

TOWN OF NEW WINDSOR

ZONING BOARD

March 26, 2012

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

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

 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 for March 26,
2012 meeting to order

APPROVAL OF MINUTES DATED MARCH 12, 2012

MR. KANE: Motion to accept the minutes March 12, 2012
as written?

MR. TORPEY: So moved.

MR. HAMEL: Second it.

ROLL CALL

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

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PRELIMINARY MEETINGS:

THOMAS SANTORO (12-05)

MR. KANE: Tonight's first preliminary meeting Thomas Santoro. Proposed enlargement and extension of roofed over front porch. Porch will be 19.35 feet from the front yard and a variance of 25.65 feet is required at 13 Forge Hill Road in an R-3 zone. For you and the other people that are here for their preliminary hearing tonight New Windsor holds two hearings. By law we have to do everything in a public hearing. The reason we hold a preliminary is we get a general idea of what you want to do and make sure that you bring what you need. Other towns they do a one shot deal, you walk in, you don't have the right stuff, you lose. So we do it the right way, as far as I'm concerned. Okay, so tell us exactly what you want to do, speak loud enough for the young lady over there to hear you.

MR. SANTORO: Right now I have a front porch that extends roughly about--

MRS. PELESHUCK: I need your name and address, sorry.

MR. SANTORO: Tom Santoro, 13 Forge Hill Road, New Windsor, New York.

MR. CHANIN: As difficult as it might be, try to speak so the people in the audience can hear you.

MR. SANTORO: Right now I extend four feet out on my front porch, it goes out 4 by 10 feet, I'd like to do a wraparound front porch roughly about eight feet out and the length of my house which is about 30 feet.

MR. KANE: And you'll see a picture of the existing inside the.

MR. BEDETTI: Yeah, we got that.

MR. KANE: Okay.

MR. SANTORO: Picture of the finished product.

MRS. PELESHUCK: It's in your packet.

MR. SANTORO: Might be the last page.

MR. KANE: How far out does the, well, let me get the

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basics out of the way first. Cutting down any trees, substantial vegetation?

MR. SANTORO: No, there's one tree in the front yard that needs to be trimmed, it was trimmed earlier this week from the road crew so I'm just going to round it off to match it.

MR. KANE: Creating any water hazards or runoffs?

MR. SANTORO: Not one bit.

MR. KANE: Any easements going through the area where the proposed deck is going to be?

MR. SANTORO: No.

MR. KANE: How far out is the roof extending now?

MR. SANTORO: Roughly around six feet, I'd like to go to the eight feet mark roughly.

MR. KANE: So two feet further but we're going to extend it.

MR. SANTORO: Right, but the deck is going to extend out.

MR. KANE: Does the deck itself on the front of the house will that extend further than the other homes on your side of the block?

MR. SANTORO: No, there's one that's sticking right on the road and two others that are--

MR. KANE: Okay, if you would for the public hearing can you give me one picture with that sight line unless you already have that one?

MR. SANTORO: Yes, this is one house, this is the next house, I'm here and this road is, this house is on the street so this is--

MR. KANE: Good enough for me, thank you.

MR. SANTORO: Yup, and you can see my front porch coming out here.

MR. KANE: The size of the wraparound porch, is that bigger in size and nature than other porches that are

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in your particular neighborhood?

MR. SANTORO: No, not really cause I'm down the road from Butterhill and they all wrap.

MR. KANE: Further questions from the board?

MR. CHANIN: Try to speak that way too.

MR. KANE: Any further questions?

MR. TORPEY: No, I'm good, it's going to look nice.

MR. BEDETTI: How high is this porch off the ground?

MR. SANTORO: Two steps, it should be 18 inches off from the front yard, the front yard shouldn't be anymore higher than what's there cause it's going to equal on the picture of the old front door, it's going to be the same height, it's got to match the front door.

MR. KANE: That's like 18 or 22, is it 11 inches a step?

MR. SANTORO: Ten inches.

MR. SCHEIBLE: As we're looking at the house, we're going to wrap around to the left or to the right?

