

TOWN OF NEW WINDSOR

ZONING BOARD

NOVEMBER 26, 2012

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

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

 NICOLE PELESHUCK
 ZONING BOARD SECRETARY

MEETING AGENDA:

1. Muiza Tahir
2. Morning Pond Florist
3. Douglas Brown
4. Discount Dollar Market
5. Scheible Lot Line Change
6. Better Homes & Gardens Rand Realty
7. Kelvin McRae

REGULAR MEETING:

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals regular session for November 26, 2012 to order. We do not have minutes to accept.

PRELIMINARY MEETINGS:

MUIZA TAHIR (12-40)

MR. KANE: One correction under the preliminary meeting item number one, a variance for existing two car garage does not meet the minimum 20 foot setback, it should say 30 feet which is the original because that's what the new zoning code, that's a typo for us. Okay, all the other stuff is good. Alright guys. Okay, tonight's first preliminary meeting is and excuse me on mentioning names, Muiza Tahir, a variance for an existing two car garage does not meet the minimum 30 side yard setback. A variance of 12 feet 6 inches is required at 607 Shore Drive in an R-4 zone. For everybody that's here for a preliminary meeting tonight, the way the Town of New Windsor runs is that we hold two meetings. One is a preliminary so we can get a general idea of what you want to do and make sure that we have all of the information we need to make a decision. As per New York State law, all our decisions have to be made in a public hearing. At that point, the public will be involved with it. Other locales the way they run their meeting is that you go into it cold, if you don't have the right stuff, they don't like it, you lose and you can't come back. We prefer a little longer process. Come on up, state your name, address, speak loud enough for that young lady over there to hear you and tell us what you want to do.

MRS. TAHIR: Muiza Tahir. We're at 607 Shore Drive in New Windsor and the variance that we're talking about is for the one of the corners of the garage that does not meet the city code.

MR. KANE: It's an existing garage, how long has the two car garage been in existence?

MS. TAHIR: We bought the house that way for the last, since 2007.

MR. TAHIR: We purchased it in 2007.

MR. KANE: So you've owned it for five years?

MR. TAHIR: The previous owner he had it since 1992 and the best of our recollection I think he has had it all along.

MR. KANE: With the purchase of the house it never came

up?

MR. TAHIR: He did mention that he filed for a variance but we bought the house as is and what I didn't realize that we were supposed to come back here and get this paperwork done.

MR. KANE: Just for the record.

MR. TORPEY: Talking about the carport or the garage connected to the house?

MR. TAHIR: The carport is no longer there, it's completely removed.

MR. TORPEY: Garage is here, the whole thing's a garage or that's a house?

MRS. TAHIR: This little piece.

MR. TORPEY: Connected to the house?

MR. TAHIR: It's connected to the house, it was originally built as a party room, that's our understanding, but the previous owner converted that into a two car garage.

MR. TORPEY: That's what my son uses the garage for.

MR. TAHIR: And only that corner here because the property line goes at an angle and so only the corner.

MR. KANE: Couple of quick questions that need to be asked. To your knowledge, was there any removal, I know it's a hard question for you to answer, removal of substantial vegetation and trees in the building of the garage?

MRS. TAHIR: Not to our knowledge, it doesn't look like that.

MR. KANE: Create any water hazards or runoffs with the building of the garage?

MRS. TAHIR: No.

MR. KANE: Any easements running through the area where the garage is, easement, any right-of-ways?

MRS. TAHIR: No.

MR. KANE: Has there been any complaints formally or informally about the garage during your stay?

MRS. TAHIR: No.

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

MR. BEDETTI: What prompted you to be here now? You bought it with that garage on there and I understand that it was supposed to have had a variance issued at that time it wasn't so, I mean, how is it that you came here now? Are you selling the property?

MRS. TAHIR: Yes, we're in the process of selling the property.

MR. BEDETTI: That's the answer, got it.

MRS. PELESHUCK: The permit was removed because they were supposed to come to the planning board.

