

TOWN OF NEW WINDSOR

ZONING BOARD

April 9, 2012

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

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

 NICOLE PELESHUCK
 ZONING BOARD SECRETARY

ABSENT: HENRY SCHEIBLE

MEETING AGENDA:

1. Sign Here Sign Company for Healy Kia
2. Thomas Santoro
3. Kathleen Demar
4. Phillip Williams
5. Amish Patel for Dunkin Donuts

REGULAR MEETING:

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

PRELIMINARY HEARINGS:

SIGN HERE SIGN COMPANY FOR HEALEY KIA (12-09)

MR. KANE: First preliminary meeting Sign Here Sign Company for Healey Kia. A freestanding sign is not to exceed 64 square feet. The proposed freestanding sign is 85.25 square feet. Variance needed for this sign 21.25 square feet. Second variance is for an additional facade sign which is the Kia oval 2' x 3.33'. The sign variances are needed for 130 Temple Hill Road in a C Zone. Tell us exactly what you want to do, speak loud enough for the young lady over there to hear you. What we do in New Windsor is we hold two meetings, unlike a lot of other towns preliminary meeting gives us a change to get information from you that we need to make a good decision, also for us to understand what you what. The process in other towns is you don't walk in with the right stuff, you lose and usually it's a six month waiting period for you to come back. All our decisions have to be done in a public hearing. And at the end of this meeting that's what we'll set you up for and the public hearing will be very similar to this except the public will be involved if they want to be. So your name and address?

MR. VOBIS: My name is Howard Vobis from Sign Here Sign Company in Port Jervis, New York. I don't think you need my formal address. I'm here on behalf of Kia Motors and Healey Brothers Kia in general to appeal to the board for an exception to the sign code for a variance as you previously stated, Mr. Chairman. Basically, I'm sure the board and most residents know that the property is quite cluttered with signage. Recently in the past it used to be Healey Brothers Used Car Outlet. I do have a depiction of the signs that were on the property. Basically, the exchange if we're granted this variance is that that ugly select used car sign thing that's sitting there will disappear for a modern looking Kia sign which is depicted in this photo right here. Nicole, does the board have any of these?

MRS. PELESHUCK yes.

MR. VOBIS: Please feel free to pass them around if you guys want to see them in color. I see you have black and whites here.

MRS. PELESHUCK: That's the freestanding sign.

MR. KANE: This is the one, this is being changed?

MR. VOBIS: Yes.

MR. KANE: This is all the same thing?

MR. VOBIS: I can't tell that you with a hundred percent certainty but I know this one is going bye-bye, yes, that's being eliminated, not totally.

MR. KANE: So you're going to have the one freestanding sign and we're replacing it with one brand new one and we're looking to get the Kia oval? I know that's a banner but, you know, a sign?

MR. VOBIS: Right, those gentlemen with the copy.

MR. TORPEY: Something that the oval has more square footage.

MR. VOBIS: Your sign code is based on a square and Kia their logo's oval so whatever we did we couldn't get a sign to simply conform, not that your code is not sufficient or excessive, we couldn't get a shape in an oval to conform to your code because it had to be boxed off. Every town is different so, and again, the problem is since it's a corporate entity unfortunately Healey can't say well I want to put a square sign, they're bound by contract to put the oval.

MR. KANE: Let's start with the freestanding sign, illuminated?

MR. VOBIS: Internally illuminated, yes.

MR. KANE: Flashing?

MR. VOBIS: No.

MR. KANE: Before I go any further for the public hearing definitely need a proxy from the ownership.

MRS. PELESHUCK: I have that.

MR. KANE: Just wanted to cover that because you're not the property owner.

MRS. PELESHUCK: I have it.

MR. VOBIS: We do have owner's consent.

MR. KANE: Kia sign illuminated?

MR. VOBIS: Internally.

MR. KANE: Non-flashing?

MR. VOBIS: Right. If you gentlemen are, when you're done with that, I'd like to swing that over to this side so these gentlemen can see it.

MRS. PELESHUCK: He has them.

MR. VOBIS: Color renditions.

MR. BEDETTI: I've got black and white.

MR. VOBIS: And obviously, we don't feel that the variances that are requested are substantial, I mean, we're talking a third or 30 percent larger if that and yet it's more for conformity due to the way the code is written.

MR. KANE: We're also not, yeah, and there's no height variance required?

MR. VOBIS: No.

MR. KANE: So you're meeting the specs on that?

