

ZBA MEETING – JUNE 28, 2007

(Time Noted – 8:00 PM)

POLHAMUS (Sally) & CARSTRON (Susan)

65 BALMVILLE ROAD, NBGH
(43-3-31 & 34) R-1 ZONE

Applicant is seeking area variances for maximum building coverage, maximum lot coverage and increasing the degree of non-conformity of the existing side yard to build a rear addition on a 1-Family residence.

Chairperson Cardone: The next item was held over from the April 26th meeting, Polhamus & Carstron at 65 Balmville Road.

Mr. Coppola: Good evening everyone, my name is Anthony Coppola. I am the architect who has prepared the drawings. I was here two months ago to, at the Public Hearing, to present this application for an addition to an existing single-family house for Sally and Pete Polhamus at 65 Balmville Road. Basically that night I presented what we're doing, what we were doing then which is essentially the same as what we're doing tonight. There was a clarification and several questions about their two lots that are shown on the site plan, there were questions about the second lot that night, about the pool and tennis courts and I believe at that meeting the Board decided to table a vote and let Jerry research I think the matter at that time was the Permits and the permitting of the existing pool and the existing tennis courts. Basically after that meeting I sat down with my clients again, we looked at everything closely and we really decided the information I had given the Board that night and the Board had asked me is if we would be willing to combine these lots. After the meeting was tabled it gave us an opportunity to reexamine everything and we basically decided that we would rather not combine the lots. So, our request is essentially the same as it was that night it's for construction of a 1-story, 558 rear yard addition to the existing house and we're asking for three variances which I'd like to go over in a couple of minutes and the clarification now is basically were we are asking only for the Board to consider the main lot that the house is on, not the second lot here. So, what I had done is about a month ago, we wrote the Board a letter and I'll just go over that real briefly. Actually, let me go back to what we're proposing to do first real quickly. Basically the purpose of this addition is so that Mr. & Mrs. Polhamus can move into this house where their mother resides right now and basically they all would live there and basically it's to care for her so she doesn't have to leave her house. So what we're proposing is not a large addition, it's going out 12'6 from the rear and 15'6 from the center portion here. There is an existing screened in porch that's here. So it's basically to expand an existing master bedroom here and to expand a second bedroom here by creating a sitting area and a handicap bath. So that's the addition we are asking for, the house is essentially three bedrooms it'll remain three bedrooms because this is an expansion of those existing bedrooms and then the rest of the house stays the same, kitchen, the dining room, the living room, the garage and the screened in porch. So what's, after the last Zoning Board meeting two months ago, I wrote this letter to the Board and just to kind of review that basically the main item here is that we do not want, the owners basically want to preserve their rights to do something with this lot in the

future. The lot right now that contains the tennis court and the lot that contains most of the swimming pool. So that lot is basically, we do not combine the lots that lots not basically part of this application.

Mr. Hughes: What's the square footage on that lot?

Mr. Coppola: This lot, the lot that we're asking is 24,000 sq ft, this lot I believe is like 30,000 sq ft, three quarters of an acre something like that, this one.

Mr. Hughes: And they are both R-1? Independent?

Mr. Coppola: Preexisting, they're sub-divided. They exist that way. We are not asking for a sub-division. We are not asking for anything else. They exist that way right now. They are two separate lots.

Mr. Hughes: Hmm, hm.

Mr. Coppola: So that's part of our request. Part of the reason and I think part of what the Board considered two months ago was the status of this existing pool. And what happens with this pool it's basically the edge of the pool is on the borderline of the lot line. So the pool is effectively straddling both lots if you consider the fenced area around the pool. So we looked at this, it's definitely non-conforming because it's on two separate lots. At first we looked at possibly moving the lot line 10 feet to make that pool conforming but then we decided that in all fairness to what we were asking and to this Board that would basically make this lot more non-conforming because we're taking away square footage from this lot from that 24,000 sq ft. So as painful as it is what we're proposing to do is to remove the pool and effectively remove that violation so that the pool would be removed as part of the construction activity here. So that's something that we're offering here. The tennis court we weren't quite sure of the history of this but what we decided to do is let's make that official so Sally's already gone down and applied for a Building Permit for a preexisting tennis court however that's going to work.

Chairperson Cardone: Could I just interrupt you?

Mr. Coppola: Sure.