MR. KANE: The previous owner renewed the permit in 2007.

MRS. PELESHUCK: Previous owner took a permit out in 2007, now they came in and we just renewed it.

MR. KANE: Got it. Further questions, gentlemen? Just a couple pictures showing the back line of the house.

MR. TAHIR: We submitted that with the application, is it not here? It's a printout with four or five pictures.

MRS. PELESHUCK: I did not get pictures.

MR. KANE: For the next hearing, that's why we hold these things, make sure we have everything you need.

MR. CHANIN: If you have them in advance, provide them to the building officer, don't wait until that night, give it to them ahead of time.

MR. TAHIR: Okay.

MR. KANE: Garage itself is not viewable from the road?

MR. TAHIR: No.

MR. KANE: Doesn't look like it.

MR. TORPEY: It's not a two story garage, is it?

MRS. TAHIR: No, single door.

MR. SCHEIBLE: How old is the house, did you just say that?

MR. TAHIR: I think it was 1963 or 1964 built.

MR. SCHEIBLE: And the total size of the lot?

MR. TAHIR: It's 63,000 square feet. There were multiple lots back then, the previous owner combined them into one, I think there were a total of five lots, the property kind of goes up at an angle so it's kind of wide at the bottom.

MRS. TAHIR: Where the lake front is.

MR. TAHIR: It continues up the road, there's a small strip that's part of our house, the previous owner put all of them together as one big lot.

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

MR. BEDETTI: I'll make a motion we schedule a public hearing for Muiza Tahir for an existing two car garage at 607 Shore Drive for a side yard setback variance 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: Your next steps for the mailings, okay?

MR. KANE: Have a good night.

MORNING POND FLORIST - ANTHONY SCULLY (12-42)

MR. KANE: Next preliminary meeting Morning Pond Florist, Anthony Scully. Proposed two additional four foot by eight foot canvas wall signs. A variance is needed for two additional wall signs located at 2648 Route 32 in a C zone.

MR. SCULLY: I'm representing the owner of Morning Pond Florist whose English is not very good. I don't know if anybody here speaks Korean. So I along with my 13 cousins inherited this property back in April and we formed a limited liability family partnership but the owner of the florist shop had these canvas signs affixed to the exterior of the building and we found out he had never gotten permits.

MR. KANE: You're the actual owner of the property?

MR. SCULLY: Along with my 13 cousins, I'm representing them.

MR. CHANIN: But it's owned in the name of a partnership and the members of the partnership are you and your cousins?

MR. SCULLY: Correct.

MR. CHANIN: Name of the partnership?

MR. SCULLY: Leonardo Family LLC.

MR. CHANIN: You found out that the prior owner who had put up the wall signs never got a variance for them?

MR. SCULLY: We're looking to sell the property and the buyer, you know, he had a company come in and examine to see what violations existed on the property. So we found out that this was a violation and we removed the signs. And we spoke to the owner of the florist shop and told them that this had to be done and he claimed that his business has dropped off 20 percent since we removed the signs. And I told him with the help of Nicole the process that we had to follow to follow the legal procedures to put these signs back up.

MR. BEDETTI: Right now there are no signs on the building?

MR. SCULLY: Climbed up on a ladder and unscrewed them

myself, took them down, yes.

MR. KANE: The proposed signs that have been there, I mean, I've seen them are non-illuminating?

MR. SCULLY: Non-illuminating, they're canvas four by eight signs with grommets that were screwed into the exterior of the building and they simply say roses \$19.99 a dozen, which is a pretty good deal I think.

MR. CHANIN: Is the Morning Pond Florist your tenant?

MR. SCULLY: Yes.

MR. CHANIN: How long is their lease?

MR. SCULLY: How long is their lease? I believe the lease runs until 2013 so that's another 11 years.

MR. CHANIN: 2013 is one year.

MR. SCULLY: Excuse me, 2023 I'm always shocked at my uncle had such a long term lease, maybe he didn't want his wife to have to deal with leasing the property but I'm in shock, it's actually been an issue for potential buyers the length of the lease.

MR. BEDETTI: Am I correct in understanding you want to put the original two signs up?

MR. SCULLY: Not the original, he's purchased new signs and I believe you have pictures of them because--

MR. BEDETTI: So there are four new signs and they're all canvas signs?

MR. SCULLY: Correct.

MRS. PELESHUCK: Not four.

MR. KANE: Two four foot by eight foot.

MR. BEDETTI: Proposed two additional four by eight.

MR. KANE: They have the one sign on the front of the building that says florist.

MR. TORPEY: Can't you put them up in the daytime and take them down at night?

MR. SCULLY: That's what I said. You can put a sandwich board out there and take it in at night or you can do what the guy's doing who's selling gold, have somebody stand out there, you know.

MR. KANE: In my point of view on those, the signs, because the signs go with the building and they're extremely big to go in there and again, this is why we hold a preliminary, really wish people wouldn't buy things before they talk to us is for the public portion of the meeting to come in with some different options for us. We do like to have businesses make money, especially small businesses but we do have our sign laws and we want to try to keep them as much as possible. So if there's any way you can come in with some other options for something that's not as big.

MR. SCULLY: I'm not the proprietor, it's the florist shop, can you give me something in writing, a code, but is there a code you want us to follow for this sign?

MR. KANE: You're complying with the code with the one sign on the front, anything else is your choice.

MR. SCULLY: So you're telling me the four by eight signs are too large?

MR. KANE: My own personal feeling is they're extremely large so I'm just saying, I'm not saying everybody's feeling is my way, but usually with signs we ask people to come in with different options so we can work with you.

MR. SCULLY: I'm not a sign person so--

MR. SCHEIBLE: Maybe you should come in and pick up the code which would cover what you were speaking about this evening.

MRS. PELESHUCK: The code is one facade sign, it's 3 feet by 12.

MR. BEDETTI: Canvas signs are prohibited in the town, it's not just the size of the sign or the number of signs, but canvas signs are prohibited as a facade sign.

MR. KANE: I think what might be good, Nicole will make a copy of the variance, what the law is for you.

MR. SCULLY: I will gladly bring the proprietor in.

MR. KANE: This is why we have time now, this is why we hold the preliminary so we give you some options because we do want to work with you on this but--

MR. SCULLY: You're not really working with me, you're--

MR. KANE: You're the owner so we are working with you.

MR. CHANIN: Here's what you should understand, the code tells you what's allowed and also obviously what's not allowed. Now, in situations where there's actual waste going on or there's something that could be better that for some technical reason is prohibited by the code then an owner such as yourself can come to this board and ask that an exception be made.

MR. SCULLY: Like a variance, correct?

MR. CHANIN: That's what a variance is, but a variance is just exactly that, it's an exception, it's not a convenience. I'm talking generally, not for you, so if there's an alternative that can serve the purpose of enhancing the business or improving the property which is not in violation of the code then under general principle that alternative is to be prepared, exceptions are only made where there's really no other viable economic possibility. Now, the code is only going to tell you what the law is in the Town of New Windsor. It's not going to be the same thing as you're talking to a designer or an advertising executive or your fellow partners for alternative ideas. The code's not going to give you that that is for you to come up with. But what the code will tell you is what's allowed and what's prohibited so you know what would require an exception, which is not the first option and it's only actually a request of last resort in the event that you and your colleagues can't come up with something that does not require the exception.

MR. SCULLY: I just want to clarify things myself and my colleagues had nothing to do.

MR. CHANIN: Do you understand?

MR. SCULLY: I want to clarify myself and my colleagues, meaning my 13 cousins had nothing to do with the signs, we're trying to assist the owner of the

business so he can pay the rent on time.

MR. CHANIN: I understand. But I'm just telling you when you come here you're asking for an exception which can be made.

MR. SCULLY: I didn't know I was asking for an exception because I wasn't given a copy of the code. I wish I were given a copy of the code cause I would have presented it to the proprietor.

MR. KANE: This is why we have a preliminary meeting.

MR. SCULLY: Why wasn't I given a copy of the code so I can say to this gentleman, Mr. Quan, here's the specifications that we have to meet.

MR. CHANIN: First of all, it's online but second of all, you're not a lawyer and you shouldn't be expected to understand the ins and outs of the code and that's something that the town officers will help you with. Please just understand the big context, the big context is that the board has the authority under the law to grant people variances where it's appropriate and necessary. But in a situation where it's not necessary cause another alternative is available then that's preferable to coming here and asking for a variance.

MR. SCULLY: Just to follow up on something that Mr. Bedetti said, are canvas signs forbidden completely?

MR. BEDETTI: Yes.

MR. SCULLY: So we're in violation?

MR. BEDETTI: Yes.

MR. KANE: You're not in violation cause you took them down.

MR. SCULLY: He went and purchased these new signs.

MR. BEDETTI: Are these new signs considered to be temporary signs or are they going to be, do they want them to be permanently affixed?

MRS. PELESHUCK: Permanent.

MR. SCULLY: He would screw them into the facade of the

building.

MR. KANE: But you'll get a copy from Nicole. Under those circumstances, it couldn't be canvas, that I don't see happening.

MR. SCULLY: Okay, so are we talking about like a composite material that sign makers do?

MR. KANE: Exactly, something along those lines. And reading the rest of the code and how temporary like you said sidewalk signs can go out, it will give you all that information that you can brainstorm on how you want to go ahead and do that, that's why we usually ask for some kind of, to work with you, we understand how important it is for business guys to get their information out there to the people so they can make a business and we try do that within staying as close to the law as we possibly can.

MR. BEDETTI: Just to help him on that, there's 300-46 (f) says signs made of cardboard, paper, canvas or other similar permanent materials are prohibited.

MR. SCULLY: Like I said, I was never given a copy of that, I would have gladly presented it to Mr. Quan.

MR. KANE: Nicole will have all that and you guys can brainstorm, we can't give you a direction on what to do that you present to us, okay, so if you come out with a couple of different ideas that may work for you that gives us some leeway to work.

MR. TORPEY: That's only on a permanent sign, not on a temporary.

MR. KANE: Right.

MR. BEDETTI: He didn't say they're temporary, he's looking for permanent.

MR. KANE: So we're going to set you up for a public hearing.

MR. SCULLY: So I should see Nicole tomorrow and get this or do you have it here?

MRS. PELESHUCK: I don't have it here.

MR. SCULLY: I'll see you tomorrow and I'll pick up the

code and I'll show it to Mr. Quan.

MRS. PELESHUCK: What we need to figure out before we schedule a public hearing is what you would want to do.

MR. SCULLY: He wants to sell roses, he wants to advertise.

MR. KANE: Get the information from Nicole, sit down and talk to the owner of the business and come up with some kind of agreement as a proposal to us, get back in touch with Nicole so we can take a look at the proposal and at that point set you up for a public hearing.

MR. CHANIN: Here's the legal problem that you and the other owners have to deal with. People come to this board and ask for exceptions, they ask for variances all the time, that's why the board is here. But as part of the legal analysis that the board has to do with respect to every application, if the board thinks that the applicant has an alternative that they haven't tried and that alternative would not require a variance then that's grounds for this board to say no. So rather than come here and ask them to approve this or not when you haven't addressed whether or not there are any alternatives is inviting the board to say no. You don't want to do that, you want to come when you're prepared. And if you even need a variance you come back but if your alternative doesn't require a variance, you don't have to come here in the first place.

MR. SCULLY: So if we meet the code, we don't need a variance?

MR. CHANIN: That's correct.

MR. SCULLY: You can just put them up.

MRS. PELESHUCK: One sign per building is in code right now.

MR. SCULLY: Just says florist.

MR. CHANIN: You're allowed one sign.

MR. SCULLY: So two additional signs require a variance?

MRS. PELESHUCK: No matter what it's made of.

