

TOWN OF NEW WINDSOR

ZONING BOARD

December 12, 2011

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

ALSO PRESENT:      ANDREW KRIEGER, ESQ.  
                             ZONING BOARD CHAIRMAN

                             NICOLE PELESHUCK  
                             ZONING BOARD SECRETARY

**REGULAR MEETING:**

MR. KANE:    I'd like to call the Town of New Windsor Zoning Board of Appeals regular session December 12, 2011 to order.

APPROVAL OF MINUTES DATED 10/24/11 AND 11/14/11

MR. KANE:    Motion to accept the minutes of meetings October 24, 2011, November 14, 2011 as written?

MR. HAMEL:    So moved.

MR. SCHEIBLE:    Second it.

ROLL CALL

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

## PRELIMINARY MEETINGS:

MICHAEL &amp; ELAINE VENEZIALI (11-31)

MR. KANE: Tonight's first preliminary meeting Michael and Elaine Veneziali, excuse me if I say it wrong. Variance is needed for a proposed detached 24 by 32 foot garage. The first variance is for developmental coverage. Garage will exceed the maximum of 20 percent developmental coverage. A variance of 843 square feet is required. The second variance is for the front yard. The house is on a corner lot and the garage will project closer to the road than the existing house. A variance of 10 feet is requested at 233 Wall Place in an R-4 zone. In New Windsor, we hold two meetings. We hold a preliminary meeting and then of course we have a public meeting where all our decisions have to be made by law. And the reason we do a preliminary meeting so you can give us a general idea of what you want to do and we have enough information to make a decision. In other towns, you walk in cold, you don't have the right stuff, you lose. That's why we have a two step process here. Come on up, speak loudly so this young lady over here can hear you and tell us exactly what you want to do. And what's going to go on in the public is similar to this except neighbors or whoever responds to the mailings will be here at that point. So your name, address and tell us exactly what you want to do.

MRS. VENEZIALI: Elaine Veneziali, 233 Wall Place, New Windsor, New York 12553.

MR. VENEZIALI: Michael Veneziali, same address.

MRS. VENEZIALI: We want to put a garage up. We're running out of storage space in our house so we want to put a garage up so we can put our cars in it. We don't have a garage right now, we'd like to put it up so we can store our cars for the wintertime.

MRS. PELESHUCK: The survey that you guys have is not showing that they want the garage closer to the road than the house, it's just showing it flush with the HOUSE.

MR. KANE: How far?

MRS. PELESHUCK: Ten feet.

MR. KANE: Ten feet from the line instead of the 30 that's showing, is that what it is?

MRS. PELESHUCK: It will be 20 feet from the line.

MR. KANE: This number here will be 20 feet from the line?

MRS. PELESHUCK: Correct, 10 feet out from the house.

MR. KANE: And 10 feet away from the house?

MR. VENEZIALI: Yes.

MR. TORPEY: What do you mean by 10 feet away from the house?

MRS. PELESHUCK: It will extend 10 feet passed the house.

MR. TORPEY: Not away from the house?

MRS. PELESHUCK: Not away, 10 feet passed.

MR. KANE: The reason for that particular variance going in the front your here because your particular lot in New York State is a corner lot, therefore you have two front yards. Is this really your front yard or is the other part, this is your front yard?

MR. VENEZIALI: Yes. Now the house, the garage is going to be flush with the house, not 10 feet out, we want it flush.

MR. KANE: It's going to be flush with the house?

MRS. PELESHUCK: You changed it.

MRS. VENEZIALI: Yes because we don't want any problems.

MR. KANE: That does away with a whole variance so take off the 10 foot variance because it's projecting closer to the road than the existing house. So we're strictly dealing with developmental coverage. So basically questions and obviously I can see certain things from the picture but I have to ask the questions nonetheless. Cutting down substantial vegetation or trees in the building of the garage?

MRS. VENEZIALI: No.

MR. VENEZIALI: No.

MR. KANE: Will you be creating water hazards or runoff in the building?

MRS. VENEZIALI: No.

MR. KANE: Any easements running through the area where you want to place the garage?

MRS. VENEZIALI: No.

MR. KANE: Is the garage itself similar in size and nature to other garages that are in your neighborhood? It's not oversized?

MRS. VENEZIALI: It's not oversized, no.

MR. KANE: Don't have to ask for the picture because you're not going in front of the house. Bringing it back to the rest of the board for further questions.

MR. BEDETTI: Is that a two car garage?

