

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, June 17th, 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 (absent)
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 MAY 15, 2015

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

Mr. David Douglas stated the minutes are adopted.

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NEW PUBLIC HEARINGS:

- A. CASE No. 2015-08** **William J. Perron** for an Area Variance for an Accessory Structure, an 8' x 12' shed, in the front yard on property located at **2 Fieldstone Lane, Cortlandt Manor.**

Mr. William Perron stated we don't have a garage where we live on 2 Fieldstone Lane and we've been taking the snow blower out of the basement, up the set of stairs and using that and a lot of other equipment. It's gotten to the point where I just injured myself this winter trying to take the snow blower out, fell down the stairs, and so on and so forth. We have a shed in the back of the house but that's way back at the back of the property. It was there before we even moved in, and it's kind of falling apart also. What we wanted to do was have something closer where we could take the gardening equipment and the snow blower and we also have a generator that we'd like

to be able to pull out in case of an emergency from that, that was closer to the house, closer to the driveway. Unfortunately, we're kind of on a corner property where the road in front of our house I guess is classified by Cortlandt would be on two sides of our property and the front of the house is really pointy and towards the aqueduct. Also, we've got a right-of-way on that side so we can't put a shed there. So what we want to do was put a shed on what we call the side of our house but it is, according to the town, on one of the streets that would be in the front of our property. We don't want to do anything too big, we just want to do an **8' x 12'** shed which would be under the **100** square feet so we don't require a permit for that shed and we want to get one of the sheds they'll put up; a cedar shed. We're going to try to make it look nice and everything else. Right now we've got in that spot a garden, a **15' x 15'** fenced in veggie garden, which we've, because I'm so busy I haven't been able to keep that going in the last couple of years so we want to put that where the garden was. The road that goes past kind of raises above the property anyway. We've got a lot of screening, vegetation on that side so it's not even going to be that visible for the shed there. So that's why we're asking for the Variance on that. Anything else? It's just that we're getting older and we can't afford to pull up a garage plus we don't quite know where we'd put it anyway. It would kind of block our view in the house anyway.

Mrs. Perron stated our house faces the aqueduct. There's a paper road in the front of our house along the aqueduct which makes that unusable. The back of the house, it's a pie shape property, the back of the house narrows down to the woods and he's hurting himself. He got rotator cuff injury. It's destroying the steps leading down to the basement and we're not in a financial position to build a garage. A shed seems like the most sensible alternative.

Mr. Wai Man Chin stated based on the survey, the driveway came towards, actually where you're going to put the shed.

Mr. William Perron responded that's where it was.

Mr. Wai Man Chin stated but the photograph shows that the driveway is actually towards the front of the house.

Mr. David Douglas asked Wai, did you look at the addendum? You have to read the addendum.

Mr. Wai Man Chin stated I'm just saying what's on the survey and what's on the photo.

Mrs. Perron stated the original driveway for the house was a one-lane driveway that went between the wall of the hillside and two cedar trees and the only way to get out of the driveway was to back out of it. First day we were living in the house I backed out of the driveway, some kid came flying down the hill through the optional stop sign and nearly k-oed my car and veered around me and then hit somebody else as he was coming around the curve. We had to be able to turn around to be able to get out face first which is why the driveway was moved at that point, **20** years ago.

Mr. Wai Man Chin stated I understand what you're doing but I'm just saying based on what you see on the survey and what you see on the photograph, the driveway's coming back towards the screened porch but it isn't, it's actually going towards the front of the house.

Mr. William Perron stated it's not actually a screened porch either.

Mr. Wai Man Chin stated I'm just saying. That's what it says on the old survey.

Mr. John Mattis stated it's drawn in there.

Mr. Charles Heady stated I was talking to your wife on where she wants to put the shed. The one on the survey shows where that shed on the left, it's way far away. You're going closer, about two feet from the house. Am I right?

Mr. William Perron responded I measured it and figured out on that map there is a green house now and so this would be much too close. There's also a cedar tree in there and so it's pretty much the only spot we can put it right now, that shed.

Mr. Charles Heady asked you're going to take that down without a doubt right?

Mr. William Perron responded we think so yes, the one in the back yard.

Mr. Charles Heady stated that's to the side of the house, facing the house on the left to the side, right?

Mr. William Perron responded on the left hand side as we're looking at it, right.

Mr. Charles Heady asked how many feet do you want that from the house out? It's not on the survey.

Mr. William Perron responded you mean the red shed? The one over here?

Mr. David Douglas stated no, the one you're proposing.

Mr. Wai Man Chin stated the new shed.

Mr. Charles Heady stated no the new shed.

Mr. William Perron responded this shed, I think is, about **15** feet out from the house.

Mr. Charles Heady stated

Mr. William Perron responded that's going to be coming down.

Mr. Charles Heady asked that's where you want to put that, the new shed?

Mr. William Perron responded yes.

Mr. Charles Heady stated that's maybe **10, 15** feet the most from the house.

Mr. William Perron responded it's a little bit more, maybe from the green house it's closer from the actual side of the house it's about **15** feet out.

Mr. Raymond Reber stated I've got a question for clarification. The aerial photograph is overlaid with what are supposedly are boundary lines, hopefully they're reasonably accurate. Your survey also shows this **50** foot right-of-way that you mentioned. This is a paper road right-of-way?

Mr. William Perron responded yes, I think so. We were actually coming here to actually discuss it. We're not quite sure what the heck it is.

Mr. Raymond Reber stated I've got sort of a similar problem on a piece of my property which actually the water main, they put the water main in but they never put the road in. According to this, it appears that your driveway is on that right-of-way. Is that correct?

Mr. William Perron responded a portion of it is probably, yes.

Mr. Raymond Reber stated I assume that the town doesn't care in this case. This is a useless right-of-way that it's not going to be used for anything. Is that correct Ken?

Mr. Ken Hoch responded so far. There is a parcel way in the back of there but I don't know if it's developable so it may have been done to provide access up that way and further back but everybody else built on Fieldstone so...

Mr. Raymond Reber stated what I'm wondering is: what if you put it on the right-of-way at the end of the driveway? That's the front of your house but to us that's the back of the house. It's not facing the road. Could you do that, put it at the end of your driveway on that open space in the...

Mrs. Perron responded it would be fine for the snow blower not so fine for the generator.

Mr. Raymond Reber stated oh, a generator you'd put in this shed?

Mrs. Perron responded we have a portable generator which we bought when the power went out and that would mean it would be a really long way to get that generator from the bottom – everything is a hill, up the hill.

Mr. Raymond Reber stated because your electrical is on that...

Mrs. Perron stated is on that wall.

Mr. Raymond Reber stated facing Fieldstone.

Mrs. Perron asked that's not Fieldstone Lane? That is a no-name...

Mr. Raymond Reber stated not the right-of-way, I'm talking about – where you want to put the shed.

Mr. William Perron stated on the right side is not Fieldstone. It doesn't start until it's up on the hill.

Mrs. Perron stated it has no name. The census people went crazy.

Mr. Raymond Reber stated you want to put it here because the electrical connection is on this side of the house.

Mr. William Perron responded yes, by the green house.

Mrs. Perron stated it's on the side of the house. We would have liked to have put it [inaudible] but we were told you can't because of the paper road.

Mr. Raymond Reber stated that makes sense then. I understand that problem. If you're storing a generator for use in emergency I can understand not wanting to have to crawl it up a hill, particularly in the winter time. That, to me, is a more convincing argument than other issues. Okay, I'm satisfied.

Mr. Wai Man Chin stated I was just making a point on where the driveway actually is compared to what the survey really showed.

Mrs. Perron stated [inaudible]

Mr. Wai Man Chin stated I understand. I have no problems with where you want to put it.

Mr. Raymond Reber stated the only thing is to clarify, in terms of its positioning as Charlie was asking, it's going to be positioned I guess within **15** feet of the house, on that side.

Mrs. Perron stated [inaudible]

Mr. Raymond Reber stated yes, that's fine. I'm satisfied.

Mr. Wai Man Chin asked anybody in the audience would like to speak?

Mr. William Perron stated several people came by and thought we were building a new house.

Mr. Charles Heady stated I make a motion on **case 2015-08** to close the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated public hearing is closed.

Mr. Charles Heady stated I make a motion on **case 2015-08** an Area Variance for an Accessory Structure, **8' x 12'** shed in the front yard on the left side of the house, SEQRA, no further compliance is required.

Mr. James Seirmarco asked that shed is ultimately not going to be in the right-of-way though?

Mr. John Mattis responded no.

Seconded.

Mr. James Seirmarco stated this shed here is the one that exists already, the red one right here, the one that's on the survey.

Mr. Raymond Reber responded yes.

Mr. James Seirmarco stated that's...

Mr. Raymond Reber stated that's in the back, way in the back.

With all in favor saying "aye."

Mr. David Douglas stated the Variance is granted.

B. CASE No. 2015-09 **Susan Todd & Andrew Young** for an Interpretation that a structure built in 1974 as a principal dwelling and converted to an accessory structure in 2000, meets the requirement of Town Code Section 307-45 (B)(4) which allows an accessory apartment in the R-80 zone, where the accessory building existed prior to April 21, 1979. If the interpretation is that the accessory building does meet the requirement of Section 307-45, applicants are also filing for a Special Permit for an Accessory Apartment in an Accessory Building, which may required an Area Variance for an Accessory Structure located in the front yard, and a height variance for the Accessory Structure on property located at **48 Pond Meadow Rd., Croton-on-Hudson.**

Mr. David Douglas stated we understand that that's been withdrawn.

Mr. Hoch responded “Yes”.

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Mr. John Mattis stated I make a motion that we go into executive session.

Mr. Klarl stated we are going into executive session to discuss litigation pending before the Zoning Board of Appeals and attorney advice.

Seconded.

Mr. David Douglas stated we’ll go into executive session.

At the conclusion of the executive session the Board adjourned the meeting.

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**NEXT MEETING DATE:
WEDNESDAY, JULY 15, 2015**