MR. SANTORO: The addition off the side is going to come up and in front.

MR. KANE: There's another picture in the book.

MR. SANTORO: This is the side door, front door.

MR. SCHEIBLE: Looks like you're already closing in the windows.

MR. SANTORO: There was fire in the house so that was the storm in October so--

MR. SCHEIBLE: How recent was that?

MR. SANTORO: October.

MR. SANTORO: When the storm came through so we're redoing the front.

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

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Thomas Santoro for a proposed enlargement of a front porch at 13 Forge Hill Road in an R-3 zone.

MR. TORPEY: I'll second that.

ROLL CALL

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

MRS. PELESHUCK: Here are the next steps, you tell me when you want to come in.

MR. SANTORO: I'll see you tomorrow.

MRS. PELESHUCK: You don't have to come tomorrow, you can come any time.

MR. SANTORO: See you in a couple weeks.

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KATHLEEN DEMAR (12-07)

MR. KANE: Next preliminary meeting Kathleen Demar, excuse me if I mispronounce your name. Request for interpretation for a single family dwelling with two kitchens or two-family dwelling located at 15 Clarkview Road in an R-4 zone.

MS. DEMAR: Hi.

MR. KANE: Name and address?

MS. DEMAR: Kathleen Demar, 15 Clarkview Road, just here to get a C.O. for the room that was a converted garage into a small kitchen with a sink and a refrigerator.

MR. KANE: And it's already in place?

MS. DEMAR: Yes, and we're selling the house and the buyers would like to keep it.

MR. KANE: How long has that been in existence?

MS. DEMAR: About eight or nine years.

MR. KANE: Is there one gas meter and electric meter coming into the home?

MS. DEMAR: Yes.

MR. KANE: Your intention is to use this as a second kitchen and not as an apartment or two-family dwelling?

MS. DEMAR: Right, because the deck is outside the, we don't have it off the dining room.

MR. KANE: There's an opening from this kitchen into the rest of the house?

MS. DEMAR: Yes.

MR. KANE: Nothing locked?

MS. DEMAR: No, it goes directly up.

MR. SCHEIBLE: Is that on the lakeside as you're going through Clarkview?

MS. DEMAR: The other side of the road.

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MR. SCHEIBLE: No water, were you out of water today?

MS. DEMAR: Yes, we were.

MR. SCHEIBLE: So was I.

MS. DEMAR: I wasn't even there today, tell you the truth so--

MR. SCHEIBLE: This has been there about eight, nine or 10 years?

MS. DEMAR: Yeah.

MR. KANE: Pretty straightforward. Any further questions? I'll accept a motion to set up for a public hearing.

MR. SCHEIBLE: I'll make a motion we schedule a public hearing for Kathleen Demar for a requested second kitchen.

MR. TORPEY: I'll that.

MR. SCHEIBLE: At 15 Clarkview Road, New Windsor.

ROLL CALL

MR. SCHEIBLE AYE

MR. BEDETTI AYE

MR. TORPEY AYE

MR. HAMEL AYE

MR. KANE AYE

MRS. PELESHUCK: Your next steps.

MS. DEMAR: Oh, okay.

MRS. PELESHUCK: About the mailings on there, it tells you everything you'll need.

MS. DEMAR: Okay, thanks.

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PHILLIP WILLIAMS (12-08)

MR. KANE: Tonight's next preliminary meeting Phillip Williams, variances are needed for an addition to an office building which has two front yards. The variance for the front yard setback is 20 feet and the other variance is for two parking spaces located at 164 Temple Hill Road in a C zone. Same thing, name, address, tell us why you're here.

MR. WILLIAMS: Phillip Williams, 164 Temple Hill Road, New Windsor. I'm here because I'm looking to put an addition on the back of my office where there's an existing house. So I'm looking to tear down the house and then put roughly a, I think it's 1,700 square foot addition off the back. The addition is going to be occupied by my office so it will be used as office space with the potential of maybe a 600 square foot rental for office. So with this addition I believe the town requires a certain number of parking spaces per square footage so the requirement is 20 according to the plans that we have, we can fit 18 within the space within that location. In addition to that we have a front yard setback of 60 feet which is now required. The existing office has a setback of 29 feet and we're going to push it to with the new office to 40 feet. So we're looking for a 20 foot setback. Also for the side yard the required is 30 feet, the existing is, on the existing office is 15 feet so we're going to actually push that back to 26 feet but it's still breaking the 30 foot yard setback so we're requesting four feet there as well.

MR. KANE: Okay.

MR. TORPEY: That was pretty good.

MRS. PELESHUCK: The required side yard Mark Edsall put it may be considered pre-existing, non-conforming so that's why he didn't add it in but it would be four feet for the side yard.

MR. WILLIAMS: Because the existing building is already breaking.

MRS. PELESHUCK: It's pre-existing so we weren't sure if we were going to add that or not.

MR. WILLIAMS: Okay.

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MR. KANE: And the front yard setback is from Temple Hill Road to the existing office building?

MR. WILLIAMS: Old Temple Hill Road.

MR. SCHEIBLE: Old Temple Hill Road?

MR. KANE: From this side.

MR. WILLIAMS: The Stewart's side.

MR. KANE: So that's 40 feet.

MR. WILLIAMS: Which is, I need 20 there and 29.

MRS. PELESHUCK: That's a pre-existing condition on the front.

MR. TORPEY: Mr. Chairman, I'm friends with Phil, I don't know if that's going to matter on anything. I might help him with this a little bit but I'm not getting paid or doing any kind of work for him just, you know.

MR. CHANIN: May I inquire?

MR. TORPEY: Yes.

MR. CHANIN: For the purposes of this discussion when I use the word family, I'm referring to you, your spouse, your partner, your children, your parents, your brothers and sisters and anybody who lives with you and as a member of your household you described your relationship with Mr. Williams as your friend?

MR. TORPEY: Well, kind of cause I do business with him, like I have all my insurance with him but yeah, I guess he would be a friend, I would help him if he needed me.

MR. CHANIN: With respect to the particular application which is before this board, do you have any personal or financial interest in the application?

MR. TORPEY: No.

MR. CHANIN: In the work which is the subject of the application?

MR. TORPEY: No.

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MR. CHANIN: Do you or any member of your family stand to gain any benefit from either approving or disapproving the application?

MR. TORPEY: No, not at all.

MR. CHANIN: Do you or any member of your family own any property which might be affected in value by either approving or disapproving the application?

MR. TORPEY: No.

MR. CHANIN: And Mr. Williams, I'm going to ask you a question. Do you think that the board member can make a decision which is fair to you regardless of your personal relationship with him?

MR. WILLIAMS: Absolutely.

MR. CHANIN: So you do not request that he recuse himself?

MR. WILLIAMS: No.

MR. CHANIN: Do you feel that you can make a decision on the application with a clear conscience?

MR. TORPEY: Yes.

MR. CHANIN: Without any bias resulting from your personal relationship with the applicant?

MR. TORPEY: Yes.

MR. CHANIN: Under those circumstances, you're not prohibited by General Municipal Law Section 800 Article 8 which is the section of State Law that defines conflicts of interest, you are free to recuse yourself as a matter of conscience, but under these circumstances, you're not required to recuse yourself unless any of the other board members have any objection.

MR. TORPEY: I just figured I'd bring it up.

MR. CHANIN: Putting it on the record was the right thing to do.

MR. BEDETTI: For the purposes of full disclosure, my

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son takes care of his lawn, he has a lawn maintenance business, my son takes care of his lawn and he occasionally calls on me to help trim.

MR. CHANIN: When you say your son takes care of the lawn, does he do so for a fee?

MR. BEDETTI: Yes, he does, he has a lawn business.

MR. CHANIN: May I then ask what's the annual expenditure on the lawn care that your son's business-- does your son own the business?

MR. BEDETTI: My son owns the business.

MR. CHANIN: What's the annual expenditure that you pay for the lawn care?