MR. VOBIS: Realistically, just comes down to the shape of the sign.

MR. KANE: Do you know if the other sign met the height variance? I can find out.

MR. VOBIS: The existing sign?

MR. KANE: The one that you're taking down?

MR. VOBIS: I have no idea, this will be comparable.

MR. KANE: Okay. That's enough for me right now. Anybody else with further questions? I'll accept a motion.

MR. HAMEL: I'll make a motion that we schedule a public hearing for Sign Here Sign Company for the variance as requested.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI AYE

MR. HAMEL AYE

MR. TORPEY AYE

MR. KANE AYE

MRS. PELESHUCK: Here's your next steps, the mailings.

MR. VOBIS: She'll be there tomorrow. Can I have those back since they're the only ones?

MR. KANE: Sure.

MR. VOBIS: Thank you.

MR. KANE: When you do come for the public hearing, we have a set of all those pictures for the file?

MRS. PELESHUCK: We don't have them in color.

MR. VOBIS: How many copies do you need? I spent ten grand on a nice color copier, I have to use it somehow.

MRS. PELESHUCK: Four copies.

MR. VOBIS: Okay.

PUBLIC HEARINGS

THOMAS SANTORO (12-05)

MR. KANE: Public hearings. Tonight's first public hearing Thomas Santoro proposed enlargement and extension of roofed over front porch. The porch will be 19.35' from the front yard line. A variance of 25.65' is required at 13 Forge Hill Road in an R-3 Zone. How you doing, Thomas? Before we start, is there anybody here for this particular hearing in the public that would like to speak? Okay, got that out of the way. Same as in the preliminary, name, address, tell us exactly what you want to and speak loud enough for this young lady to hear you.

MR. SANTORO: Thomas Santoro, 13 Forge Hill Road, New Windsor, New York. Looking to extend my porch on the front for a wraparound from the kitchen door fully extended to the front yard.

MR. KANE: Cutting down any substantial trees or vegetation?

MR. SANTORO: No.

MR. KANE: Creating any water hazards on runoffs?

MR. SANTORO: No.

MR. KANE: Any easements going through the proposed area?

MR. SANTORO: No.

MR. KANE: The number one obviously you need the front porch in there as a safety feature for coming out your front door?

MR. SANTORO: Correct.

MR. KANE: Is the porch itself, is that going to be closer to the road than other homes that are in line?

MR. SANTORO: No, it's actually behind other homes.

MR. KANE: When you're doing the house, it was a fire you recently had?

MR. SANTORO: October storm electrical fire.

MR. KANE: I'll bring it back to the board for more questions?

MR. TORPEY: So you're not going to get wet anymore?

MR. SANTORO: No, I hope not.

MR. KANE: Do you know how far the existing roof had stuck out previously? You've said about six feet?

MR. SANTORO: Yes, I'm looking to go another two feet.

MR. KANE: Just two feet from the existing overhang that's there right now?

MR. SANTORO: Correct, correct.

MR. KANE: Except we're doing a wraparound porch?

MR. SANTORO: Correct, that will be removed and we're coming out, the plans have it as 8'3" coming out.

MR. KANE: Okay.

MR. TORPEY: So it's going to cover the deck?

MR. SANTORO: Correct.

MR. KANE: And the addition on the deck is not going to change, make that house and deck oversized for your particular development?

MR. SANTORO: No, I'm on Forge Hill Road which is about a mile down from Butterhill and they all have--

MR. KANE: Further questions from the board? I'll open it up to the public portion of the meeting, seeing as there's nobody here we'll close the public portion of the meeting and ask Nicole how many mailings we had.

MRS. PELESHUCK: On the 27th day of March, 2012, I compared 36 addressed envelopes and received no written response back.

MR. KANE: No further questions, I'll accept a motion.

MR. HAMEL: I'll make a motion that we grant Thomas Santoro variance as requested.

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MR. TORPEY: I'll second that.

ROLL CALL

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

MRS. PELESHUCK: Here's your next steps. I'll give you a call when your permit's ready.

MR. SANTORO: Thank you.

KATHLEEN DEMAR (12-07)

MR. KANE: Tonight's next public hearing Kathleen Demar. Request for an interpretation for a single family dwelling with two kitchens or a two-family dwelling located at 15 Clarkview Road in an R-4 zone.

MS. DEMAR: Hi, how are you?

MR. KANE: Name and address?

MS. DEMAR: Kathleen Demar, 15 Clarkview Road, New Windsor, New York 12553.