MR. VENEZIALI: Yes.

MR. BEDETTI: It didn't say on the thing.

MR. SCHEIBLE: Single door or double door?

MR. VENEZIALI: It will be double.

MR. BEDETTI: Pretty straightforward to me.

MR. VENEZIALI: Yeah.

MR. KANE: Fairly straightforward. Any further questions?

MR. BEDETTI: Now this projection of the 30 feet is in fact accurate now, is that correct?

MRS. PELESHUCK: Yes.

MR. BEDETTI: Thirty feet from the front of the garage to James Street?

MRS. PELESHUCK: Yes.

MR. VENEZIALI: Yes.

MR. KANE: It's the same measurement as the house so--

MRS. PELESHUCK: It's flush with the house, it doesn't need--

MR. KANE: As long as it's flush with the house, I don't see anything else.

MR. BEDETTI: This is a detached garage?

MR. VENEZIALI: Yes.

MRS. VENEZIALI: Yes.

MR. BEDETTI: Okay, I see the plans.

MR. KANE: Just for the public hearing, can we get the 843 square feet changed to a percentage so we know we're going over 20 percent how much percentage just to make it easy for the record?

MR. SCHEIBLE: I'm assuming that this will be also paved because you're just showing the pavement.

MR. VENEZIALI: Yeah, it will be paved as well.

MR. SCHEIBLE: It will also be paved?

MR. VENEZIALI: Yes.

MR. SCHEIBLE: So you will still continue leaving the other paved?

MR. VENEZIALI: Yes.

MRS. VENEZIALI: They count it as building space.

MR. KANE: Yeah, anything that's non-porous doesn't allow, that's considered coverage so if you were to leave that as for argument's sake Item 4 or something just to put down then you wouldn't need that particular portion wouldn't fall under the developmental coverage. That's all I have. Anything else guys? I'll accept a motion to set up for a public hearing.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Michael and Elaine Veneziali for a

garage to be located at 223 Wall Place in an R-4 zone.

MRS. VENEZIALI: 233.

MR. TORPEY: I'll second that.

MR. BEDETTI: 233?

MRS. VENEZIALI: 233, yes.

ROLL CALL

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

MR. KANE: You're all set up and the public hearing is going to be very similar but with your mailings whatever neighbors if they have any questions we open that up. Have a great evening, careful home.

MRS. VENEZIALI: Thank you. And I can bring this in?

MRS. PELESHUCK: Yes.

MRS. VENEZIALI: Thank you.

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

MR. KANE: Minuta Architecture for Nadeen and Hector Tuzo for a variance for accessory building. Such building will be set back 10 feet from any property line. A variance for a proposed grill, fireplace, garbage enclosure and pavilion is required. The proposed developmental coverage is 37.7 percent, the maximum allowed is 20. A variance of 17.7 percent is required at 2405 Settlers Ridge in an R-3 zone. Hey, Joe, you know what to do.

MR. MINUTA: Happy holidays, everybody.

MR. KANE: Name and address.

MR. MINUTA: Minuta Architecture, 544 Temple Hill Road, New Windsor, New York 12553. I'm here to represent the applicant.

MR. SCHEIBLE: Joe, just so I know exactly where, close to where or what is this?

MR. MINUTA: This is in The Reserve so hence that's the main reason we're here. As you know, most of those properties require variances if they want to do anything with the properties cause the lots are so small and prior approval is needed. So large homes on small lots. So there's very little anybody can do without applying for a variance, large houses small lots. Anyway, they have been bitten by the home show bug, would like to increase their back yard for livable space. They're proposing this is their existing yard, they have a terraced area here, there's a small pergola here and they have a shed that houses some of their items, trash cans, et cetera. What they'd like to do is enhance the back yard, provide some, just some walking paths along here, stone pavers, small gate, some more shrubbery, full landscaped planting in the rear yard. They want to screen the one side from the southwestern sun in the summertime cause it really heats up their house. So we're providing shade trees. They have a pavilion on this side with no walls, just a roof so they can eat out in the summertime in case it rains, just provide some shade.

MR. KANE: What's the height?

MR. MINUTA: It's going to be below the 15 feet. We

have a grill and a couple other things but mainly it's landscaping pavers and shrubbery really the only structure which we're putting out which would be a permanent structure would be the pavilion.

MR. KANE: The fireplace that's going out is that going to be piped in natural gas?

MR. MINUTA: Yes, yes, gas pit fireplace here there's going to be.

MR. KANE: You know whatever may or may be approved for this board you still are subject to all the building department's regulations?

MR. MINUTA: Of course. And then the only other item that we were looking to add here is a fireplace to the, it's an exterior fireplace.

MR. SCHEIBLE: You said fireplace as in fire pit or--

MR. MINUTA: No, they have a gas fire pit but this is going to be sort of they want to have a gas fireplace with T.V. on the wall, small bar area here, table and chairs.

MR. KANE: Approximate height on that?

MR. MINUTA: Of which?

MR. KANE: Fireplace.

MR. MINUTA: Below the requirements of the 15 feet. We have to have a three foot, within three foot within 10 foot of the roof height so it's going to be pretty low.

MR. KANE: That's what I'm looking for, okay. And specific questions as absurd as some of them are, cutting down substantial vegetation and trees would be a bad question because you're actually adding shrubbery to the location, correct?

MR. MINUTA: That's correct.

MR. KANE: Creating any water hazards or runoffs?

MR. MINUTA: No.

MR. KANE: Any easements running through the area?

MR. MINUTA: None that we're aware of.

MR. KANE: Further questions from the board?

MR. HAMEL: What's behind the house?

MR. MINUTA: It's open land behind the house. They have neighbors to either side of them. In fact, the properties to the rear of them are trust and enterprises and all currently wooded.

MR. KANE: Further questions?

MR. SCHEIBLE: Is that, when you say that they're open behind that, is that part of this?

MR. KANE: Is that part of The Reserve?

MR. MINUTA: Not to my knowledge.

MR. SCHEIBLE: I don't know.

MR. MINUTA: This is separate, I can certainly find out. Not to my knowledge.

MR. SCHEIBLE: Just curious how far if they go beyond where this is there.

MR. MINUTA: My understanding this whole back strip is just vacant land.

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

MR. HAMEL: I'll make a motion that we schedule a public hearing for Nadeen and Hector Tuzo.

MR. TORPEY: Second it.

ROLL CALL

MR. SCHEIBLE            AYE

MR. BEDETTI            AYE

MR. HAMEL              AYE

MR. TORPEY             AYE

MR. KANE                AYE

MR. MINUTA: Thank you all.

MRS. PELESHUCK: Here are your next steps.  
PUBLIC HEARINGS:

CORINNE & MATTHEW LYNCH (11-29)

MR. KANE: Tonight's first public hearing Corinne and Matthew Lynch request for two variances for an existing shed and existing rear deck. Shed needs a variance of four feet on the side property and 10 feet to the rear property line. The second variance for the existing rear deck which is 28 by 28 feet seven inches, the deck is 30.5 feet from the rear property line, a variance of 19.5 feet is required at 42 Knox Drive in an R-4 zone. Same as the preliminary hearing, you want to just speak up, name, address for that young lady over there.

MR. LYNCH: Name is Matthew Lynch, 42 Knox Drive, New Windsor, New York 12553.

MR. KANE: You have a shed, tell us what you want to do.

MR. LYNCH: I just want to get the variance for my shed and my existing decks, the shed and the decks that I have on the house right now.

MR. KANE: Taking the existing shed first or both of them with this question. Was there any cutting down of substantial vegetation or trees in the building of the shed or the deck?

MR. LYNCH: No, neither one.

MR. KANE: Create water hazards or runoffs?

MR. LYNCH: No.

MR. KANE: Any easements running through the area?

MR. LYNCH: No.

MR. KANE: The shed itself, how long has the shed been up?

MR. LYNCH: Approximately, 10 years.

MR. KANE: Has there been any complaints formally or informally about the shed?

MR. LYNCH: Never.

MR. KANE: Is the shed similar in size and nature to other sheds in your neighborhood?

MR. LYNCH: Yes.

MR. KANE: The deck, how long has the deck been up?

MR. LYNCH: Approximately, 10 years also.

MR. KANE: And again, any complaints formally or informally about the deck?

MR. LYNCH: No complaints at all.

MR. KANE: Deck's similar in size and nature to other decks?

MR. LYNCH: Approximately, I guess, I really haven't seen decks in the neighborhood.

MR. KRIEGER: The operative word is similar, not identical.

MR. LYNCH: Similar, yes.

MR. KANE: It's not like from the movie Beatlejuice and you've got the lights out there?

MR. LYNCH: No.

MR. KANE: We'll bring it back to the board for questions. While they're thinking of questions, I'll open it up to the public, ask if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion of the hearing and ask Nicole how many mailings we had?

MRS. PELESHUCK: On the 28th day of November, 2011, I compared 76 addressed envelopes and received no written response back. Did you guys get any back in the mail?

MR. LYNCH: No.

MR. KANE: Okay, gentlemen, further questions?

MR. BEDETTI: The lot size is 80 by 135 roughly?

MR. LYNCH: I thought it was 96 by 137 but you know better than me.

MR. BEDETTI: It says 80.2 on the back side.

MRS. PELESHUCK: Those things are not accurate, they're not, it's around about.

MR. BEDETTI: Well, I guess maybe that's why I asked the question, what's the size of your lot?

MR. LYNCH: I believe it was 96 by 137.

MR. KANE: On the deck coming out from your house is there sliding doors there?

MR. LYNCH: No, not a sliding door, a regular door.

MR. KANE: What kind of a drop do you have from that door to the ground if the deck wasn't there?

MR. LYNCH: Four foot.

MR. KANE: Safety hazard?

MR. LYNCH: Absolutely. They made me put it on. They wouldn't give me the C.O. which I never followed through anyway but when I built the extension if I didn't put the deck or a set of stairs--

MR. SCHEIBLE: Sir, I've driven passed this, the shed looks kind of worn down in the back. Is there any possibility that we could enhance this?

MR. LYNCH: New roof was put on, new doors and new window.

MR. SCHEIBLE: Since when?

MR. LYNCH: Two months ago.

MR. SCHEIBLE: These are old pictures?

MR. LYNCH: Yes, brand new doors, stripped the entire roof off, put a new roof on it, new trim.

MR. KANE: Further questions?

MR. SCHEIBLE: If the building inspector was there evidently the deck was approved structurally.

MR. KANE: Well, he can't approve anything until after

they get this variance then he goes back and he will make his determination.

MRS. PELESHUCK: But an engineer is signing off, correct?

MR. LYNCH: Correct.

MR. SCHEIBLE: That's what I'm looking for.

MR. LYNCH: Well, we did all the, everything the inspector told us to do which is a lot of work to bring it up to date to this year cause it was done 10 years ago, we've done it.

MR. KANE: So you know because you're relatively new--

MR. LYNCH: Couple new footings.

MR. KANE: -- even if we approve the deck as a variance coming through here it still has to pass everything from the building department all the way.

MR. TORPEY: Because it's pre-existing at the time.

MR. KANE: Right, they check everything and I know people run into that especially with the old school and the swimming pools that never got permits and they come up and have all aluminum wiring. Now you come in, everything's changed, boom, they've got a \$20,000 bill to bring it up to code or fill it in. So any further questions? I'll accept a motion then.

MR. BEDETTI: I'll make a motion that we approve a variance for a shed and for an existing deck for Corinne and Matthew Lynch located at 42 Knox Drive in an R-4 zone 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

MRS. PELESHUCK: You're granted. Here are your next steps but I'll be in contact with you.

MR. LYNCH: This is what?

MRS. PELESHUCK: Your next steps, I'll just call you when the building permits are ready because your variances were granted.

MR. LYNCH: And the inspector will make an appointment or we have to make an appointment?

MRS. PELESHUCK: When you come to sign, we'll talk.

MR. LYNCH: Thanks for your time everybody.

## FORMAL DECISIONS

1. JOHN CHANNEL
2. MOBILE GRAFX SIGN COMPANY
3. MARTA & MATTHEW FARRELL
4. JOHN MORIN
5. STEVEN DRABICK
6. ANTHONY & PATRICIA TARSIO

MR. KANE: We have six formal decisions to take a vote on, if you want to take them all in one vote, make the motion.

MR. BEDETTI: I'll make the motion we accept the formal decisions for John Channel, Mobile GrafX Sign Company, Marta and Matthew Farrell, John Morin, Steven Drabick and Anthony and Patricia Tarsio as written.

MR. SCHEIBLE: Second it.

## ROLL CALL

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

MRS. PELESHUCK: I did revise two formal decisions and I will e-mail them back out. There were two corrections.

MR. KANE: Everybody's got their schedule?

MRS. PELESHUCK: Yes.

MR. KANE: Motion to adjourn?

MR. TORPEY: So moved.

MR. HAMEL: Second it.

## ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE

MR. TORPEY  
MR. KANE

AYE  
AYE

Respectfully Submitted By:

Frances Roth  
Stenographer