MR. TORPEY: Do you pay the guy?

MR. WILLIAMS: Yeah, I pay him what is it, like 83 a cut I think for both yards.

MR. BEDETTI: Yeah, both yards.

MR. TORPEY: Now it's going to be a lot less so--

MR. KANE: Under \$2,500 a year?

MR. WILLIAMS: I really don't know off the top of my head, I can get that number back to you.

MR. CHANIN: All right, well, I would suggest that until we find out what the amount is that at this point this is only on for a preliminary meeting that you refrain from making any comment or judgment. If there's going to be a vote about whether or not to schedule a public hearing then you should recuse yourself from voting on that issue tonight. By the time we get to the next meeting at which the board is going to make a decision on this particular application we should know by then whether or not the dollar amount that's paid to your son for the lawn care is over or under the limits set by the law which would require you to recuse yourself. But since we don't know that number tonight as far as tonight goes you should recuse yourself because the law does define an interest as having, being involved in a contract with an applicant that may financially benefit either a board member or a member of that board member's family as I previously

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defined it. So for tonight's purposes, you should recuse yourself.

MR. BEDETTI: Okay.

MR. CHANIN: And any board member should recuse themselves at any time regardless of the finances, if they know in their brain, in their conscience that they are being influenced either positively or negatively by factors that would not allow them to make a decision based on the application.

MR. BEDETTI: I will be allowed to sit in and listen to testimony?

MR. KANE: Absolutely.

MR. CHANIN: Absolutely, see, the law is that people should not exercise government authority where they have a personal interest or a personal bias but the bias of the law is that the reason why you are on this board is to conduct the board's business so you should only recuse yourself when there is a reason to do so, when there is no reason, you're here to conduct the public business and that's what you should be doing but when there's a reason to then you should.

MR. KANE: Only difference too, Frank, is in the public if you recuse yourself you absolutely have to leave your seat and go out into the audience. I've seen his picture in the paper 15, 20 years, I don't have to recuse myself, do I?

MR. CHANIN: The other side of the coin when you live in a small community you can't help but not know people. The law does not require the members of the town board to recuse themselves from voting on the budget for the roads because they drive on the roads, you know, sure, they have an interest in it so do, so do I, but they're here to do business. You should only recuse yourself when there's a reason for doing so that's identified and defined in the law. Otherwise, you should do the job that you're here to do. So since we don't really know all the facts for tonight you should refrain from participation and by the next meeting when it comes time to vote on the merits of the application you'll know whether you should participate or not.

MR. BEDETTI: Okay.

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MR. WILLIAMS: The last three years of bills do you need?

MR. CHANIN: No, just the most recent. You know what, you can call the office or send them a copy of it, an invoice, just give her the information, that's all you need to do.

MRS. PELESHUCK: I just need the amount.

MR. KANE: Okay, cutting down any trees, substantial vegetation in the building of the new office or the parking spaces substantial?

MR. WILLIAMS: In terms of the vegetation, I mean, there's a huge hedge of forsythia that runs along one side, I'm getting rid of those, I mean, that runs along a rock wall that separates me from the orthodontist next door, a large amount of that I would love to have cut down. There are some trees overgrown sitting on the roadway which I have some pictures of and when people are entering and exiting my driveway it makes it very difficult to look down Old Temple Hill Road so I do plan on cutting that back.

MR. KANE: For safety issues?

MR. WILLIAMS: Correct.

MR. KANE: Creating any water hazards or runoffs from the building?

MR. WILLIAMS: No.

MR. KANE: Any easements running through the area?

MR. WILLIAMS: None.

MR. KANE: That's about it. Any further questions from the board? If not, I'll accept a motion.

MR. HAMEL: I'll make a motion that we schedule a public hearing for Phil Williams State Farm for the variance requested.

MR. TORPEY: I'll second that.

ROLL CALL

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

MR. CHANIN: Mr. Bedetti recuses on that vote.

MRS. PELESHUCK: That's what you have to do for me for tomorrow.