MR. KANE: And you're the homeowner?

MS. DEMAR: Yes.

MR. KANE: And you're looking to have a second kitchen?

MS. DEMAR: Yeah.

MR. KANE: Is this second kitchen in existence now?

MS. DEMAR: Yes.

MR. KANE: How long has that been there?

MS. DEMAR: Seven, eight years, I think.

MR. KANE: Your intent is to use it as a single-family home with two kitchens? No intention to do a rental in it or anything along those lines?

MS. DEMAR: No, it's not even set up for that.

MR. KANE: Single gas and electric utilities coming into the home?

MS. DEMAR: Yes.

MR. KANE: And--

MS. DEMAR: It's open to the upstairs and everything.

MR. KANE: That's where I was going next.

MS. DEMAR: And I don't have a deck upstairs, it's downstairs off the back side of the downstairs, that's why we use that all the time for parties and whatnot.

MR. KANE: No further questions from me right now. Any other questions from the board?

MR. TORPEY: How do you define this as a kitchen?

MS. DEMAR: Well, there's a sink there, there was a slop sink years ago.

MR. TORPEY: Just a sink and a refrigerator?

MS. DEMAR: I know, the inspector said it's a kitchen.

MR. TORPEY: What are you making, water?

MS. DEMAR: It's for parties, beer, soda.

MR. KANE: Technically why the building department does that there has been over the past 15, 20 years probably going to get more so the way the economy is going is illegal rentals, they're not safe, fire alarms are not there, they're very adamant about getting you the owner on record for what you say the use is going to be. Then if you ever get caught doing the wrong thing, we've got them on record. You can easily put a stove right away and then cut off a room and make it a rental some we wanted to get you on record for that.

MS. DEMAR: Okay.

MR. KANE: At this point, I'm going to ask if anybody's in the audience for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting and bring it back to Nicole, ask how many mailings we had.

MRS. PELESHUCK: On the 27th day of March, 2010, I mailed out 64 addressed envelopes and received no written response back.

MR. KANE: Back to the board for more questions?

MR. BEDETTI: Is the house for sale?

MS. DEMAR: It's for sale now, yes.

MR. KANE: Any other questions, gentlemen? If not, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we make the

determination that this house that Kathleen Demar owns at 15 Clarkview Road is a single family dwelling with two kitchens, it will not be sold as a two-family dwelling in the future and we grant the interpretation as such.

MR. TORPEY: I'll second that.

ROLL CALL

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

MRS. PELESHUCK: Your next steps and I'll call you tomorrow.

MS. DEMAR: Thanks.

GREG SHAW FOR PHILLIP WILLIAMS (12-08)

MR. KANE: Next public hearing for 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. The other variance is for two parking spaces located at 164 Temple Hill Road in a C zone. We do have a little business I've to take care of up front. Frank provided us some paperwork where a family member has not a substantial amount of money coming in but some money so I think that the, in the best interest of this board whether it's us or in the future is just to, I mean, if there's 10 cents that goes in we should recuse ourselves from being involved. That way, there's no trip wires for us or for the applicants going in this. So if there's any kind of financial remuneration, we haven't had it come up, honest to God I haven't had that come up on the 20 years I've been on the board, so I think that's the best way, it avoids a lot of issues or finger pointing down the line.

MR. BEDETTI: That's no problem.

MR. KANE: I'll need you just to sit out there officially.

(Whereupon, Mr. Bedetti stepped down from the board for this application only)

MR. KANE: Mr. Williams, tell us exactly what you want to do, similar to the preliminary. Please state your name and address.

MR. WILLIAMS: Phillip Williams, 164 Temple Hill Road. I'm looking to put an addition on my existing building of 1,736 feet. I need a variance for the front yard setback of 20 feet and two parking spaces of, yeah, two parking spaces.

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

MR. WILLIAMS: No.

MR. KANE: Creating any water hazards or runoffs?

MR. WILLIAMS: No.

MR. KANE: Any easements running through the area?

MR. WILLIAMS: There are none.

MR. KANE: Okay, the two parking spaces, how many existing parking spots do you have now or would have?

MR. WILLIAMS: I think it's, they're providing 18 and the requirement is 20.

MR. KANE: And how many people work in your office?

MR. WILLIAMS: I've got six individuals so you figure seven.

MR. KANE: Including yourself?

MR. WILLIAMS: No, not including myself, seven total.

MR. TORPEY: How does that calculate the parking spots?

MR. KANE: It's by square footage of the building. And of those 18, how many do you have designated as handicapped?

MR. WILLIAMS: One.

MR. TORPEY: How many do you need?

MR. WILLIAMS: Just one.

MR. KANE: On an average day with your business how many people will you get?

MR. WILLIAMS: Because it's insurance sales, we really don't have that many people that drive up to the building. A lot of it's done over the phone so I don't know, maybe four customers.

MR. KANE: In and out?

MR. WILLIAMS: Even then most people when they come they're dropping off a payment and they're leaving so I'm saying maybe you get four customers at one given point in time.

MR. TORPEY: What about a drive-up window?

MR. WILLIAMS: You're saying I should put a drive-thru?

MR. KANE: You have access from Old Temple Hill Road,

do you have access from Temple Hill Road?

MR. WILLIAMS: Correct.

MR. KANE: So you have access from both ways and it's one handicapped space?

MR. WILLIAMS: Correct.

MR. KANE: Coming out onto Temple Hill Road, well, I guess that's planning board, they're allowing you to make a left-hand turn coming out of there?

MR. WILLIAMS: They do, usually, there's no problems because there's a turn lane in the center of that.

MR. KANE: Okay, that's right. Any lighting in the parking lot that we need to be worried about?

MR. WILLIAMS: There's lights on the building that face into the parking lot then also there's a pole in the parking lot and that also provides light.

MR. KANE: Any other signage that needs to be taken care of?

MR. WILLIAMS: No, not looking for any signage variance.

MR. KANE: At this point, I'll open it up to the public and ask how many people are here? None. So we'll bring it, close the public portion of the meeting and you're not a person, you're a board member, we'll ask Nicole how many mailings we had.

MRS. PELESHUCK: On the 27th day of March, 2012, we mailed out 25 addressed envelopes and received no written response back. We did hear back from Orange County Department of Planning, we did a zoning board referral as well and it came back local determination.

MR. KANE: Twenty-five?

MRS. PELESHUCK: Yes.

MR. KANE: Okay, further questions from the board, if any.

MR. CHANIN: With the board's permission, Mr. Williams, is the addition that you're planning on adding going to

change the layout of the parking spaces you're going to have to rearrange the parking design?

MR. WILLIAMS: No, should not. The parking spaces right now run on the southern side of the property so we're going to keep those parking spaces continuing to run down the southern side of the property.

MR. CHANIN: And maybe exceeding the bounds of the zoning board but I know that this is sometimes a question for neighbors. What are your hours of operation?

MR. WILLIAMS: They're from nine to six, Monday through Friday, ten to two on Saturdays.

MR. CHANIN: And if you add additional, if you add, if you design the 18 spaces the way the plan shows, will there be any chance especially in the winter months that the headlights of the cars using those spaces will shine on the adjacent property in such a way as to disturb the neighbors?

MR. WILLIAMS: Are you saying differently than they are today?

MR. CHANIN: Yes.

MR. WILLIAMS: No, no differently than they are today.

MR. TORPEY: You're not open at night, are you?

MR. WILLIAMS: Until six.

MR. KANE: Four o'clock in the winter it gets dark. Any further questions? If not, I'll accept a motion.

MR. HAMEL: I'll make a motion that we grant Phillip Williams State Farm the variances as requested.

MR. TORPEY: I'll second that.

MR. KANE: I just want to add one other statement to the board before I cast my vote, showing that just in the record that there is a five foot vinyl fence facing the parking lengths going across to help block any lights.

MR. WILLIAMS: Yes, that's one of the things because that parking currently goes all right here so we park

all right here as well, right, these are all parking spaces but from my own privacy we did say we were going to put up a fence just to help any of that because there's a house that's next door.

MR. KANE: And your intent is to put up that fence?

MR. WILLIAMS: Yes.

MR. CHANIN: That's part of the plan before the planning board?

MR. WILLIAMS: Yes.

MR. KANE: Under those circumstances, my vote is yes.

ROLL CALL

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

MRS. PELESHUCK: You're finished.

AMISH PATEL FOR DUNKIN DONUTS (12-10)

MR. KANE: Amish Patel for Dunkin Donuts? No show.
I'm going to give him four minutes.

(Discussion was held off the record. Whereupon,
following which, these further proceedings
transpired.)

MR. KANE: Motion to adjourn?

MR. HAMEL: So moved.

MR. BEDETTI: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer