

ZBA MEETING – APRIL 26, 2007

(Time Noted – 7:28 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: Our next applicants are Polhamus & Carstron, 65 Balmville Road.

Ms. Gennarelli: All the mailings were in order.

Mr. Coppola: Good evening, my name is Anthony Coppola. I am the architect who has prepared the plans. What we are proposing is a rear, 1-story rear yard addition for Mr. & Mrs. Polhamus. They are located at 65 Balmville Road and that's on Balmville Road close to the intersection of Chestnut Lane where the stoplight is. I'll briefly go over the variances that we're asking for. I'll show you what we're doing inside, the floor plan of the existing house and then I'm gonna explain some of what's happening with the site plan and there's two adjacent lots here. Basically Mr. & Mrs. Polhamus are moving into this house with the intention of helping Mrs. Polhamus's mother who lives in the house right now and basically she is elderly and they're looking for this expansion so that they can expand this house, where she's living right now and basically move in and take care of her, that's the idea of what's going on here. This house is basically typical for a lot of the houses of this era that you would find in that area of Newburgh. It's a 1-story brick ranch kind of a sprawling layout. It probably dates back to sometime in the 70's. There's a, the garage is basically the most forward part of the house. There's a kitchen, dining room, living room, 3 bedrooms and another area we're calling a home study or an office. There's also an existing screen porch in the rear, we may have photos of that. That's on our rear elevation. And, what we're proposing to do is essentially again a 1-story addition towards the rear of the house. This is the real area that we could to make these bedroom areas bigger and that's going to significantly increase the two existing bedrooms. The master bedroom is here now so that area gets increased by about 12 feet. The second bedroom, which is going to be used by Mrs. Polhamus's mother basically gets expanded so that there's a two, kind of a two area where there's a sitting area and a bedroom that's all part of the same wing. We're basically proposing a larger accessible bathroom for her, that's shown in the rear of the plan and there's an existing bathroom in the center that's gonna remain the way it is right now. We're moving this just adjacent to the screen porch, this is a low sloping roof here so we don't want to get involved with that roof and basically creating a reverse, let me show you the elevation. That's the rear elevation, so there's the existing screen porch, the existing roof behind and then what we're proposing new here, her bedroom, the middle bathroom and then the master bedroom. And, again we're only coming out a total of 12 1/2 feet here then using the jog here which jogs out another 3 feet, so that's 15'6" at this point. So, as far as the variances that we're requesting in my mind the most significant is what the existing side yard setback here, I

don't think we're increasing the existing of non-conformity right now what's existing is about 9 feet clear. We actually taper away from the lot line slightly so we're gonna have about 10, almost 10 foot clear by the time we get to the corner of our addition which is less than the 30 feet that's required by Code. So, we're asking for a side yard variance but again we're matching the existing line of what we have. There are other things about this lot that are non-conforming, the lot size, and then things to do with the lot size, the lot coverage and the building coverage we're non-conforming on those. So, we're adding approximately 558 sq ft I'd say the existing house that's fairly big it could be, I don't have the square footage but it's probably about 2500 sq ft and really if you look at the plan to expand the bedrooms, which this is kind of a dated design, the bedrooms are smaller, this is really the only area to do that this would be unfeasible to do on a 2nd floor addition or really to any other area of the existing layout because the kitchen is kind of on the other wing and actually we wouldn't, this other side yard is just under 30 feet so that's even non-conforming too. So, basically it's existing side yards, the existing lot size and then the lot and building coverage, which are a function of the lot size. And, the existing lot is about 24,000 sq ft. Now, the site plan that you have shows two lots. It shows the front lot, which is 43-3-34, and it shows the rear lot 43-3-31. We received this information from their surveyor and it basically showed a couple of things. These two lots are in the same name right now but they're not combined at the moment. They are two separate lots but they are in the same name. What's shown on here is a lot line, basically a lot line to be removed and relocated because the pool was non-conforming to one of the lots. I don't think that's been done. That's basically kind of a separate proposal, separate from our request tonight. And, what we've done is we've calculated all this, the variance request based on the way it is right now, the fact that this is a single lot. So we've calculated our variances which relate to lot size, building coverage and lot coverage based on the front lot alone because that's the way it exists right now. So, it's a little confusing, I just wanted to be clear about that so the Board understands exactly what we are doing. That's it.

Ms. Eaton: If you did a lot consolidation you would only have to get a side yard variance.

Mr. Coppola: I fully realize that and to be perfectly honest it that's something that the Board felt you wanted to do here, I've asked my clients and they would agree to that. In other words, combine the lots as a condition of this, our variance request.

Mr. McKelvey: It would make more sense.

Mr. Coppola: This is a non-conforming lot anyway in terms of size; I guess it's probably about the same size as the other lot. So ...

Mr. McKelvey: You'd have to go to the Planning Board ...

Mr. Coppola: I think for a lot line removal, no.

Mr. McKelvey: No?

Mr. Coppola: To change the lot line, yes. To remove the lot, if the lots are in both the same names, I think you just consolidate the deeds.

Mr. Hughes: You can do that in the Assessor's Office.

Mr. Coppola: Yeah.

Mr. Hughes: I would tell you this, the pool is right in the middle of both, well not in the middle, but it's on both properties and you're shy 15,000 sq ft on the lot the way it's presented. I agree with my colleagues that you should go to them, clean that all up, go to the Assessor's Office and come back with that side yard. It would be much more receptive, right now you have 15,756 feet shy and that's a big portion in that neighborhood. Your lot width is deficient by almost 46 feet and so on, I see nine or so different things in here. If you combine those lots and come back, I am sure you'll only have that side yard except for your lot coverage to deal with.

Mr. Coppola: Well, I'd rather...

Mr. Hughes: You have indicated on your application that there is water and sewer in that neighborhood and there isn't as far as I know.

Chairperson Cardone: Mr. Hughes, we could make that a condition; I don't believe he would have to come back; we could make that a condition.

Mr. Hughes: I'm fine with that.

Mr. Coppola: I would appreciate that.

Chairperson Cardone: I have a question to ask about the pool. It doesn't have a Permit, yet? Or, what's the status on the pool?

Mr. Coppola: I think this is an older pool, it's been, what's here except for my addition, everything is existing, so I can't speak to the Permit about that. I'm not sure when it was constructed. I know it's there. I know the tennis courts are there. But, I don't know about the Permits to that pool, I mean...

Mr. McKelvey: You don't know how long the pool has been in?

Chairperson Cardone: Mr. Canfield?

Mr. Canfield: If I may? Jerry Canfield, Code Compliance Supervisor. We did research the records. We do not have any Permit on file for the swimming pool but there is another issue in existence and I think it further reiterates the importance of consolidating these lots because the pool, a swimming pool typically is considered an Accessory Structure. However, it is not permitted to put an Accessory Structure on a vacant lot. It's accessory to nothing, there's nothing else there. So, it makes good sense to clear all this up, to

consolidate those lots but in fact, there is no Permit on file. But, the pool does appear to be there for quite some time, 80's, prior to the 80's.

Mr. Hughes: And, the tennis court, are there Permits on that?

Mr. Canfield: There isn't anything on that either.

Ms. Eaton: Can you have a tennis court on a separate lot, just a tennis court, if you can't just have a pool?

Mr. Canfield: Tennis courts are named in our Zoning Code, O.K. And, there are requirements for them but typically we do not require Permits for them.

Ms. Eaton: But, they can be on a residential lot?

Mr. Canfield: Yes, they can. Yes, they can.

Mr. Hughes: With no main building?

Ms. Eaton: With no residents on it?

Mr. Canfield: No. O.K.

Mr. Hughes: First time I ever heard that before.

Mr. Canfield: And another, to answer Mr. Hughes' question, Balmville Lane, Balmville Road, excuse me, is not served by Municipal Sewer. There is Municipal Water there however; we did research the records, this particular residence is served by a well. It does not have the benefit of Municipal Water.

Mr. McKelvey: Let's go back to the question now; you're adding a bedroom?

Mr. Coppola: No, I am expanding two bedrooms, so I'm not sure, it's probably a 3 bedroom house but I mean the intention here is to expand this bedroom. We're calling this a sitting area but you'd walk into the same room and then this is just one large master bedroom again that door is here, the walk in closet to that.

Mr. Hughes/Mr. McKelvey: (Inaudible) entrances.

Mr. Coppola: No, no you couldn't, both of these would be non-conforming cause they don't have light and ventilation. This one couldn't be a separate room.

Mr. Hughes: So, you're not really creating an apartment here.

Mr. Coppola: No, I'm not asking for an apartment.

Mr. Hughes: O.K. I just want to make that clear.

Mr. Coppola: Yeah, no this doesn't, this wouldn't be an Accessory Apartment at all.

Mr. McKelvey: We're just asking on the bedrooms now because of the sewer system.

Mr. Coppola: Yeah, I understand exactly what you're saying. So, I mean, I'm assuming it's a 3 Bedroom house. I think that's probably logical so it would remain a 3 Bedroom house. But, getting back to what we talked about before, I mean, I would agree to as that condition to consolidate the lots, that makes the pool and the tennis court conforming. Then, my variance request probably just drops to a side yard request.

Mr. Hughes: And, the lot coverage?

Mr. Coppola: And the lot coverage, I'm gonna be O.K. with.

Mr. Hughes: Oh, when you join them together?

Mr. Coppola: Yeah.

Mr. Hughes: Yeah.

Chairperson Cardone: Any other questions from the Board? Any questions or comments from the public? If not, I declare this part of the Hearing closed. Thank you.

Mr. Coppola: Thank you.

(Time Noted – 7:40 PM)

ZBA MEETING – APRIL 26, 2007

(Resumption for decision: 8:55 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 application of Polhamus & Carstron at 65 Balmville Road seeking an area variance for maximum building coverage, maximum lot coverage and increasing the degree of non-conformity of the existing side yard to build the rear addition of a 1-family residence. This is a Type II Action under SEQRA. Do I have discussion on this application?

Mr. Hughes: I think that we made it quite clear to the representative what we're looking for, for clarification back to the Building Department and joining the two lots together through the Assessor's Office so that they can reduce the number of variances required.

Mr. McKelvey: Also, to bring the rest ... to bring the back part up to Compliance.

Mr. Hughes: Hm, hmm. I think if we were to approve that we would have the conditions that spells out that the tennis court, the pool and all that stuff would have to be taken care of with Permits.

Chairperson Cardone: Would have to be brought to Code, right?

Mr. Hughes: Yes, standard.

Mr. Manley: So, any outstanding violations should be brought up to Code prior to a Building Permit being issued for the...

Chairperson Cardone: For the addition.

Mr. McKelvey: The addition.

Ms. Drake: The addition.

Chairperson Cardone: And the lot line would be taken care of.

Mr. Hughes: That disappears. Yes.

Ms. Eaton: Hm, hmm.

Mr. Hughes: They become combined into one lot, one tax parcel.

Chairperson Cardone: Do I have a motion for approval to that effect?

Mr. McKelvey: So moved.

Ms. Drake: Second.

Mr. Manley: Just one other question for clarification. And that would be, then they only need the variances for the side yard, correct?

Chairperson Cardone: That is correct.

Mr. Manley: Everything else disappears?

Mr. Donovan: And, I just want to make sure and I don't know if we could this on the spot. In terms of building coverage, the tennis court would that have to go in the calculation for lot coverage.

Mr. Mattina: Yes, for surface coverage.

Mr. Donovan: Yes, for surface coverage, so we may be over the 20%. I don't know if we are or not with that.

Mr. Hughes: I'd say by eye, no.

Mr. Donovan: O.K.

Mr. Canfield: Although we did not calculate that in.

Mr. Donovan: Correct, yes.

Mr. Manley: You did calculate the pool?

Mr. Canfield: No.

Mr. Manley: No?

Mr. Canfield: It's a separate lot.

Mr. Donovan: You were just looking at 43-3-34, the one lot, right?

Mr. Canfield: Correct.

Mr. Manley: O.K.

Mr. Hughes: Most of the pool is on that other lot with the tennis court.

Mr. Canfield: That's why we expanded a little bit (inaudible)

Chairperson Cardone: So, your answer is ... we're not sure?

Mr. Canfield: To the question of ...

Chairperson Cardone: The lot coverage.

Mr. Canfield: Did we take into consideration the tennis courts and the swimming pool, as they were one, and total calculations for surface area coverage?

Chairperson Cardone: Hm, hmm.

Mr. Canfield: The answer to that question is no, we did not take this tennis court and the pool into consideration. If this Board chooses so, we will do those calculations and provide them to the Board.

Mr. Manley: Could we wait until next month?

Chairperson Cardone: We certainly could.

Mr. McKelvey: Yes.

Mr. Hughes: Reserve decision.

Mr. McKelvey: I'll rescind my motion.

Mr. Donovan: O.K. I couldn't remember if there was a motion on the floor.

Chairperson Cardone: There was a motion on the floor. You're rescinding your motion?

Mr. McKelvey: Yes.

Ms. Drake: Yes.

Chairperson Cardone: Then we will do a motion to reserve decision until we...

Mr. McKelvey: I'll make a motion we reserve decision ...

Chairperson Cardone: Pending information from the Building Inspector's Office.

Mr. McKelvey: Right.

Ms. Drake: I second that motion.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Ruth Eaton: Yes

Ronald Hughes: Yes

James Manley: Yes

Grace Cardone: Yes

Robert Kunkel: Absent

(Time Noted – 9:00 PM)

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ZBA MEETING – APRIL 26, 2007

(Time Noted – 8:10 PM)

From the End of William Stohner's Application for a variance referring to the Polhamus/Carlstron...

Chairperson Cardone: Any questions or comments from the public? If not, I declare this part of the Hearing closed. The Board is going to take a short adjournment to confer with Counsel regarding legal questions raised by tonight's applications. I would ask in the interest of time if you would step out into the hallway and we'll call you in, in just a few minutes. Mr. Canfield?

Mr. Canfield: Just one quick thing, if we could back up, I have a comment, a correction for the record. I misspoke before on the Polhamus/Carlstron application. The question I believe from either Mr. Hughes or Mr. McKelvey was in regards to the tennis court and the answer to that question and I misspoke, 185-43 specifically does mention tennis courts included with swimming pools. So, they must be accessory to a specific use.

Chairperson Cardone: O.K. Thank you.

(Time Noted – 8:11 PM)