MR. CHANIN: And you'll get the information and in whatever convenient form you can to the board's secretary.

MRS. PELESHUCK: You can bring it to me tomorrow.

MR. WILLIAMS: Great, thank you.

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AMISH PATEL FOR DUNKIN DONUTS (12-10)

MR. KANE: Tonight's last preliminary meeting is Amish Patel for Dunkin Donuts, a freestanding sign which shall not exceed 64 square foot total faces. The proposed sign will be 150.34 square foot. A variance of 86.34 square foot is required at 1002 Route 94 in an R-C zone. The same thing, sir, just speak loudly for this young lady to hear you and tell us what you want to do.

MR. PATEL: Amish Patel, Dunkin Donuts, 1002 Route 94 in Vails Gate. We have a freestanding sign that we're looking to replace with a new sign of the same size.

MRS. PELESHUCK: It has never, I'm just going to jump in for a second, it has never had a variance but it has been there over 20 plus years and now that he's re-facing it, a new permit needs to be made and it's over the square foot.

MR. KANE: What he's planning on doing is keeping the existing freestanding and putting a new facing and when you do that and it hasn't been taken care of you still have to come in.

MR. BEDETTI: Same size as the old sign?

MR. KANE: Exactly what's there with a new coffee cup.

MR. SCHEIBLE: I bought a coffee there.

MR. KANE: Don't start.

MR. CHANIN: That does not disqualify you under the conditions.

MR. SCHEIBLE: I'm a little confused. The freestanding sign which shall not exceed 64 foot total?

MRS. PELESHUCK: Sixty-four square foot total faces.

MR. SCHEIBLE: But then the proposed, you know, I'm just a little confused, would be 150 square foot?

MR. KANE: Right, because that's the measurement of the existing sign.

MR. TORPEY: That's been there for 20 years.

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MR. KANE: He's taking the face plates out and putting new ones in.

MRS. PELESHUCK: First sentence is the code.

MR. KANE: The sign is illuminated?

MR. PATEL: Yes.

MR. KANE: Interior?

MR. PATEL: Interior.

MR. KANE: Non-flashing?

MR. PATEL: Non-flashing.

MR. KANE: Any complaints about the sign formally or informally over the last 20 years?

MR. PATEL: No.

MR. TORPEY: Has it been that long that Dunkin Donuts has been there?

MR. PATEL: Longer.

MR. TORPEY: Remember the old house that used to sit there?

MR. KANE: Since it's a pre-existing sign, any easements running through that area where the sign is?

MR. PATEL: No, sir.

MR. KANE: That's all I have. Any further questions from the board at this time?

MR. HAMEL: Yeah, are you going to have a drive-thru?

MR. PATEL: No, sir, that's just for illustration.

MR. HAMEL: I'd advise you to take them off. You won't have that in the sign?

MRS. PELESHUCK: No drive-thru, it's going to be, that was just a color rendering he gave me.

MR. KANE: It's going to look like this, just like that

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but there's no drive-thru.

MR. KANE: Any further questions from the board? I'll accept a motion.

MR. HAMEL: I'll make a motion that we schedule a public hearing for Amis Patel for the variances as requested.

MR. TORPEY: I'll second it.

ROLL CALL

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

MRS. PELESHUCK: Your next steps.

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PUBLIC HEARINGS:

LARRY MARSHALL FOR PALMER (12-06)

MR. KANE: Tonight's public hearing Larry Marshall for Palmer. A variance for proposed subdivision for two lots as required and is referred from the planning board located at 504 Shore Drive in an R-4 zone.

MR. MARSHALL: Larry Marshall.

MRS. PELESHUCK: There's two maps, the last one is the aerial that you guys asked for last time.

MR. KANE: This young lady is going to bring a sheet out so you can put your name and address on it and when the public portion is open, you'll be able to ask questions, whatever you need to do and that's for the stenographer so she has it. You're on, same as the preliminary, name, address, tell us exactly what you want to do, sir.

