

ZBA MEETING – JULY 26, 2007

(Time Noted – 9:04 PM)

POLHAMUS (Sally) & CARSTROM (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: Held over from the April, May and June meetings, Polhamus & Carstrom at 65 Balmville Road.

No response.

Ms. Gennarelli: I don't see anyone here. I don't see Mr. Coppolla and I don't see Ms. Polhamus.

Chairperson Cardone: We don't have any communication from them?

Ms. Gennarelli: I have not heard from them. Have you heard from them? (to Mr. Canfield)

Mr. Canfield: No.

Mr. Donnelly: I think you have two choices, either you send them a letter and say if they do not appear at a fixed date you will take action on the application or you can take action tonight, I think if there is any doubt that they may not understood it was on, I think you are better off writing them a letter and continuing one last time.

Ms. Gennarelli: They knew they were on the agenda.

Chairperson Cardone: Yes, Mr. Tierney? Could you just identify yourself for the record?

Mr. Tierney: Yes, my name is Joseph Tierney III, I am here representing the adjacent property owner Ann, Mrs. Joseph Tierney. I just wanted to verify if this is the Polhamus & Carstrom that you're hearing now?

Chairperson Cardone: Yes.

Mr. Tierney: So, you didn't ask for any comments or anything yet? I couldn't hear you back there so I'll just listen in what you're saying and then if you want...

Chairperson Cardone: Well the thing is the applicant does not appear to be here.

Mr. Tierney: O.K.

Chairperson Cardone: And, what I was asking our counsel was whether we would act on it and his advice is that we would write them a letter, perhaps there was a misunderstanding, they didn't realize they should be here this evening and give them a chance to appear next month.

Mr. Tierney: Yes, I understand.

Chairperson Cardone: Then we would hold it open then until next month.

Mr. Tierney: Yes, as I understood it the 60 day count down is on and there is about 30 days or so left on the time for your decision.

Chairperson Cardone: Not until we close the Public Hearing.

Mr. Tierney: O.K., so they still...you haven't done that yet?

Chairperson Cardone: No.

Mr. Tierney: I wanted to let you know that as a representative of the adjacent property owner, the way the application stands at present she is still opposed to the variance. It's extremely convoluted, disorganized and there is a whole lot...it's pretty really, pretty sloppy presentation on what they're asking for. They've owned the property, they transferred in '97, they have over 10 years to make corrections on the property. They have over 30 some years of non-compliant use on the property and they've had 10 years to do something about it and they come up here and it sounds like they were kind of trying to negotiate with the Board that they would remove the existing non-conforming uses if you gave them a variance. I don't know what you thought, it sounded to me like they were kind of offering to say, well we'll comply with the law if you give us what we want. So as far the way it's presented through the application a 2000 sq ft house to have to more people move in to take care of the lady that owns it and turn it, I don't see how they just can't do a little bit of work inside. Three people can live in a 2000 sq ft house and they don't need another 500 sq ft leaning over towards the adjacent property owner when they've got all this other property that they can deal with. You guys following me?

Chairperson Cardone: I am.

Mr. Tierney: O.K.

Chairperson Cardone: But just excuse me one minute.

Mr. Donnelly: Because they did send some kind of follow up letter. The only reason I cautioned acting in the event that they are unaware that it's here is, it's very difficult to reapply for the same variance. It would take a unanimous decision of the Board to reconsider.

Chairperson Cardone: Yes. Please let me check something from the last meeting.

Mr. Donnelly: And if there is any doubt about whether they intended to be here or not, now from June 29<sup>th</sup> (28) you have 62 days. Let's do the math.

Mr. Tierney: Well right that's what I was asking about the 60 days.

Chairperson Cardone: Excuse me, the hearing ... the Public Hearing was closed but we did not make a decision on it.

Mr. Tierney: Hmm, hmm.

Chairperson Cardone: We were waiting for information and which I believe we received from Mr. Mattina, is that correct?

Mr. Mattina: Yes.

Mr. Donnelly: All right, the date was June 29<sup>th</sup>? When the hearing was closed?

Ms. Gennarelli: June 28<sup>th</sup>.

Mr. Donnelly: 28<sup>th</sup>? That would make it August... June 29<sup>th</sup> was a Thursday.

Chairperson Cardone: June 28<sup>th</sup> was the...

Mr. Donnelly: You met on a Wednesday.

Ms. Gennarelli: No, it was a Thursday.

Chairperson Cardone: It was a Thursday.

Mr. Donnelly: August 30 is 62 days, when is our meeting in August?

Ms. Gennarelli: The 23<sup>rd</sup>.

Chairperson Cardone: August 23<sup>rd</sup>.

Mr. Donnelly: So, we have time.

Chairperson Cardone: Also we would also want the applicant to be able to respond to the new information that we have and I'd like to read that information from Mr. Mattina. Here are my calculations on the above project, and this was a letter that he sent to Mr. Coppola, if you have any questions please call. The total lot area 24,244 sq ft and 20% allowable coverage is 4,848 sq ft and the calculated coverage is 5,842 sq ft not included is 1,650 sq ft of road surface and the remaining square footage over the 20% maximum is 994 sq ft, 5,842 sq ft is the total of 24.1% of the original 24,244 sq ft and those are the

figures that we were waiting for but the applicant should be able to respond to that. And, at then at that point I would imagine you would want to respond to his response.

Mr. Tierney: That's correct. So, just for clarification, is there an August such and such a date deadline here on this or not?

Chairperson Cardone: Yes.

Mr. Donnelly: The Board must act before August 30<sup>th</sup>.

Chairperson Cardone: Yes. Before August 30<sup>th</sup> and our meeting is before that.

Mr. Tierney: O.K. so that's what I can report back.

Chairperson Cardone: Yes.

Mr. Donnelly: The meeting is the 23<sup>rd</sup>.

Chairperson Cardone: There will be a decision at the August 23 meeting whether or not the applicant is here.

Mr. Tierney: What's the next August Meeting?


Mr. Donnelly: The 23<sup>rd</sup>.

Chairperson Cardone: The 23<sup>rd</sup>.

Mr. Tierney: The 23<sup>rd</sup>, thank you.

Chairperson Cardone: Before preceding the Board will take a short adjournment to confer with Counsel regarding legal questions raised by tonight's applications. I would ask you in the interest of time to please wait out in the hallway and we'll call you in shortly.

(Time Noted – 9:13 PM)

 8/14/07

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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ZONING BOARD OF APPEALS

OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD  
(845) 566-4901

Polhamus & Carstron  
102 Mountain Road  
Cornwall-on-Hudson, NY 12520

Re: 65 Balmville Road, Newburgh, NY (43-3-34)

July 27, 2007

Dear Ms. Polhamus & Carstron:

We had not heard from you or your representative Anthony Coppola that you would not be attending the July 26, 2007 ZBA Meeting.

As you know, your case had been held over from June 28, 2007 to the July 26, 2007 Zoning Board of Appeals Meeting Agenda pending calculation information from the Code Compliance Department. That calculation information was sent to Mr. Coppola on June 29, 2007.

Attached please find a copy of that information, if you care to respond to it please attend the August 23, 2007 ZBA Meeting. Your case is on the agenda for August 23 and we anticipate making a decision at that meeting.

Sincerely

Betty Gennarelli  
Secretary, Zoning Board of Appeals

Cc: Polhamus/Carstrom, 65 Balmville  
Coppola Assoc.