Chairperson Cardone: According to 185-43 a tennis court has to be an accessory structure and if there is no principle building on the lot how can it be an accessory structure?

Mr. Coppola: Well

Chairperson Cardone: I don't see how you could get a Building Permit.

Mr. Coppola: Well maybe we have to come back for a variance for the tennis court but it's already on a separate lot. So if the tennis court is non-conforming that's what you're saying right now it has to have a structure on it right now? Then, you know, I guess we'll

cross that bridge when we get to it. We've, and I don't know if you have that Jerry? But we've

Mr. Donovan: I think we've got to it, yeah.

Mr. Coppola: He has got to it?

Mr. Donovan: Oh, I think we're there now.

Mr. Coppola: O.K.

Mr. Donovan: Because the accessory structures have to be on the same lot where the principle use is, you can't have an accessory ... the tennis court can't be there.

Mr. Hughes: You cannot segment your approach to getting one approval on the other.

Mr. Coppola: This already, this is ...

Mr. Hughes: Let me finish.

Mr. Coppola: This is already two separate lots right now, I'm not asking ...

Mr. Hughes: I understand it's two lots right now.

Mr. Coppola: O.K.

Mr. Hughes: But we cannot approve something that's going to create a substandard position or division and that's what you're asking us to do.

Mr. Coppola: Am I asking for that if that's a separate lot right now?

Mr. Donovan: Well it's not part of your application however we are looking at the map that's in front us and what we see is a violation. You have a tennis court that's built, so far as we can tell. And, Mr. Canfield there's no Permits for the tennis court?

Mr. Canfield: The applicant has come in with an application.

Mr. Donovan: You'll have to deny that?

Mr. Canfield: That's correct. (inaudible)

Ms. Gennarelli: Excuse me, could you use the mic please so we can get it on the tape?

Mr. Canfield: The Town needs to budget more mics. Excuse me. Yes, in response to your question the applicant has come in with an application for the tennis court. I have discussed it with Mr. Mattina and our intentions are to disapprove it based on the exact

criteria Ms. Cardone was speaking of, that the tennis court is accessory to nothing else on the lot therefore we must disapprove it and send it back before this Board.

Mr. Coppola: Well, um...

Mr. Manley: I think that's why when we went over this before I think the intent was to try and wrap everything into one nice piece by joining the lots and that solves 85% of the problem. I know that they are reluctant to do that because they maybe have plans in the future for that lot. But the plans for the future if they plan on maybe developing that lot probably more than likely if it gets developed they're going to have to come before the Board anyway for a variance, so...

Mr. Coppola: Well, we looked at that cause that was part of our thinking. You know obviously it's a preexisting lot; it's small, too small right now to be a conforming lot. I think its 30,000 sq ft or maybe 35,000 sq ft and you need 40,000 sq ft to construct a house but I looked at the setbacks here, there's an adjacent parcel that the owner's have already approached their neighbors about purchasing half of that parcel to make their lot conforming. So you're correct this lot either needs to be expanded or they need a variance. Now we don't want to ask for a variance so they've already started down that road to see if they can make that lot a conforming lot. That's a possibility. They may be able to do that. Buy, cause they'd only need to buy I think 5,000 sq ft, which this lot here is small, maybe 10,000 sq ft. So we looked at that, they can buy half of this lot make this conforming. The setbacks will work. It'll be a skinnier house than it is kind of skinny and long. I checked the lot coverage. I checked the building coverage and it's workable. They'd also have to do a septic system here. So that's, but ... we spoke to Greg Shaw and I'm not saying it's a done deal but it's something that they want to investigate and want to hold that possibility open. So I wasn't aware of the accessory dwelling unit until (5) five minutes ago. But let me go through the rest of this and then we'll have to come back to that. So right now I think I'm asking the Board to consider this lot. I mean our original application when we did our variance request and the size of this lot if you look all that information is what was in the variance request. Now there's three items here on the variance request and I'd really like to get them clarified. There's lot coverage, building coverage and side yard setback. I mistakenly asked for the lot coverage and Joe (Mattina) picked that up on my application and put that on in as part of the variance request. We do not need a variance for lot coverage. Required is 20% and we are proposing 18% so that is basically, I believe the definition of that is all the hard surfaces divided by the square footage of the lot. So I checked that today at my office, we're under that it's 4800 sq ft is the threshold of that. We are under that so I'm not asking for a variance for the lot coverage. I'm sure about that. He wrote that in because we asked for it. I think that's why he picked that up that way.

Mr. Hughes: Excuse me, Mr. Coppola.

Mr. Coppola: Hmm, Hm.

Mr. Hughes: Are your references now about this one particular lot that the house is on only?

Mr. Coppola: My reference has since been four months ago have only been about this lot, the calculations...

Mr. Hughes: We cannot consider that with that hanging and that hanging, that's all speculation.

Mr. Coppola: Well I'm gonna come back to that but I'm, I'm...

Mr. Hughes: But we've already been through all of this.

Mr. Coppola: Can I continue?

Chairperson Cardone: Please.

Mr. Hughes: That's up to our Chairperson.

Mr. Coppola: Thank you. So I'm not asking for a variance on the lot coverage. We do need a variance on the building coverage because it's a preexisting lot. 10% is what's required; we're at 14%. But I also want to stress to the Board that we're only asking for right now without this addition this is only a 12%, we're at 12%, so that addition is only an additional 2% of what we're asking for so that's very small. The third thing I just want to ask and I run into this repeatedly when we do rear yard additions. What we're proposing here is basically is a side yard setback and the existing side yard setback is 8.8 feet the proposed side yard setback is 9.8 feet. So it's one foot greater than what is there now which is under the 30 foot which would be required as part of the Zoning. The lot tapers so we get more square footage as we go back further in the lot, even though I am building parallel to the, my existing side wall. Do I still need a variance, I re-read 185 today off your website and the wording there stipulates, as this Board is well aware, increasing the degree of non-conformity, does that increase the degree of non-conformity?

Chairperson Cardone: Yes.

Mr. Coppola: It, it, it does, I don't think, I don't understand how it does?

Mr. Hughes: Even if you go up on that same footprint it increases the non-conformity.

Mr. Coppola: Well I've asked Jerry (Canfield) that question in the past because sometimes we do second floor additions.

Mr. Hughes: Hmm, hm.

Mr. Coppola: But I guess I should ask you directly (to Jerry Canfield), you're sure that increases the degree of non-conformity?

Mr. Canfield: Can I use that mic?

Mr. Coppola: Yeah, I'm sorry.

Mr. Canfield: Just for the record again so Mr. Coppola can hear it from all of us. The procedure is the Building Department interprets what's in the Municipal Code. Tonight we are talking about the Zoning Section of it. Anytime an applicant disagrees with our interpretation you come before this Board. So I would just like to set the record straight that this conversation should not be an exchange of what I think. O.K. That's why you're here. And I mean that with the greatest respect.

Mr. Coppola: Fair enough.

Mr. Canfield: O.K. Now I will attempt to explain how we consistently have enforced this. Currently you have the existing dimension?

Mr. Coppola: It's 8.8.

Mr. Canfield: O.K. What is the linear dimension of the existing structure?

Mr. Coppola: It's 30 feet along this line here.

Mr. Canfield: O.K.

Mr. Coppola: And then we're adding 12 feet to that.

Mr. Canfield: So, currently you have 30 feet of non-conformity, correct?

Mr. Coppola: Correct. Well, at least more because of the garage.

Mr. Canfield: O.K. Correct. Now you're adding on the addition, which is... what is the linear footage of the addition?

Mr. Coppola: 12 ½ feet.

Mr. Canfield: 12 ½ feet. So now we have a total of 30 and 12 ½ is 42.5 feet. We have increased the linear footage of non-conformity.

Mr. Coppola: O.K.

Mr. Canfield: That's how we view it. So, perhaps if you want to question the Zoning Board ...

Mr. Donovan: Then I could just ... I'm sorry, because I was actually reading the provisions of the Code as you were speaking, but in 185-19-C it talks about reconstruction or enlargement of a building which does not house a non-conforming use, yours is a conforming use but is non-conforming as the district regulations for lot area, lot width, etc. That enlargement is permitted if the same does not increase the degree of or create any new non-conformity with such regulations. So I think we have a new non-conformity. So yes you need a variance for that.

Mr. Coppola: O.K. that's fair enough. I appreciate Jerry (inaudible), your clarification on that. So I guess what I'm asking for is the two variances, the side yard setback and the building coverage. I'm positive that I do not need the lot coverage. So getting back to the large concern with the tennis court. The tennis court is non-conforming at this point because it does not have a dwelling unit on it? Is that what it would be?

Mr. Hughes: There has to be a primary residence.

Mr. Donovan: Yes. Just going back to the definition of accessory is a term applied to a use or structure clearly incidental to or subordinate to the principle building or permitted use on the same lot. And when you get to the section, which talks about tennis courts it says they are permitted as an accessory use only. They are not a principle permitted use.

Mr. Coppola: O.K. And going back to what you had done at the last meeting, which you (to Mr. Canfield) were going to look at that anyway, there was no permit granted years ago on that? For either the pool or the tennis court?

Mr. Canfield: No permits.

Mr. Coppola: O.K. So, all right, so basically our choices at this point is agree to go back to a combination of the lots or remove that non-conformity? Is that what I'm hearing?

Mr. Hughes: Maybe both. Because if you put both lots together then you're tennis court is an accessory to the primary building and the pool is removed from the formula and there are other options which I'm sure our attorney could tell you.

Mr. Coppola: Well, you know I think, Sally I'm going to ask you to come up. Option number one is what we were asked to do two months ago. Remove the lot line, combine the lots and then we're still left with a side yard variance request. The other variance request disappears, right? Then this becomes conforming, the pool becomes conforming we're all said and done.

Mr. Donovan: As far as the Zoning Board is concerned.

Chairperson Cardone: Is that true Jerry (Canfield), isn't that also a front yard?

Mr. Coppola: Uh, that front yard runs to the middle of the street.

Chairperson Cardone: It goes to, that's on Chestnut Lane, doesn't it front on Chestnut Lane?

Mr. Coppola: The house? Or the...

Chairperson Cardone: No. Not the house.

Mr. McKelvey: The tennis court.

Ms. Eaton: The tennis court.

Chairperson Cardone: So you would need a variance for two front, because this would be in a front yard.

Mr. McKelvey: Two front yards.

Mr. Coppola: Well, wait, it's far enough from the front yard, the side yards maybe an issue, I'm not sure what you're ...

Mr. Hughes: Are you guys confusing pool and the court?

Mr. Coppola: I'm not sure what you're ...

Mr. Hughes: The pool is the front yard is what you're saying?

Chairperson Cardone: No, no, I'm saying that Chestnut Lane makes that a front yard.

Mr. Hughes: Yes, it does.

Mr. Coppola: What can't be in the front...?

Mr. Hughes: It's because of the corner, it just a technicality, when you have a corner you have two front yards, just because it faces two streets.

Mr. Coppola: And, that has to be in the backyard is what you're saying?

Chairperson Cardone: I'm saying it can't be in your front yard; you have to come before the Board to get a variance for it.

Mr. Hughes: Is there a package we can present that would clean the whole thing up in one shot? I think that there is a little bit of confusion here but if this needs approval I am not willing to listen about speculation about acquiring more property and the possibilities there if there is a simple resolution to this thing. If your ulterior motive is to ultimately sub-divide later on, then what we're talking about is all moot.

Mr. Coppola: This is sub-divided right now. So

Mr. Hughes: I understand that.

Mr. Coppola: So, she would have the option to remove the tennis court, remove the pool and ...

Mr. Hughes: But could you build on it then? Probably not.

Mr. Coppola: That's not part of our request.

Mr. Hughes: O.K. But I don't want you to paint yourself in a corner. If you think that removing the tennis court and think then I'll make the subdivision the way it is that you can build there automatically, I don't think you have enough square footage.

Mr. Coppola: No, I'm going to go back to what I explained before ...

Mr. Hughes: Hmm, hm.

Mr. Coppola: ... to Mr. Manley, we've looked at this.

Mr. Hughes: Yes.

Mr. Coppola: I've sketched a house on this. We checked the front yard, the side yards, the lot coverage, the building coverage; the only thing that we're short on is the lot size, which we're 5,000 or 7,000 sq ft short. It may be possible that we can buy this and make this a conforming lot. That may happen, that may not happen, we don't know what's going to happen. But they want to preserve that right separately and in my mind it makes more sense and may have more value to do that if that's going to happen.

Mr. Hughes: It's an option.

Mr. Coppola: Right, not to come back to this Board and ask for a variance to do that, we don't want to do that.

Mr. Hughes: Yeah, I'd feel more comfortable about doing it all at once if you're going to do anything. We're not really allowed to grant something that's going to create a non-conformity.

Mr. Coppola: Well I understand that, the non-conformities have to be cleaned up once we leave here.

Mr. Hughes: Well if you were to reconfigure the lot lines or do a lot line change or anything else...

Mr. Coppola: We're not doing that. We are not doing that. We are not proposing any lot line changes. That's why we're removing this pool cause we didn't want to do that.

Mr. McKelvey: But if you buy the 5,000 extra you're going to have a lot line change. Right, Jerry (Canfield), if they buy that side lot there?

Mr. Canfield: To increase the size of the other lot?

Mr. McKelvey: To increase the size of this one, buying 5,000 sq ft from a neighbor.

Mr. Coppola: The little piece over here. It's basically, it's all-hypothetical, to make this conforming they could possibly purchase that, with this which is another non-conforming lot that makes this conforming.

Mr. Canfield: Correct.

Mr. Hughes: There's no buildings on that either?

Mr. Canfield: He's correct.

Mr. Coppola: Yeah, this is vacant.

Mr. Hughes: So, that would be annexed to the other property?

Mr. Coppola: Yes.

Mr. Hughes: Yes? And the remainder go back this way?

Mr. Coppola: The other way.

Mr. Hughes: All right. I follow what you're saying, I just, what you brought here and what you're speculating on, is two different things.

Mr. Canfield: Just one thing, one comment on that. I don't think it's appropriate that my saying correct means, exactly, without seeing calculations and dimensions, O.K., you'd have to see if it did comply. Again, that's the complexity of a hypothetical question.

Mr. Coppola: So, I'm just trying to summarize, for Sally, where we're at. This cannot be left the way it is without either removing the tennis courts or combining the lots.

Mr. Donovan: I think one of the things that the Board is going to look at relative to the building coverage issue that has to go into their deliberations, do you have any adjoining property that could be incorporated that would relieve your need to get that variance.

Mr. Coppola: Right.

Mr. Donovan: And, the answer to that is yes...

Mr. Coppola: Absolutely.

Mr. Donovan: ...it is.

Mr. Coppola: We understand that but in all fairness we're only asking for 2% there. It's really not a large amount. And, I'm only asking for the building coverage, not the lot coverage. The lot coverage conforms with the lot that I have now. I just wanted to clarify that. I'm asking for the lot coverage and the side yard setback. So, do you understand where we're at? (to Ms. Polhamus) I mean we can ask for this to be tabled too, that's fine and ...

Ms. Polhamus: Can I just say something?

Mr. Coppola: Absolutely.

Ms. Polhamus: I would just like to...

Chairperson Cardone: Could you just identify yourself first?

Ms. Polhamus: I am Sally Polhamus the owner of both of these separate lots. The reason that is problematic putting it together, one reason is that lot with the tennis court is facing Chestnut Lane; it's in a totally different place than the Balmville Road lot. It's a different ambience. It's covered with trees, there's a golf course across the street and it's also very valuable, obviously. In our family we are not so rich that we can just say we don't have to worry about that. It's obviously a concern. And, the thing is that the Balmville Road lot has a ranch style house on it, it's perfect for an older person because it's all one level, doesn't have a big yard. It's this perfect little Balmville Road house. Putting it together, it doesn't seem like a good use of land to me because as someone said there's two front yards all of a sudden. What address is that lot going to have if you put it together? It just doesn't, when you live there and you are there it doesn't seem to be one lot. It seems like it should be two separate addresses and I understand everything you said. My father had no idea when he put that tennis court up that he was doing something wrong. And, I know that's no excuse but now our family; I literally don't know what to do because it just not make sense to us to combine those lots. I think that we would take the tennis court away before we would do that because if we do eventually put a house on that lot we will obviously take the tennis court away. But it just seems silly because it's (inaudible) but we do use it.

Mr. McKelvey: That was one of my questions, are you planning on selling that lot, the tennis court is on?

Ms. Polhamus: That lot is pretty much our retirement plan. My sister's husband has died, my husband is sick. You know, that's just one of the things that we have in the future to sell that lot and at that point either, I mean, it's a possibility that my husband and I down the road might put a house on that lot and live in it but I tend to doubt it. I think it's an investment at this point.

Mr. Coppola: I mean, as we looked at this, I think Sally is right. This actually has more value than this and they thought about, does it make sense to improve this house or just take this whole thing down and build something over here? That was something they looked at too. But, for the scale of what we're doing here, we came back to the decision, yes; this did make sense to do. Irregardless of what happens if this lot is built on in the future or sold, I mean, that's a possibility but I don't think we're going to come back to this Board and ask for a variance on that lot. I think what we're saying is we feel strongly that we still want this addition here and to make this house, like Sally said, just comfortable for her and her mom. And then, I think that what we're saying is if we are willing to remove the tennis court, we'd present our application that way.

Chairperson Cardone: Do we have any comments from the public? Please stand and would you hand the microphone to him, please. Please state your name and address.

Mr. Tierney: I'm Joseph Tierney III; I am here representing Ann Tierney.

Chairperson Cardone: Then you are probably going to read this letter that I have?

Mr. Tierney: Yes, I am going to read that out loud.

Chairperson Cardone: O.K.

Mr. Tierney: It says, Dear ZBA, thank you for the opportunity to respond to the above application as I am unable to attend the meeting please consider this letter as my formal position on the matter. All this discussion of pools and tennis court lots entertaining, really since the owner isn't applying to combine, then it really doesn't influence the variance. They can remodel the interior without a variance. It's a nice big ranch over 2000 sq ft, got three, four bedrooms on it. The norm and history of this immediate neighborhood is to dissuade and deny all variances from existing Building Codes. Specifically, this applicant, Polhamus, somewhat recently ironically stood before this Board vehemently denying other neighbors from obtaining variances stating it would detract from the character of the area. It is uncanny and hypocritical that they now feel, since it can benefit them, that variances are magically desirable here. The R-1 Zone currently requires 40,000 sq ft of land for a single family home. The subject home at 65 Balmville Road on 43-3-34 has about 48% deficiency from the current zoning requirement, having about 22,454 sq ft or about a half an acre. That's reflecting in the Orange County Tax Records. The adjoining parcel they own, 43-3-31 which fronts on Chestnut Lane has about 29,842 sq ft of land or about .68 acres and it's currently used as a tennis court and a pool. It's unclear at this writing these uses on this separate parcel are even approved by the Town. I am going to leave out another paragraph since it seems it's been addressed and the information circulated in the neighborhood that's another, probably doesn't need to be addressed because it sounds like Mrs. Nelson's son and daughter-in-law are planning to live there with her so. But there is a concern about future requests for a two family approval or rental or sub-letting, which is again not in keeping with the current zoning. It appears that this applicant was asking for three variances though now he's now saying it's only two. In most of the discussions concerning

something that's not even on the variance, the other parcel that they refuse to combine. So, please understand that I am adamantly opposed to the approval of any and all variances to our Building Codes with regard to this application. There is no clear hardships here. I must depend on you to uphold current regulations. She says to contact her if you need. And, I also would like to add that had the applicants demonstrated a different position towards the neighborhood variances, our position would probably have been different. We believe in fairness and parity and return the favor in kind thus recommending denial for this request. Thank you.

Chairperson Cardone: Could you please respond to the paragraph about the information circulating that they desire a separate apartment or living area of the building? Is that planned, a separate apartment?

Mr. Coppola: No.

Ms. Gennarelli: Excuse me, I'm sorry, could you use the mic please?

Mr. Coppola: Is that something in our application?

Chairperson Cardone: No, that's something that's in this letter. I am just asking for a response to that.

Mr. Coppola: No. There's no separate apartment. This is a single-family house. With this addition it's going to be approximately 2800 to 3000 sq ft, so there's no two family house here at all in any way, shape or form.

Chairperson Cardone: Do we have any other questions or comments from the Board?

Mr. Coppola: I'll just clarify; I think what we're going to ask the Board to vote on. We will offer to remove not only the pool, that's in my letter but we'll offer to remove the tennis court that makes this a vacant lot and that makes that lot, the lot with the tennis court on it will then be a conforming lot cause it won't have a pool that borders a house or the tennis court. Then, we're basically asking for a very simple variance request. The variance request for the side yard to match what we have, I'm sorry, the side yard setback would be 9.84, 1 foot greater than the 8.8 that exists and we're asking for a variance on the building coverage. We're allowed 10%, that's 2400, 24 sq ft, 2424 sq ft. We're proposing with the addition 14%. Right now without this addition, we're at 12%. So, it's just a 2% increase in the building coverage.

Ms. Polhamus: May I speak?

Mr. Coppola: Sure.

Ms. Polhamus: The reason that we need the addition at all is because this house was built in the 50's and it has one quite large living room and the bedrooms are quite small and there's two little tiny bathrooms. So, what this is achieving is that my mother can have a

bedroom with a handicapped bathroom kind of in the front of the house by the main living room and then my husband and I can in the back have a little living area where we can have a TV set and our own bathroom and be separate, give us some space.

Chairperson Cardone: Thank you for clarifying. Any other comments from the Board?

Mr. Manley: I just wanted, I'm a little perplexed with the lot coverage, you indicated you don't believe you need a variance for that because you now fall under...? I'm just wondering?

Mr. Coppola: It didn't change. It was a mistake that I had three months ago. My calculations from the beginning have been just on that lot. So, my bulk table is 18% under the lot coverage, so we knew right from the beginning when we calculated this and presented it to the Building Department we did not include the other lot. So the 18% includes only the lot with the house on it that hasn't changed it's actually it's my error it's in the variance application and I think Joe picked up on it but when I looked at it again tonight it says it right on the Bulk Table what's required is 20% what's proposed is 18%. So that was my error.

Mr. Donovan: Just for clarification from before too, we talked about the side variance and the building coverage and it's also the increase of the degree of the non-conformity.

Mr. Coppola: Yes.

Chairperson Cardone: Yes?

Mr. Tierney: I had some clarifications; I am not sure what Mr. Coppolas said so many things it's kind of hard to keep track about 10%, 14%, 18%, 12%, 2%. When he's talking about removing tennis courts and swimming pools that are already non-conforming and they are already being denied and turned back. I can't follow all of this; it's really getting too confusing for me. So, I mean if can just, because I've got to report back on what's going on here and when the applications got three requests here and he says he only needs two and we're talking all kinds of different numbers and square footage and it doesn't always seem to jive, I'm not quite sure what all the statistics and numerical mathematics are so. I mean if it can be clarified so that everybody knows when you vote so I can run it back, that's all.

Mr. Coppola: I'll be happy to explain it again.

Mr. Tierney: I'd rather see it in writing rather than have you tell me in the numbers.

Mr. Coppola: It's in writing.

Mr. Tierney: Up there?

Mr. Coppola: Right here.

Mr. Tierney: 18 and 19 and 20%?

Mr. Coppola: There's the lot coverage.

Mr. Tierney: There's the 20% maximum required, 18% proposed. Now is the proposal for the variance, you're saying 2% doesn't need?

Mr. Coppola: I can be under the maximum.

Mr. Tierney: So, you're under, you don't need the lot coverage? What you needed was the building coverage?

Mr. Coppola: That's correct.

Mr. Tierney: You're proposing 14% variance for your building coverage?

Mr. Coppola: Yes, technically it's, 10% is allowed - required, 14% is proposed. The variance is actually (inaudible)

Mr. Tierney: So, then you wouldn't need 10% cause that's allowed, you need 4% and you're making in it 14 because when you also mentioned about amount of square footage you said something about the addition would be like 500 but then you just mentioned that this house (inaudible) says it's 2000 plus square feet would be around 3000 now. I lost you there.

Mr. Coppola: Yeah, it's, well let me just clarify one thing. When you look at these two numbers, they are calculated by hard surfaces. So, the garage, the building coverage includes things like the garage ...

Chairperson Cardone: Excuse me, could you use the microphone?

Mr. Coppola: Sure, I always forget. The building coverage includes things like the garage and the screened in porch in the rear. So while the habitable square feet of this house is probably around 2100 sq ft, when I add the garage and I add the screened in porch in the rear that's another 200 sq ft so probably what I have existing in terms of hard surfaces is about 26, 25, 2600 sq ft. I am proposing an addition of 558 sq ft that gets me to what I said around ... (inaudible)

Mr. Tierney: That's what you had before; only you went with the hard number after that, that's the overall.

Mr. Coppola: Yeah, it's I can understand it's confusing.

Mr. Tierney: But for tax purposes that would be the last one, right?

Mr. Coppola: All right, that's up to the Tax Assessor.

Mr. Tierney: O.K. Thank you.

Chairperson Cardone: Any other questions or comments? If not, I would entertain a motion to close the Public Hearing.

Mr. Manley: I'll make the motion.

Ms. Eaton: Second.

Ms. Gennarelli: Roll call –

John McKelvey: Yes

Ruth Eaton: Yes

Ronald Hughes: Yes

Robert Kunkel: Yes

James Manley: Yes

Grace Cardone: Yes

Brenda Drake - Absent

Mr. Coppola: Thank you.

Chairperson Cardone: Thank you.

(Time Noted – 8:40 PM)

ZBA MEETING – JUNE 28, 2007

(Resumption for decision: 9:51 PM)

POLHAMUS (Sally) & CARSTRON (Susan)

65 BALMVILLE ROAD, NBGH
(43-3-31 & 34) R-1 ZONE

Applicant is seeking area variances for maximum building coverage, maximum lot coverage and increasing the degree of non-conformity of the existing side yard to build a rear addition on a 1-Family residence.

Chairperson Cardone: On the application of Polhamus and Carstron at 65 Balmville Road in Newburgh seeking an area variance for maximum building coverage, and increasing the degree of non-conformity of the existing side yard to build a rear addition on a 1-Family residence. I'd like a clarification on that maximum lot coverage.

Mr. Donovan: The plans submitted indicate that the maximum allowed is 20% and 18% is proposed.

Chairperson Cardone: So that is not needed?

Mr. Donovan: That's correct.

Chairperson Cardone: I am asking for a clarification.

Mr. Donovan: That's correct, unless the Board's uncomfortable and wants that to be recalculated. But that's what the Bulk Table has indicated.

Mr. Manley: And that has been checked by Code Compliance and they're in agreement with that, that is accurate?

Mr. Donovan: That answer would be no?

Mr. Canfield: I can't honestly say yes. Mr. Mattina looked at it and I think we were easily confused with all the submittals and I don't mean to prolong this applications but if the Board feels they have an accurate depiction in front of them of what's being submitted then we can recalculate it and get back.

Chairperson Cardone: I would like to reserve decision on that until we have more of a clarification on it.

Mr. Manley: In the event that that's not correct and let's say they really are over and they needed the variance then they're going to have to come back again.

Mr. Hughes: Well then ...
(tape ended, turned over and restarted)

Mr. Donovan: ...keeping two separate lots an issue of the approval would be removing the tennis court, removing the pool and that the application was for the building coverage, the side yard and increasing the degree of non-conformity.

Mr. Hughes: Including the footprint infringement and the second story or just ...

Mr. Donovan: Well I think what you call footprint infringement.

Mr. Hughes: O.K. so then that's clear that they understand what we're ruling on.

Chairperson Cardone: Yes, but the question...

Mr. Donovan: I don't know if it's clear to them, it's clear to me. We did have a discrepancy on the ...

Chairperson Cardone: On the lot coverage.

Mr. Donovan: ...on the lot coverage so, I mean you really only get one chance to get it right so there is nothing with taking the time to get it right.

Mr. Hughes: Hmm, hm, I would agree with reserving decision on it.

Chairperson Cardone: Could I have a motion to that effect?

Mr. Hughes: So moved.

Mr. McKelvey: Second.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Ruth Eaton: Yes

Ronald Hughes: Yes

Robert Kunkel: Yes

James Manley: Yes

Grace Cardone: Yes

Brenda Drake: Absent

Chairperson Cardone: And Mr. Canfield you will recalculate all of that and get back to us on that.

Mr. Canfield: Yes. And resubmit the sheets.

Chairperson Cardone: Thank you.

(Time Noted – 9:53 PM)

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Brenda Drake: Absent

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Mr. Canfield: Yes. And resubmit the sheets.

Chairperson Cardone: Thank you.

(Time Noted – 9:53 PM)

BS
7/20/07

Polhamus & Carlstrom

file

43-3-31
43-3-34

Withdrawal
Letter

August 10, 2007

ATT Zoning Board of Appeals,

We are withdrawing the original application we submitted in connection with the proposed addition to the house on 65 Balmville Rd, Newburgh, NY. That property 43-3-34 and an adjacent lot 43-3-31 have been combined.

We are now submitting a new application for the variances for the same proposed addition to the house on the now combined lot, 43-3-34.2.

Susan Carlstrom

Sally Polhamus

Susan Carlstrom