MR. MARSHALL: My name is Larry Marshall from Mercurio, Norton and Tarolli, Pine Bush, New York representing Mel Palmer for area variances for two lot subdivision at 504 Shore Drive, Town of New Windsor. As previously presented, we're looking to receive variances for two lot subdivision to undo a lot combination that was completed in 1978 by Mr. Palmer. At the last meeting, the board had requested that we provide the, provide an aerial photo map showing the vicinity of the neighborhood and how the existing lots lay out with the existing buildings. We have provided that. Several of the houses actually are located on multiple tax lots as you can see but the existing or the two lot subdivision being proposed is consistent if not exceeding a lot of, great many of the lots that are in the neighborhood, the area variances that are being requested are for minimum lot area, lot width for both lots one and two, front yard setback for lot one and two, side yard setback for lot one and developmental coverage for lot one and they are all, the exact requests are provided in the table as well as in the application.

MR. KANE: Creating any water hazards or runoffs?

MR. MARSHALL: No.

MR. KANE: Cutting down any trees, substantial amount

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of trees or vegetation?

MR. MARSHALL: No.

MR. KANE: Any easements running through the area where you propose the new house?

MR. MARSHALL: There's a water line easement that runs along the back of the property for utility purposes.

MR. KANE: And it won't interfere with the building?

MR. MARSHALL: No, we'll be tapping into that line for water service.

MR. KANE: And you have water service and?

MR. MARSHALL: And sewer service.

MR. KANE: And sewer?

MR. MARSHALL: Water service is provided by Beaver Dam Lake water system and the sewer service is the Town of New Windsor.

MR. KANE: So even though the request for the total lot area is substantial in number wise according to the pictures and your record shows that the lots will then be actually similar in size or a little bigger than the existing lots that are in that development now?

MR. MARSHALL: Yeah, that's correct.

MR. KANE: And the reason for the side yard on lot number one is that the existing home is there and you're following the old lot lines before they were put together?

MR. MARSHALL: That's correct.

MR. KANE: It also follows that line, enables both lots to be approximately the same size?

MR. MARSHALL: That's correct.

MR. KANE: Okay.

MR. KANE: Further questions from the board right now?

MR. SCHEIBLE: The only thing that worries me we're

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creating a substandard situation in lot number one with the building directly up against the line, am I right or wrong? Even though previously it may have been but now we're back to where we were starting from here.

MR. KANE: Well, the discussion we had in the prelim was that if we moved the lot line to the left towards the other thing and give it the right amount of space then lot number one is going to become a lot bigger and the variance need for lot number two is going to be substantial cause you're going to pull 10 feet, pull it all the way back. Right now they're both about 15,000 square foot giving you similar size lots, that's the way I'm looking at it.

MR. SCHEIBLE: Yeah, I can understand that but we're creating a situation here that directly on the line that's most likely why the planning board sent it to us.

MR. KANE: Yes, it's three and a half feet from the line.

MR. SCHEIBLE: Yeah.

MR. TORPEY: Is that like that with other houses in Beaver Dam? Is there other spots like that?

MR. MARSHALL: That are that close?

MR. TORPEY: Yeah.

MR. MARSHALL: The layout that we did with the tax map, tax map doesn't reflect actual field surveys but there are several lots that are very, very close to the line.

MR. TORPEY: Who's moving in, is that just being sold out?

MR. MARSHALL: No, Mr. Palmer's son, Neil Palmer, will be building a house next door.

MR. TORPEY: All right, then there's no lot line.

MR. MARSHALL: He'll be mowing everything.

MR. TORPEY: Yes. Basically, he bought two lots at one time.

MR. KANE: I think what it comes down to is the lesser

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of two evils so it's a decision whether we pull it out to the side and make the other lot a little lower if that's what people want to do.

MR. SCHEIBLE: Well, you can't move the house.

MR. KANE: Can't move the house.

MR. TORPEY: Yes, you can.

MR. KANE: Technically you can.

MR. SCHEIBLE: Is that the reasoning why the planning board sent it to us?

MR. KANE: Well, they sent it to us because they got a number of variances.

MR. SCHEIBLE: I just want to be clear with that.

MRS. PELESHUCK: They'll both need variances regardless.

MR. SCHEIBLE: Regardless, yeah.

MR. KANE: And I think if you stay with the rule that states that you go with the minimum amount of variances I've got to guess that going with the larger lot size is the lesser of the two evils because the other house is not being built right on that line so it's not to me it wouldn't seem like it's a privacy situation.

MR. TORPEY: And his son is moving in next door?

MR. KANE: Yeah but you have to, the variances go with the property, not with the people so I know we have to talk about the property. At this point, I'm going to open it up to the public and hear what comments they have. If anyone want's to come on up, just state your name and address, speak loud enough for this young lady to hear you and ask any questions you want. Take a look at the plans, whole nine yards.

MR. CARDINAL: Thank you. My name is Tom Cardinal, I live at Oak Drive, Beaver Dam Lake. My property abuts Mr. Palmer's. I just want to know he's doing this so he can build a house on that portion, is that what they're trying to do?

MR. MARSHALL: Correct.

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MR. CARDINAL: How far from the back of the house will it be to my portion?

MR. KANE: Take a look right here.

MR. MARSHALL: Closest corner would be 50.4 feet so actually that's Ardavino's (phonetic) property, but it's approximately 50 feet from your property line to the house.

MR. CARDINAL: Thank you.

MR. KANE: They're not requiring any variances for building of the house.

MR. CARDINAL: Is this going to be a one story house, a two story house?

MR. MARSHALL: The intention with preliminary discussions with Mr. Palmer he intends to build a bi-level.

MR. CARDINAL: Reason I ask is that that area is now all open and I look out and I've got a view. If he puts a house there, my view is gone. I'm looking at his back yard now and that's one of the reasons why we're here tonight, we just wanted to know the size of the building, how far, you know, it would be from my property line, et cetera.

MR. MARSHALL: It's a little over 50 feet and the intention at this point is to build a bi-level but that's not set in stone and that could change, it could be a ranch, it could be a colonial.

MR. KANE: Yeah, the house requirements aren't before us.

MR. CARDINAL: Okay, if the variances are granted does he need more variances to build on the property?

MR. KANE: If he wanted to build the house outside whatever the normal setbacks are for that property so if he's got to stay 12 feet off of the sides, 40 I guess it is in the front and, you know, 40 in the rear at least and you have at least 50 in the rear so if he goes out of those, he would be here for a variance for that out of those zones. And that's, honestly, we, usually when we get applicants in for something like

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that, we normally ask that question. I don't want him back, I'd rather clear everything up in one thing.

MR. CARDINAL: I was just trying to figure it out, it's more for informational purposes I'm here, how it's going to affect my property value and when I look out the back of my window. That's all, thank you very much.

MR. KANE: Any further questions? We'll close the public portion of the meeting then and ask Nicole how many mailings we had.

MRS. PELESHUCK: On the 13th day of March, 2012, I mailed out 45 addressed envelopes and received no written response back.

MR. KANE: Okay, it's back to the board, questions, gentlemen?

MR. BEDETTI: I'm good.

MR. KANE: No further questions?

MR. HAMEL: No.

MR. KANE: Then we accept a motion.

MR. BEDETTI: I'll make a motion that we grant a variance as requested by Larry Marshall for Mr. Palmer at 504 Shore Drive in an R-4 zone.

MR. TORPEY: Second it.

ROLL CALL

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

MR. MARSHALL: Thank you very much.

MR. KANE: You're welcome. Good luck, gentlemen.

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FORMAL DECISIONS:

12-04 B & S FELLER (TRUE VALUE HARDWARE)

MR. KANE: We have one formal decision to vote on.

MR. BEDETTI: You want a motion? I'll make a motion that we accept the formal decision as published and received by e-mail for B & S Feller True Value Hardware as written.

MR. HAMEL: I'll second it.

ROLL CALL

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

MR. KANE: Motion to adjourn?

MR. BEDETTI: So moved.

MR. TORPEY: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer