect that. With regard to the maxed the floor area ratios and the building coverage, those are things that the town put into place not all that many years ago with the specific idea of keeping houses to a certain size and the way they've done it is looking at proportions to the lot area and the sizes of the houses. Saying that a house on a twice as large lot is larger and has a pool, to me, that's not what the town had in mind when they put these things in place. It was exactly this situation, the town did not want houses to be larger than a certain proportion on a lot unless there's some sort of hardship or some sort of unique or sort of unique situation, I think we should, as a general rule, we should adhere to that. To me, I don't see this as being a unique situation. I do think that allowing this would encourage everybody else in the neighborhood to come in with their own – seek their own Variances and I find that would set a bad precedence. Finally, as to the five factors, I guess everybody sort of analyzes them in a different way and I agree with Ms. Hunte and Mr. Chin that looking at those factors is important, that's what we're supposed to do but I sort of come down on a different side in looking at those. First, in terms of whether there's an undesirable change: I do think because this is a cluster development that allowing this would cause an undesirable change because it would be contrary to what the town had envisioned for this subdivision. Can the applicant achieve the goals through another reasonable alternative without needing a Variance? I think it's very clear that they can. I don't see why the house can't be modified in a way that doesn't need a Variance. As to whether the Variance is substantial, the third factor: it's moderately substantial. We're talking about 16.5% on the floor area, exceeding the floor area maximum. Will it have an adverse impact on the physical environmental conditions: I don't think it will. Whether it's been self-created: yes it is, it's something that they're seeking a Variance because they want

something. It's not that they moved into a situation where it wasn't something that they were seeking. That's how I would come out which I think probably means there's 4 opposed and 3 in favor. We can either vote on it or you could do what Mr. Heady had suggested is if you want, if want another month to sort of look at possible alternatives we could hold off on voting this month. That's really up to you.

Mr. Claus Rademacher stated may I ask if there are any Variances that have been granted in this community or in this cluster development at all? Is there a precedent?

Mr. John Klarl responded we'd have to research that.

Mr. David Douglas stated I don't, off the top of my head, I don't recall any Variances in this neighborhood for building coverage or floor area.

Mr. Wai Man Chin stated no, I don't remember that.

Mr. David Douglas stated Ken, we would have to double check but I don't...

Mr. Ken Hoch stated I'm not sure there weren't possibly other Variances, an Area Variance or something but this is the first floor area ratio...

Mr. Claus Rademacher stated I guess my question is if the direction seems to be that there's a reason why the rules are the rules, when you say we should go back and redesign I mean to what level – what could we reasonably expect to accomplish if we're not supposed to set a precedent whether we add 600 square feet or 400 square feet? What is the number that you'd be comfortable with?

Mr. John Mattis stated I'd be comfortable with 4,400 square feet, no Variance, because I don't think there's a reason that you need one. That's my opinion.

Mr. David Douglas stated that's a very fair question. I guess Mr. Mattis' answer is that you can go back but unless...

Mr. John Mattis stated you can go back but if you come in to ask for a Variance I'll vote against it.

Mr. David Douglas stated that's a fair question. I'm not sure. I tend to lean toward what Mr. Mattis said as well but if I saw – I might be open to something else if I saw it but I don't know. I don't know.

Mr. Claus Rademacher asked does the community allow pools or other accessory structures? Obviously, there is one next door without Variances? I'm just curious.

Mr. John Mattis stated if they don't exceed the coverage area and they fit within all the zoning regulations, sure.

Mr. Wai Man Chin stated pool is considered a coverage area or tennis court, anything that's permanent.

Mr. Tom Vanderbudock stated presenting this plan that we presented tonight, we thought really that there wasn't going to be a problem with the Variance. We didn't think we were going to get this negative feedback because we, in our minds, we know that there's a board that wants to appeal against something, there's always somebody – I work with a lot of boards and no matter what it is there's always somebody who doesn't want to do something. There's always somebody who likes to do something. There's always a mixed emotions about what we should be able to build and not be able to build.

Mr. Wai Man Chin stated you've heard from seven board members right now. It's up to you, like the Chairman has indicated, either you want us to vote on it now or give yourself a month and talk to the clients or whatever you want to do and come back to us, we adjourn it until next month.

Mr. John Klarl stated you received the board's comments so.

Mr. Claus Rademacher stated I understand. We'll come back to you in a month if that's okay.

Mr. Charles Heady asked is there anybody in the audience that want to speak on case 2015-02?

Mr. asked when is the next hearing?

Mr. John Klarl responded February 18<sup>th</sup>.

Mr. Claus Rademacher stated thank you.

Mr. David Douglas stated if you've got an alternative you want to propose to us you should get it to us by – what date?

Mr. Ken Hoch responded at least a week before.

Mr. Charles Heady stated I make a motion on case 2015-02 to adjourn it to our February meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated case is adjourned until next month.

**C. CASE No. 2015-03**                      **Mark Picucci** for an Area Variance for the rear yard setback to relocate a building to be used for storage on property located at **2083 Albany Post Rd., Montrose.**

Mr. Mark Picucci stated good evening ladies and gentlemen.

Ms. Adrian Hunte stated just tell us what you'd like to do.

Mr. Mark Picucci stated I have a shed on the property. It was an existing shed on the property that's completely dilapidated, fallen down and I'm just looking to move this one over very close – it's in the same area that this one was but it's a little bit closer to the side yard and I know in the past few years...

Mr. John Klarl stated you've appeared before the Planning Board with this right?

Mr. Mark Picucci responded right.

Mr. John Klarl stated they had a favorable comment.

Mr. Mark Picucci stated they were okay with it.

Mr. John Klarl stated they were okay with the idea of relocating but they differed to this board to look at any Variances.

Mr. Mark Picucci responded right.

Mr. Wai Man Chin stated I know, I guess we all know this property pretty well since it's been on quite a while.

Mr. Mark Picucci stated the property backs up to the – quite a while.

Mr. Wai Man Chin stated and where you want to move the...

Mr. Mark Picucci stated to the back of the property. This is the union training center.

Mr. Wai Man Chin stated it's kind of down in the valley, it's kind of down where you really can't see it. I really don't have a problem with where you want to move it.

Mr. John Mattis stated I'm probably more familiar than anybody, because as you know, I go visit the dog Ashley there and you won't even be able to see that. I think they'd probably have to stand on the roof of the cars at the India House and maybe see the roof of it or something and behind it, it goes up 40 feet, 50 feet and there's nothing going to be built there. If you do see it from the parking lot next door, it's what the little yellow jut. It's an appropriate thing to do.

Mr. James Seirmarco stated I agree.

Mr. Raymond Reber stated you mentioned that it's a shed being moved but wasn't that being used as a residence?

Mr. Mark Picucci asked I'm sorry?

Mr. Raymond Reber asked wasn't that building being used as a residence?

Mr. Mark Picucci responded it's a small – it's been used as an apartment.

Mr. Raymond Reber stated our agreement obviously to move it "as an accessory building" obviously no electrical, no plumbing, none of that is permitted so that all gets disconnected.

Mr. Mark Picucci stated I wanted to have a garage underneath it and have lights in there and water for a water hose.

Mr. Raymond Reber stated it's not going to happen.

Mr. James Seirmarco stated he can have electric.

Mr. John Mattis stated you can't have a kitchen or a bathroom.

Mr. Wai Man Chin stated no bathrooms.

Mr. Raymond Reber stated no bathrooms, no kitchen.

Mr. Wai Man Chin stated it's a storage.

Mr. Raymond Reber stated in other words it can't be something that somebody could go in and stay, that's all.

Mr. Wai Man Chin stated there's no problem with having a hose there or whatever.

Mr. Raymond Reber stated I'm just bringing it up as a point because some people say people have been living there, you're moving a house not a shed. So I just want to clarify that.

Mr. Wai Man Chin stated the indication is that there's no bathroom, there is no kitchen.

Mr. Raymond Reber stated I have no problem with what you're requesting.

Mr. Wai Man Chin continued permitted in this structure. Anybody in the audience who would like to speak on this matter? I'm going to make a motion on case 2015-03 to close the public hearing.

Seconded with all in favor saying "aye."

Mr. Wai Man Chin stated I'm going to make a motion on case 2015-03 to grant the Area Variance for the rear yard setback from 30 feet down to 6 feet to relocate a storage building to be used. This is a type II under SEQRA, no further compliance is required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated it's granted.

Mr. Mark Picucci stated thank you.

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**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.

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**NEXT MEETING DATE:  
WEDNESDAY, FEB. 18, 2015**