

TOWN OF NEW WINDSOR

ZONING BOARD

September 10, 2012

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

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

 NICOLE PELESHUCK
 ZONING BOARD SECRETARY

MEETING AGENDA:

1. Thomas Riley
2. Xcel Development
3. Thomas Stacklum
4. Docuware

REGULAR MEETING:

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals September 10, 2012 meeting to order.

PRELIMINARY MEETINGS

THOMAS & DENA BETH RILEY (12-33)

MR. KANE: Tonight's first preliminary meeting Thomas and Dena Beth Riley. A request for a variance for an existing shed with an attached deck will not meet the 10 foot side and rear yard property line setbacks. A variance of six feet for the side yard and five feet for the rear yard is required for 9 Broad Street in an R-4 zone. Are you here? Okay, we'll put that on hold.

XCEL DEVELOPMENT - CHRIS KIRWAN (12-35)

MR. KANE: Next preliminary meeting the Excel Development, Chris Kirwan. Request for a variance of an existing front porch landing will be 30 feet from the front property line. A variance of five feet is required at 47 Briarwood Lane in an R-3 zone. Good evening. Let me explain what we do here in New Windsor. In New Windsor, we hold two meetings, we have a preliminary meeting so that we can get a general idea of what you want to do and make sure that you can give us a proper information to make a decision. And then by law, everything has to be held at a public hearing. A lot of other towns in the area hold one meeting, you walk in, you're not prepared, you lose. So we hold a two meeting system. So what you want to do is speak loud enough, state your name and address loud enough for that young lady over there to hear you.

MR. KIRWAN: My name is Chris Kirwan. I represent Excel Development. I live in Cornwall, Post Office Box 294, Cornwall, New York. This is an existing house under construction. I'd like to put a front porch on the house, it's actually a set of stairs and it's five feet over the line so the house itself is conforming and the front porch I would like to construct which would encroach a little bit.

MR. CHANIN: Would you please speak up so everybody can hear? And second question is you said you're appearing on behalf of Excel Development in what capacity?

MR. KIRWAN: I'm president of the company.

MR. CHANIN: Thank you.

MR. KANE: Well, gotta say it's nice to see somebody come in beforehand and get it done instead of after.

MR. KIRWAN: Sorry about that one.

MR. KANE: That's not a problem. Let's get the basics out of the way. The pictures are obvious but still have to ask the questions. Cutting down trees, substantial vegetation in the building of the proposed landing?

MR. KIRWAN: No.

MR. KANE: Creating any water hazards or runoffs?

MR. KIRWAN: No, sir.

MR. KANE: Any easements running through the particular area?

MR. KIRWAN: No, sir.

MR. KANE: If granted the variance for this pad, will the pad come closer to the road than the other homes that are on that road? Follow what I'm saying?

MR. KIRWAN: Yeah. No, the house next door is a little bit closer, they're within four feet of each other. I built a similar house. Did I give you that?

MR. KANE: Yes, we have a sample.

MR. KIRWAN: I'd like to turn the stairs coming out instead of having one huge set of stairs, aesthetically, it will just look a lot nicer and that's what I'm looking to do.

MR. KANE: You think it would be a better safety feature to have the landing instead of more steps coming down?

MR. KIRWAN: Yes.

MR. SCHEIBLE: The other house you have in the picture, Chris, is that a neighbor's?

MR. KIRWAN: This is one I built last year, yeah, so it's a similar designed house and that's the set of stairs that I'm looking to do on this house. I didn't print this one out but this is what I started so you can see the stairs there, how they come down and turn, that's the front porch.

MR. BEDETTI: That's the way you want it?

MR. KIRWAN: That's the way I'd like to do it.

MR. KANE: If you can print that up for the public hearing that would be great.

MR. KIRWAN: I will. That's pretty much it.

MR. CHANIN: Is it your intent that after this house is completed that it be sold to some private purchaser to

be used as a residence?

MR. KIRWAN: Yes, sir and there's a purchaser on the property.

MR. KANE: Any further questions at this time from the board? If not, I'll accept a motion.

MR. HAMEL: I will propose a motion to schedule a public hearing for Excel Development for the variance as requested.

MR. TORPEY: I'll second that.

ROLL CALL

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

MR. KIRWAN: Thank you very much.

MR. KANE: Your next steps.

THOMAS & DENA BETH RILEY (12-33) CONTINUED

MR. KANE: We'll go back to Thomas and Dena Beth Riley. Come on up. Request for a variance for an existing shed with an attached deck will not meet the 10 foot side and rear yard property line setbacks. A variance of six feet for the side yard and five feet for the rear yard is required at 9 Broad Street in an R-4 zone. Were you back in when I explained how we do things in New Windsor?

MR. RILEY: Yes.

MR. KANE: Name, address, speak loud enough.

MR. RILEY: Hi, my name is Tom Riley. I live on 9 Broad Street, New Windsor, New York. I built a shed, I guess doesn't fall within the zone that it should be built in so I'm trying to get a variance to leave the shed there. There was an existing shed there so I didn't believe it would have been a problem.

MR. KANE: The existing shed that was there, how long was it there, approximately?

MR. RILEY: I have no clue, when we bought the house, there were two sheds in my back yard.

MR. KANE: How long have you been there?

MR. RILEY: Twelve years.

MR. KANE: And the shed was existing when you bought the house?

MR. RILEY: There was one in the same exact spot that I knocked down and built this shed.

MR. KANE: Is this shed similar in size and nature to the shed that was there?

MR. RILEY: It's a little bit bigger.

MR. KANE: Can you give me the exact dimensions of the shed at the public hearing?

MR. RILEY: Twelve by twelve, I believe so--

MR. KANE: For the public hearing, just have the exact for us.

MS. PELESHUCK: It's 11 by 12, no, I'm wrong, 12 by 12, sorry.

MR. KANE: I know there's an existing shed there, I have to ask the questions anyway. Do you know if they cut down substantial vegetation and trees in the building of the shed?

MR. RILEY: I have no idea.

MR. KANE: Create any water hazards or runoffs from the shed being there?

MR. RILEY: No.

MR. KANE: Any easements running through the area?

MR. RILEY: No.

MR. KANE: Is the 12 by 12 shed similar in size and nature to other sheds that are in your neighborhood?

MR. RILEY: It might be a little bit bigger but--

MR. KANE: Tiny bit?

MR. RILEY: Yeah.

MR. KANE: More importantly, over the 12 years that you know of that the shed was there, have you received any complaints about the shed formally or informally?

MR. RILEY: No, actually, people kind of like it.

MR. KANE: I like your new shed so no complaints?

MR. RILEY: Right.

MS. PELESHUCK: There's an attached deck that also needs it.

MR. RILEY: Correct, yes.

MR. CHANIN: Is the deck attached to the shed or house?

MR. RILEY: To the shed.

MR. CHANIN: What are the dimensions of the deck?

MR. RILEY: I want to say it's got to be 12 by--

MS. PELESHUCK: Your deck he's asking it's 11 by 12 the deck.

MR. KANE: Okay, but this is all going under one unit basically so it's a shed with a little deck on the side?

MS. PELESHUCK: Yes, just wanted to--

MR. SCHEIBLE: You purchased this house 12 years ago?

MR. RILEY: Correct.

MR. SCHEIBLE: And at that time, the deck and shed were also there?

MR. RILEY: No, there was an existing shed in that same spot and there was a smaller shed to the right of it. I took both of them down and then built that shed where the other one was.

MR. SCHEIBLE: You didn't have, that was when you purchased the house that had to be on the plan when you purchased the house at that time the original sheds and nothing was said at that time?

MR. RILEY: No, not that I'm aware of.

MR. KANE: Going back 12 years ago, depending on the bank they may or may not have asked.

MR. RILEY: We might even have pictures when we bought the house of both sheds being there, if I can find it, I'll bring it in.

MR. KANE: If you can find one bring that in for the record.

MR. CHANIN: How far off the ground is the deck?

MR. RILEY: It's only sitting on top of block maybe six inches.

MR. CHANIN: Does standing on the deck have access to the shed?

MR. RILEY: Yes, from the front it has a front and side door.

MR. SCHEIBLE: I see from the pictures there how far away from the house is it from the house itself?

MR. RILEY: Well, from the property line I'm not exactly sure, I would say maybe about 25, 30 feet maybe.

MR. SCHEIBLE: It's that far away? Because the only reason I bring it up thinking about safety factors if there had to be a fire emergency or something getting around the house.

MR. RILEY: No, it's along the property line.

MR. KANE: I would say looking close it's 30 feet off there.

MR. RILEY: Yeah, somewhere around there.

MR. KANE: Further questions from the board? If there are none, I'll accept a motion.

MR. HAMEL: I'll make a motion that we schedule a public hearing for Thomas and Dena Riley for the variance as requested.

MR. TORPEY: I'll second that.

ROLL CALL

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

MS. PELESHUCK: Here are the next steps, the fun part.

MR. RILEY: That's it?

MS. PELESHUCK: Yes.

MR. RILEY: Thank you.

PUBLIC HEARINGS

THOMAS & ZILLAH STACKLUM (12-30)

MR. KANE: First public hearing Thomas and Zillah Stacklum. Request for a variance for a proposed rear yard screened-in porch is required. The required rear yard depth is 50 feet, with the screened porch there's only 45 feet to the rear. A variance of five feet is requested at 21 Birchwood Drive in an R-4 zone. Good evening, you know the drill, speak loud enough for this young lady to hear you, state your name, address.

MR. STACKLUM: Thomas Stacklum, 21 Birchwood Drive, New Windsor, New York 12553.

MR. KANE: Tell us what you want to do in your words.

MR. STACKLUM: We're removing the existing deck on the house and we're putting an enclosed deck with a roof on it and we're five foot short on the line to the property line, the end of the deck to the property line is 45 feet.

MR. KANE: Are you using the existing platform that's there?

MR. STACKLUM: No.

MR. KANE: You're going to put a new one in?

MR. STACKLUM: New one.

MR. TORPEY: Everything is going to be brand new, right?

MR. STACKLUM: Yes.

MR. KANE: How big is the deck itself going to be or the enclosed room?

MR. STACKLUM: It's 16 by 14.

MR. KANE: And are there other decks off of the homes in your area that are similar in size 16 by 14 deck?

MR. STACKLUM: Most of them are that size or bigger.

MR. KANE: Creating any water hazards or runoffs in the building of the deck?

MR. STACKLUM: No.

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

MR. STACKLUM: No.

MS. PELESHUCK: This is going to be all screened in?

MR. STACKLUM: It will be screened in, right, with a roof.

MR. KANE: Any easements running through that area?

MR. STACKLUM: No.

MR. KANE: We'll open it up to the board for further questions. The 16 feet is that coming out from the house or it's 14 feet coming out from the house?

MR. STACKLUM: Out from the house is 16 and 14 foot wide.

MR. KANE: It's obvious you do need some kind of a deck there because you have a rear door with a couple steps coming down?

MR. STACKLUM: Yes.

MR. KANE: Is the new deck going to be level with the door?

MR. STACKLUM: Yes.

MR. KANE: So you're going to lose a couple steps coming down making it a little safer?

MR. STACKLUM: Correct.

MR. SCHEIBLE: It's actually not a deck, we're talking about a screened-in porch?

MR. STACKLUM: Screened-in porch, yes, sir.

MR. KANE: Screened-in porch, I keep looking at the picture. Further questions? If not, at this time, I will open it up to the public and ask if there's anybody here for this particular hearing? Would you like to speak?

MS. CHRISLEY: No, no, I have nothing to say, thank you. We all agree.

MR. KANE: Your name, ma'am?

MS. CHRISLEY: Mrs. James Chrisley (phonetic).

MR. KANE: And you're a neighbor of the applicant?

MS. CHRISLEY: Back door neighbor.

MR. KANE: And you have no issues with this project at all?

MS. CHRISLEY: Not at all, not at all.

MR. KANE: Thank you very much. Anybody else here for this particular hearing? Seeing as there's not, we'll close the public portion of the hearing and bring it back to Nicole and ask how many mailings we had.

MS. PELESHUCK: On the 28th day of August, 2012, we mailed out 66 addressed envelopes and received no written response back.

MR. STACKLUM: Got one back unable to locate.

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

MR. BEDETTI: I'll make a motion that we grant the five foot variance to Thomas and Zillah Stacklum for a rear screened-in porch at 21 Birchwood Drive in an R-4 zone.

MR. HAMEL: I'll second it.

ROLL CALL

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

MS. PELESHUCK: You're all set, here are the next steps but I'll call you when the permit is ready.

MR. STACKLUM: Fine, thank you very much.

DOCUWARE (12-34)

MR. KANE: We have our last public hearing Docuware. A variance is required for an additional facade sign 1.5 feet by 8 feet located at 4 London Avenue in an API zone. Good evening, name and address please?

MS. WILLIAMS: Mary Williams, I'm the Marketing Communications Manager for Docuware and I'm representing Docuware on behalf of Greg Schloemer who you met at the preliminary meeting, he's out of the country on business. He did provide me a letter saying I can represent.

MR. KANE: Thank you.

MS. WILLIAMS: So for the record, Docuware's a global document management software company. We sell our product through authorized resellers, for instance, like Toshiba Business Solutions in Newburgh. These resellers come to our location for their technical and sales trainings. So we have over 1,000 sleeping nights in the area with as many meals, hotels and restaurants. We're just asking for permission to erect a sign in the northeasterly corner of the building so people can more easily find us. We have a 10 year lease with the company with our location so we're committed to make them feel warm and fuzzy when they get there.

MR. KANE: You're allowed two facade signs, one facade sign, where is the existing facade sign?

MS. WILLIAMS: It's on the other end.

MR. CHANIN: On the westerly side of the building and the request is for another facade sign on the eastern side of the building. And Miss Williams, is it true that when this building is used by people who do business with Docuware that sometimes people use the building at night?

MS. WILLIAMS: We do have, yes, trainings that go on.

MR. CHANIN: Mr. Schloemer indicated last time when he was here that there are times when the building's used at night and he expressed the opinion that sometimes having a second illuminated sign might make it safer for those people visiting the premises at night. Would you agree with that?

MS. WILLIAMS: I would agree with that.

MR. KANE: Is the lighting for the sign is that internally illuminated?

MS. WILLIAMS: Yeah, it is.

MR. KANE: Non-flashing?

MS. WILLIAMS: No, it's not flashing.

MR. TORPEY: I wasn't here, are they putting a sign just like this on the other end of the building?

MR. KANE: Right.

MR. TORPEY: You don't want to go bigger?

MS. WILLIAMS: No, we're kind of like stealth.

MR. BEDETTI: For planes flying over.

MR. TORPEY: This is going to flash at least?

MS. WILLIAMS: No, it's not going to be flashing.

MR. KANE: It's actually smaller than what we allow which is a 10.5 by or 10 by 2.5.

MR. CHANIN: I know all this stuff now that I've written hundreds of decisions.

MR. KANE: So at this point what I'm going to do is open it up to the public out there and ask if there's anybody here for this particular hearing? Seeing as there's nobody in the audience, we'll close the public portion of the hearing, ask Nicole how many mailings we had.

MS. PELESHUCK: On the 28th day of August, 2012, we compared one addressed envelope and we received no written response back.

MR. KANE: I think that's an all-time low, I don't think I've ever heard of one.

MRS. PELESHUCK: I doublechecked it.

MR. KANE: We'll bring it back to the board, see if there's any further questions.

MR. BEDETTI: No.

MR. HAMEL: No.

MR. KANE: Then I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant a variance for an additional facade sign 1.5 feet by 8 feet located at 4 London Avenue in an API zone to Docuware.

MR. HAMEL: I'll second it.

ROLL CALL

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

MRS. PELESHUCK: You're all done. I'll call you when the permit is ready so you can put the sign up.

MS. WILLIAMS: Thank you very much. Thank you everyone.

MR. KANE: No further business, motion to adjourn?

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer