

TOWN OF NEW WINDSOR

ZONING BOARD

January 9, 2012

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
 HENRY SCHEIBLE
 FRANCIS BEDETTI
 RICHARD HAMEL
 PATRICK TORPEY

ALSO PRESENT: ANDREW KRIEGER, ESQ.
 ZONING BOARD ATTORNEY

 NICOLE PELESHUCK
 ZONING BOARD SECRETARY

REGULAR MEETING:

MR. KANE: I'd like to call to order the regular session of the New Windsor Zoning Board of Appeals for January 9, 2012.

PUBLIC HEARINGS:

MICHAEL & ELAINE VENEZIALI (11-31)

MR. KANE: Tonight's first public hearing Michael and Elaine Veneziali, excuse me if I butcher your name. Variances are needed for proposed a detached 24 foot by 32 foot garage. First variance is for developmental coverage. The garage will exceed the maximum of 20 percent of developmental coverage. A variance of 843 square feet is required. Second variance we don't need so it's just the front one.

MRS. PELESHUCK: I changed it on the notice.

MR. KANE: So it's just the developmental coverage, guys, on this. Similar as to the preliminary, name, address, speak loud enough for that young lady over there to hear you and tell us what you want to do.

MRS. VENEZIALI: Elaine Veneziali, 233 Wall Place, New Windsor, New York. We just want to put a garage up because we need some storage space. That's it.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the garage?

MRS. VENEZIALI: No.

MR. KANE: Creating water hazards or runoffs?

MRS. VENEZIALI: No.

MR. KANE: Any easements running through the area where the garage will be?

MRS. VENEZIALI: No.

MR. KANE: Is the garage similar in size and nature to other garages that are in your neighborhood?

MRS. VENEZIALI: Yes.

MR. KANE: Further questions from the board at this time?

MR. SCHEIBLE: You have in the strip between your house and the proposed garage it just says planter. Is there going to be a sidewalk or is the planter going to be replaced by a sidewalk?

MRS. VENEZIALI: There's no planter right now.

MR. KANE: Just on the drawing right here?

MRS. VENEZIALI: Yes, it's really just where we had some shrubberies and stuff and we took them out.

MR. KANE: Some plants and shrubbery.

MR. KRIEGER: What's there now?

MRS. VENEZIALI: Nothing.

MR. KANE: Your plan is to leave it?

MRS. VENEZIALI: Yeah, yeah, we're not going to plant anything.

MR. KANE: But it's not going to be covered by sidewalk or anything, nothing to cover it because that would again affect your developmental coverages?

MRS. VENEZIALI: No, we're not going to do that, just pull them out.

MR. BEDETTI: Detached or attached?

MRS. VENEZIALI: Detached.

MR. SCHEIBLE: Where it says planter, we got lost there, that would be a sidewalk with an entrance going from the main house to the garage?

MR. VENEZIALI: You mean from between the house and the garage?

MRS. PELESHUCK: It's grass.

MRS. VENEZIALI: It will be grass just that little area.

MR. KANE: No more coverage.

MR. SCHEIBLE: Just curious.

MR. KANE: At this point, I'll open it up to the public and ask if anybody's here for this particular hearing? Okay, I just need you to come up, make your statement, first you can sign your name and address and one at a

time you can speak and ask any questions that you need. What I need you to do is state your name and address one at a time so this young lady can hear you and ask whatever questions you have.

MS. NYBORG: My name is Joann Nyborg, half of my house will face the structure, the supposed structure. So right now there are no detached garages in the neighborhood that would be the, from what I understand, from what I see would be the only detached garage. Right now currently no driveways back up into each other with this structure. There's a possibility that they would back up into my driveway cause the road is very narrow and it does not have sidewalks. Kids play on the road too so I'm concerned about the clean air because their entire side of the house will be a potential for eight plus cars of garage space, parking space because right now they have three cars parked there. They want to extend, there's a potential for eight or more cars to be parked there and I'm concerned in his line of business when you have I believe a tow trucking and maybe car rental that that will be a problem. So those are my concerns cause I do face the structure, half of my house. So that's my concern.

MR. KANE: And did you just put your name and address on the sheet? Anything else?

MRS. NYBORG: That's all.

MR. RODRIGUEZ: My name is Ruben Rodriguez, 191 Windsor Highway. My only concern is the drainage, there's no drainage possibly where this potential garage is going to be, it's 24 by 32. I have drainage into my yard as it's very muddy back there, just when building this if the drainage could be pointed towards James Street and the gutters pointed that way cause I have a problem with the mud as it is. That's the only request, just the drainage.

MR. KANE: Okay, anything else, sir?

MR. RODRIGUEZ: No, that's it.

MR. KANE: Anybody else? Sir, name, address?

MR. FUSCO: Mike Fusco, 245 James Street, New Windsor, New York. I live right across the street. I got the letter and I have a couple questions. First off, what's the structure going to look like, the physical

structure, physical structure, two car garage? My driveway's right across the street from it and it's my concern is the type of vehicles, I don't want a commercial look to where I live.

MR. KANE: It's not zoned for commercial. If you see any commercial vehicles there, call the building department, call the police.

MR. FUSCO: I don't think that's something that should be approved here and now I want to--

MR. KANE: It's going down tonight.

MR. FUSCO: What's this, zoning or planning?

MR. KANE: Zoning.

MR. FUSCO: Well, if the parcel's not zoned for that I don't think it should go there.

MR. KANE: It's zoned for it.

MR. FUSCO: You know, if it's not--

MR. KANE: It's zoned for it.

MR. FUSCO: -- doesn't fit there legally or not, my concern is just like I said, I look straight across straight through, you know, there's no objection of my view from my house across the street, I'm just concerned about having a two story garage across the street from my house, that's all.

MR. KANE: Okay, anything else?

MR. FUSCO: And like Ruben said there too the drainage when they built the apartments, not the apartments but the condos, the water table on our side of 32 has definitely changed. People behind me who didn't have water in their basement, I know Irene was extreme but they had four feet of water. And they never had water in the basement. I get water, I have a pump but that's a concern of mine as well is the water table as well in the development.

MR. KANE: Okay.

MR. FUSCO: Digging and whatnot affecting that.

MR. KANE: Anything else?

MR. FUSCO: That's it.

MR. KANE: Thank you. Anybody else?

MR. NYBORG: Is it going to be blacktop?

MR. KANE: Blacktop in front of the driveway.

MR. NYBORG: All the grass is going to be gone, it's going to be blacktop.

MRS. VENEZIALI: It's 24 feet, that's all it is, I mean right now can I say something?

MR. KANE: Yes, hold on one second. Anybody with any other questions? Okay, thank you. Yes?

MRS. VENEZIALI: We're not putting up, my husband has a commercial business out in Montgomery, we don't bring anything home. He brings his truck home, it's not a tow truck, it's a truck that he drives back and forth home, we don't.

MR. KANE: Guys, you've had your chance to talk. The meeting is, this is her chance to talk, please just--

MRS. VENEZIALI: We have three cars, my son lives with me who's disabled, he's got MS, he's 42 years old, we have three cars in our driveway. Their driveway butts up against our driveway now and they park on the road where we can't even get out of our driveway which I was never going to mention this to you but I even backed into your daughter's car one time. This would be moved over to the right.

MR. KANE: Excuse me, I'm not going to ask again.

MRS. VENEZIALI: The driveway's here that we back out of this will be moved over to the right, I don't know as far as Willy lives here so I don't even know why he would be here tonight.

MR. KANE: Excuse me, one more statement I'll have the police remove you. You've been asked politely like three times. Okay? You've had a chance to speak, you can say whatever you want, you can ask any questions all you want. When it's over, it's over. You know, I mean, if I've got to treat you like 16 year olds, I

will. Go for it.

MRS. VENEZIALI: I didn't think that putting up a garage for our personal garage would cause such a ruckus in the neighborhood. I get letters, I never even go to the meetings, let them do what they want, anything to improve their property. But Willy has nothing to do with our property, he's our next door neighbor, there's a detached garage I look at in my back yard all the time, it's a lady that lives right next to me, it's a detached garage, it's right in my back yard. I look at that. So that's a detached garage.

MR. KANE: The portion of your property that you're planning on building the garage how level is that piece of property or how flat?

MRS. VENEZIALI: It's flat, it's flat, I mean, as far as drainage goes we never have a problem. We don't have water in our cellar, never. As far as drainage in his back yard that's my back yard, we already had and I see no drainage problem ever, I never thought there was mud back there.

MR. VENEZIALI: No.

MRS. VENEZIALI: You can come and look, it's not a wetland. I know at one time they were kind of wet over there but we have proper drainage gutters and wouldn't do anything like that. We have a problem in front of our house with drainage because now where the sewer is it doesn't pick up there, it's right where my mailbox is. And I called the town a couple times about it but, you know, it's over on Wall Place and it's in James it puddles up but that's not my property. It comes down the road and settles there. But, I mean, you know, I don't think we're asking anything really a big deal about here that I'm going to make an eyesore. Everything we have improved on our property is always to make it look beautiful and not to, you know, have problems with my neighbors.

MR. KANE: Okay. Bring it back to the board for questions.

MR. SCHEIBLE: One of the gentlemen or ladies, I don't know which one it was brought up the question about a two story garage. Is that correct or am I incorrect?

MRS. VENEZIALI: It does have an upstairs, yes.

MR. SCHEIBLE: There will be an upstairs?

MR. TORPEY: It will have a peak to it.

MRS. VENEZIALI: It's going to be like the house and it's, you know, it's not, it's not going to like even affect my next door neighbor who's not here because it's going to be even with her house. We're not asking to bring the house where somebody can't see around the corner something like that, it's going to be even with the back of our house.

MR. KANE: So the height of the garage is no higher than the house?

MRS. VENEZIALI: No.

MR. KANE: And the space above the garage is going to be an unheated space?

MRS. VENEZIALI: Right, for storage.

MR. KANE: Not a living area?

MRS. VENEZIALI: No, no.

MR. KANE: Just for the record. Questions?

MR. BEDETTI: You asked the question whether that was going to be that a space above the garage was going to be living area?

MRS. VENEZIALI: No, it's going to be storage, I need a lot of storage.

MR. BEDETTI: Not going to be something you're going to rent out?

MRS. VENEZIALI: No, no thank you.

MR. SCHEIBLE: I go back to the height again asking that again. You said it's not going to be no higher than the house?

MR. VENEZIALI: It's going to be a lot lower.

MR. SCHEIBLE: Because you've got a peak that goes to the second floor, we're building a garage here that

will be up to the first level and then how high will the peak be? I'm just curious because you said we're going to be about the same as the house.

MRS. VENEZIALI: No, it would be lower than the house, the house is very high.

MR. SCHEIBLE: I know you have a high peak on the house because of the second floor.

MRS. VENEZIALI: We gave you all the paperwork, we have storage upstairs, going to have storage upstairs but it's not going to be like enormous or like a gabled roof or something like that.

MR. KANE: In your consideration we can always put a limit onto the height if that's something that you want to propose.

MR. KRIEGER: Either by foot or by description if you want to put like no higher than the house, no higher than two thirds of the house you can do that, you don't have to specify a number of feet.

MR. KANE: Further questions?

MR. TORPEY: No, I'm pretty good.

MR. BEDETTI: Just one for my own curiosity. Was there ever a garage in that house?

MRS. VENEZIALI: Yes, there was, underneath.

MR. BEDETTI: Now part of the main?

MRS. VENEZIALI: It's a family room.

MR. BEDETTI: You're providing yourself with a garage?

MRS. VENEZIALI: Yes, for our cars, not for business.

MR. BEDETTI: Understand.

MR. VENEZIALI: I've got enough room for 50 cars at my shop.

MRS. VENEZIALI: We don't do towing either.

MR. BEDETTI: I'm good.

MR. KANE: No further questions, at this point, we're going to ask Nicole how many mailings we had.

MRS. PELESHUCK: On the 30th day of December, 2011, I mailed out 42 addressed envelopes and I received no written response back.

MR. KANE: Okay, no further questions, I'll entertain a motion.

MR. BEDETTI: I'll make a motion that we grant a variance for 845 square feet.

MR. KANE: It's 43.

MR. BEDETTI: For 843 square feet for a proposed two car garage to be located at 233 Wall Place in an R-4 zone.

MR. TORPEY: I'll second that.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MRS. PELESHUCK: Motion carried. Here are your next steps with the building department.

MRS. VENEZIALI: Thank you.

MRS. PELESHUCK: I'll call you when the permit is ready.

MRS. VENEZIALI: Thank you.

MINUTA ARCHITECTURE FOR NADEEN & HECTOR TUZO (11-32)

MR. KANE: Tonight's next public hearing Minuta Architecture for variances for accessory building. Such building shall be set back 10 feet from any property line. A variance for the proposed grill, fireplace, garbage enclosure and pavilion is required. The proposed developmental coverage is 37.7 percent, the maximum coverage allowed is 20 percent. A variance of 17.7 is required at 2405 Settlers Ridge in an R-3 zone.

MR. MINUTA: Joseph Minuta, Minuta Architecture. The project hasn't changed since we were last here. We're looking for the variances as mentioned, as we did discuss last time. Just to go through the plan quickly, we have an existing area here which is a sidewalk, we're going to be extending that with some foot paths through the lawn area, circular table area coming through here, small low fence with some shrubbery on the other side, gate to go in the back yard and a foot path through the grass, lots of landscaping in the back, not showing any large vegetation. In fact, we're adding vegetation, trees to it. The area that you see that is being covered are pavers or gravel so it does have a pervious quality to it and then we have the pavilion in the back which is open on four sides just with the roof. We have an outdoor kitchenette, grill, sink and outdoor gas fireplace and a fire pit area. The existing garbage enclosure here, we're going to be changing that and creating a new one in this location, pergola out the back and small water feature which is going to be a fountain that you can buy at any local landscape store, install it, unplug it, bring it in your house. That's pretty much the extent.

MR. KANE: I know you said you're adding vegetation so we're not taking down substantial vegetation?

MR. MINUTA: That's correct.

MR. KANE: And not creating water hazards or runoffs?

MR. MINUTA: No.

MR. KANE: So the water display?

MR. MINUTA: It's all pervious so it's just going to

seep into the ground.

MR. TORPEY: Can you add vegetation?

MR. KANE: You can plant anything you want almost.

MR. TORPEY: But you get in trouble taking it away but they don't say anything about adding.

MR. KANE: Speaking about getting vegetation taken away.

MR. SCHEIBLE: Joe, the existing shed that's already in place?

MR. MINUTA: That's in place, yes.

MR. SCHEIBLE: That's been approved?

MR. MINUTA: That's all part of the existing property.

MR. KANE: No easements?

MR. MINUTA: None that we know of.

MR. KANE: The pavilion is going to be open? It's not going to be enclosed?

MR. MINUTA: That's correct, open on four sides, just a roof structure posted down.

MR. SCHEIBLE: The only structure with a building, there's no other above-ground structures?

MR. KANE: Except for the enclosure.

MR. MINUTA: The fireplace here which would be what we're seeing sort of at Devitt's, the fireplaces that they're building. Heights would be in conformance with the code for the smoke ventilation. Thank you.

MR. KANE: At this point, I'm going to open it for the public and ask if there's anybody here? Seeing as there's not, we'll close the public portion and ask Nicole how many mailings we had?

MRS. PELESHUCK: On the 30th day of December, 2011, I mailed out 40 addressed envelopes and I received no written response back. We did get one back though undeliverable.

MR. KANE: Okay, and the public portion of the meeting is closed, bring it back to the board for further questions.

MR. HAMEL: You have woods behind you, correct?

MR. MINUTA: Correct, it's, yeah, it's not their property obviously but--

MR. SCHEIBLE: Remember that at the last meeting I asked you to come back with some information on who owns beyond there and is that going to be developed at one time or another. Are you, did you ever pursue that Joe?

MR. MINUTA: Did I actually go and look for it, no, I did not look for it.

MR. SCHEIBLE: Oh, shame on you.

MR. MINUTA: Do you know of anything that's going on there?

MRS. PELESHUCK: I don't.

MR. TORPEY: What does that have to do with the guy doing his back yard nice?

MR. KANE: Just wanted to make sure.

MR. MINUTA: With that, I really don't know even, I wouldn't even know where to go to find that information out, you know, I assume there's someone making an application to the town if they wanted to do something. It's hard to say.

MRS. PELESHUCK: There's nothing pending now.

MR. BEDETTI: There's nothing before the planning board that indicates that there's anything being built?

MR. MINUTA: Not to my knowledge.

MR. KANE: Not that I know of.

MR. BEDETTI: Now?

MR. SCHEIBLE: That's why I'm asking that question because it's in the middle of The Reserve, that's why

I'm wondering if that will, is that in the works to become part of The Reserve?

MRS. PELESHUCK: No, different owners.

MR. KANE: Honestly, I don't think there's anything in their design in the back yard that would interfere with a neighbor behind them, it's within their property.

MR. TORPEY: Jealousy.

MR. KANE: Nice barbecue, better get an invite.

MR. BEDETTI: That's all relatively flat land there, it's not elevated?

MR. MINUTA: No, it's not elevated. We've seen other elevated sites within The Reserve where we've got retaining walls bordering properties but no.

MR. BEDETTI: You've got the road in front of him and the woods behind him so he's not looking in anybody's bedroom?

MR. MINUTA: No, property on either side and we're actually adding vegetation.

MR. BEDETTI: Thank you.

MR. KANE: Further questions? If not, I'll accept a motion.

MR. HAMEL: I'll make a motion that we grant to Nadeen and Hector Tuzo variances as requested.

MR. TORPEY: I'll second that.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. MINUTA: Ladies and gentlemen, thanks very much.

MR. KANE: Next meeting we'll be looking at the reorganization meeting so everybody please try to make it or give Nicole a call. Motion to adjourn?

MR. TORPEY: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. TORPEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer