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TOWN OF CORNWALL
ZONING BOARD OF APPEALS

MARCH 15, 2010

MEMBERS PRESENT: LENORA RANSOM, CHAIRPERSON
EILEEN REGAN
TED DOBIAS
WILLIAM LEE

ALSO PRESENT: ADAM RODD, ESQ.
ZONING BOARD ATTORNEY

ABSENT: MICHAEL MC GUINNESS

MS. RANSOM: I'd like to call the March 15, 2010
meeting of the Cornwall Zoning Board of Appeals to
order.

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PUBLIC_HEARING: _____

PAUL_FLORIO,_MARK_FLORIO_&_ANDREA_HUNTER _____

MS. RANSOM: We have one public hearing this evening on the request of Paul Florio relating to property located at 26 Scofield Lane.

Mr. Paul Florio appeared before the board for this proposal.

MS. RANSOM: Okay, the mailings you can give to Fran, thank you. We'll read the notice of public hearing. Notice is hereby given that the Zoning Board of Appeals of the Town of Cornwall, County of Orange, State of New York will hold a public hearing at the Town Hall, 183 Main Street, Cornwall, New York on March 15, 2010 at 7:30 p.m. or as soon thereafter as the matter can be heard on the application of Paul Florio relating to property located at 26 Scofield Lane and designated on the tax map as Section 13, Block 3, Lot 21.31. The applicant seeks an area variance to Section 158-12, Part One, SR-1 District, Use Group G, Column #6 of the Zoning Ordinance in order to allow an existing 9'4" x 15' elevated open air wood frame deck and a 20' x 37' side wood frame deck to remain with insufficient side yard. The ordinance requires a minimum side yard of 15' and the applicant has 10'. The zoning board will at the above time and place hear all persons interested in the application. All written communication should be received by the board at or prior to the hearing. Dated: February 25, 2010. By Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

Would you like to make your presentation, Mr. Florio?

MR. FLORIO: My name is Paul Florio, I'm one of the owners of 26 Scofield Lane. I'm representing my sister, Andrea Hunter and my brother, Mark Florio,

tonight. To my best of my ability I will answer the questions. My father has Alzheimer's so it was very difficult to get some of the information but we did go to Goshen to try and get as much as we could. Around 1975, my father built a house, he built an attached garage cinderblock, on top of that garage he built a 17 x 15 enclosed porch and then on the other side an open end deck of 15 x 13. Around 1986, he extended that top deck about 9 feet 4 inches and then installed a pool 24 round and then built a deck 39 x 20 wrapped around, wrapping around the pool. Right now, we're seeking a variance for the south side of deck, the one end where we have 10 feet and we actually need 15 feet from the property. If you look at the property, you'll see that there's an old red barn that borders the property, it's probably been there at least 100 years. So we don't feel that by seeking this variance that we'll have any affect on the neighbors or anyone surrounding. We do have some other issues which we have talked to the building inspector, Mr. Gary Vinson, as far as permits and as far as any safety issues, fencing and as well as checking any of the electrical situations going to the pool. So those will be addressed naturally after we get or if we get the variances.

MS. RANSOM: So the variance is on the side with the chicken coop barn?

MR. FLORIO: That's the south side, yes.

MS. RANSOM: Is the deck safe?

MR. FLORIO: Deck is safe, yes.

MS. RANSOM: Okay, in your application, you mentioned that the deck and the pool were used by patients?

MR. FLORIO: Patients?

MS. RANSOM: Ah-huh, that kind of caught my eye. What

patients would be there?

MR. FLORIO: That's got to be a misquote, it's my mother and father. Parents?

MS. RANSOM: Could be parents. Please continue.

MR. FLORIO: Yes, we're selling the house, my parents are moving April 1st. We're getting involved for the first time selling a house then we came to these conclusions that wow, this wasn't done, that wasn't done and this was done so we're, what we're trying to do now is responsibly straighten everything out.

MS. RANSOM: Okay, and how close is the pool and deck to your nearest neighbor other than the chicken coop, is the chicken coop yours?

MR. FLORIO: No, it's the next door neighbor's.

MS. RANSOM: So then it's the five feet that you need is the variance so the chicken coop is that the lot line or is the lot line closer to your home?

MR. FLORIO: The chicken coop and then there's the property line, I'm, go ahead, if you can ask that question again?

MS. RANSOM: So the chicken coop is basically along the property line?

MR. FLORIO: Almost, yeah, it's the chicken coop seems like it's only about four feet from the property line but that probably wasn't coded in at the time.

MS. RANSOM: Okay, and so the deck has been, is there since 19--

MR. FLORIO: About '86.

MS. RANSOM: You've never had any neighbors complain?

MR. FLORIO: No.

MS. RANSOM: Eileen?

MS. REGAN: Nothing.

MR. DOBIAS: Nothing.

MR. LEE: No.

MS. RANSOM: Is there anyone in the audience who'd like to speak to this issue?

MR. RODD: Can I just ask point of clarification the legal notice talks about two decks 9 foot by 4 inch by 15, is one deck and then the other deck is 20 x 37?

MR. FLORIO: Right, I was just--

MR. RODD: I guess the question I had is looking at the survey which was part of your application, can you just kind of point out to me where the two decks are? I mean, looking at the survey I see a deck surrounding the pool, okay, what deck is that, is that the 20 x 37 deck?

MR. FLORIO: This would be the upper deck and where he added the 9 feet the only reason why I did that was just for history to show you that he added the 9 feet, this is the deck that's in question and it's only in question right here at this point.

MR. RODD: The deck surrounding the pool, is that the 20 x 37 foot deck?

MR. FLORIO: Yes.

MR. RODD: And then they're talking about the 9 foot 4

inch by 15 foot deck, what deck is that?

MR. FLORIO: That's this one but at one time this deck was only here then he added this.

MR. RODD: So on the survey that's depicted has a house that includes a deck as well you're telling us?

MR. FLORIO: I'm sorry?

MR. RODD: You answered my question that the deck surrounding the pool is the 20 foot by 37 foot deck, right?

MR. FLORIO: Okay, seems as if he didn't put the, oh, I'm sorry, I'm sorry, here's the deck, here's the porch here, okay, here's the deck, the upper deck, okay then he added on the extension then there's a set of stairs here and here's the lower deck, he put that line here all the way around.

MR. RODD: My question is there are two decks noted in the legal notice?

MR. FLORIO: Yes.

MR. RODD: The deck around the pool that's depicted around the pool is that one deck?

MR. FLORIO: That's one deck, yes.

MR. RODD: And the other deck is where?

MR. FLORIO: The other deck is right here so actually if you just take a line and you go like that that's that top set of stairs and here's the lower deck.

MR. RODD: So what you're saying is both decks that are referred to in the legal notice are actually within the footprint of the diagram on the survey that has the

word deck?

MR. FLORIO: Yes, yes, I'm sorry, I got confused with the lines there.

MS. RANSOM: So then do both decks need a variance or just one?

MR. FLORIO: No, just the bottom one.

MS. RANSOM: So the 20 x 37 deck needs a variance?

MR. FLORIO: Right.

MS. RANSOM: So the other one is just mentioned?

MR. FLORIO: Just mentioned in reference.

MS. REGAN: I believe there was no C.O. for both decks but the only one that needed a variance was the corner of the side one, correct?

MR. FLORIO: Right, right, sorry for that confusion. I looked at the map wrong.

MS. RANSOM: So the variance is going to the 20 x 37 foot deck?

MR. FLORIO: Yes.

MS. RANSOM: No variance is needed for the 9 foot 4 by 15 foot deck?

MR. FLORIO: Right.

MS. RANSOM: Any further questions? Anything Bill?

MR. LEE: No.

MS. REGAN: No.

MR. DOBIAS: No.

MS. RANSOM: Anyone in the audience? Can we have your name and address for the record please?

MRS. FLORIO: Brenda Florio, I'm his wife, that's my husband. If you look on the, there's another little map that we drew in the back, it kind of shows the house a little bit easier, shows the two decks.

MR. RODD: Incidentally, do you have a closing date?

MR. FLORIO: Yeah, I should of showed you that one. Well, we're trying to shoot for May 1st closing.

MR. RODD: Okay, so you see the deck around the pool, that's one deck and then there's what they call an open air deck?

MR. FLORIO: Yes.

MRS. FLORIO: This was the original deck over here and then there's a couple stairs that come down to this deck.

MR. FLORIO: I should of showed you this, this is confusing.

MRS. FLORIO: There's three steps that go down to the lower deck.

MR. RODD: So this is actually--

MRS. FLORIO: This is actually all one deck.

MR. RODD: Well, don't get--

MRS. FLORIO: That was added on.

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MR. RODD: Don't get suspicious if cars drive on just so, including myself, to eyeball the decks to get a better handle on it. I would point out it looks like Gary sent in the 239 notice on March 2nd and we don't have the response so we can close the meeting pending the 239 response but technically it will have to be voted on next month.

MS. RANSOM: Right.

MR. FLORIO: Okay.

MS. RANSOM: We need to as counsel just said we need to wait for the Orange County Planning to respond to the application that was submitted to them.

MR. FLORIO: Okay.

MS. RANSOM: Do you have anything else you'd like to add at this point?

MR. FLORIO: No.

MS. RANSOM: Okay.

MR. FLORIO: Do we have a date for when I would come next?

MS. RANSOM: Yes, the April meeting is April 19th.

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REGULAR_MEETING _____

APPROVAL_OF_MINUTES_DATED_10/19_AND_11/30/09

MS. RANSOM: Okay, we have minutes from the October and November meeting. Do I have a motion to accept the minutes as submitted?

MR. LEE: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

REORGANIZATION _____

MS. RANSOM: Since this is our first annual meeting, we need to reorganize so we need a motion for a chairman.

MR. LEE: Move you remain.

MS. REGAN: I'll second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: We need a vice chair. I nominate Eileen.

MR. LEE: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: Diane said we had to reorganize, we're reorganized.

EDLIN _____

MS. RANSOM: Adam, do you want to talk about Edlin at all?

MR. RODD: Well, very briefly, actually, this would be a litigation matter so you'll have to make a motion to go into executive session.

MS. RANSOM: Do I have a motion to consult with counsel in closed session regarding legal issues?

MS. REGAN: So moved.

MR. LEE: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

(Whereupon, the board went into executive session.)

(Discussion was held off the record)

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(Whereupon, the board came out of executive session.)

MS. RANSOM: Hearing no further business, motion to adjourn.

MS. REGAN: So moved.

MR. LEE: Second it.

ROLL CALL

MS. REGAN	AYE
MR. LEE	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

Respectfully Submitted By:

Frances Roth
Stenographer