MR. SCULLY: Okay, gotcha.

MR. KANE: Now, I mean, does that particular business, do they have a freestanding sign outside on the property?

MR. BEDETTI: You don't have a pole sign or anything like that?

MR. SCULLY: I suggested that he do that to save himself a lot of trouble.

MR. CHANIN: There's an alternative.

MR. SCULLY: Parking is limited there, maybe he felt it would be a hinderance to parking.

MR. KANE: Something else to look into.

MR. SCULLY: With a freestanding sign, would there not be a liability in terms of it blowing with the winds?

MR. CHANIN: To answer that question, you have to talk to your building department and your own insurance company that goes with managing the property.

MR. SCULLY: Okay.

MR. KANE: Alright, so Nicole will get that together with you.

MRS. PELESHUCK: I'll call her tomorrow.

MR. KANE: Have a good evening.

DOUGLAS BROWN - 12-44)

MR. KANE: Tonight's next preliminary meeting Douglas Brown, proposed rear covered deck will not meet the minimum side and rear yard setbacks. The side yard needs a variance of see 7' and the rear yard needs a 12' variance. Located at 29 Clarkview Road in an R-4 zone.

MR. BROWN: Good evening, Douglas Brown. My wife and I own a home at 29 Clarkview, '93 or so we purchased the home. It did have a deck on it, the first people that were here went to cover it and found out, sorry, that was never inspected. Now we're down to just starting from scratch. I mean, I'm an awning guy so I thought about putting an awning then I said well, let's go covered roof, I said we'll go covered roof, I don't have to worry about snows and winds. So I figured that would be easy to cover my existing deck. But when Nicole and Jenn pulled the paper, it was never on the house deed, I guess, you know, the banks weren't doing as good of a job back then inspecting everything, getting everything in line so--

MR. KANE: So there was an existing deck there?

MR. BROWN: Yes.

MRS. PELESHUCK: With no permit.

MR. KANE: How many years was the deck there, approximately?

MR. BROWN: I think '77 looked like they filed a permit on it and just never closed it out. Then it looks like the assessor came through in '98, the card picked it up, you know, but at that point that doesn't mean anything that it ever got inspected. So it was, the house is from the late '50s house was built, deck was built in the late '70s, assessed in the late '90s, all I did was go to cover it. If you look at the pictures, I wound up ripping everything down.

MR. KANE: Some questions I have to ask you not just from the pictures but not cutting down any substantial vegetation or trees in the building of the deck?

MR. BROWN: No.

MR. KANE: Creating any water hazards or runoffs?

MR. BROWN: No.

MR. KANE: Any easements running through the area where the deck is?

MR. BROWN: No.

MR. KANE: The deck is a necessary function of the house because you have a glass sliding door, open doors coming from the back of the house?

MR. BROWN: Yes, that was there when I bought the house.

MR. KANE: Approximately, how many feet off the ground?

MR. BROWN: Four feet, approximately five feet, maximum.

MR. KANE: With the old existing deck to your knowledge were there any complaints formally or informally about that deck?

MR. BROWN: No.

MR. KANE: Was the deck similar in size and nature to other decks in your neighborhood?

MR. BROWN: I haven't seen the backs of people's property, I can't really answer that.

MR. KANE: Not an oversized deck?

MR. BROWN: No, it's not an oversized deck.

MR. TORPEY: Similar to everybody else?

MR. BROWN: When it comes down to it, although my house is fairly small, it's an average size deck, I would say.

MR. KANE: Okay.

MR. BROWN: But I do know at 23 Clarkwood they have the same application that I'm applying for, so if that helps at all. I said that's exactly what I want, I hope I don't have problems but here I am.

MR. KANE: We'll bring it back to the board for further

questions.

MR. BEDETTI: You may have mentioned is the proposed deck that you want to put up larger than the original deck or is it about the same size?

MR. BROWN: It's about the same size, it's a good question because the old deck was listed as 20 by 10 on the assessment card, I don't know if the blueprints are out, it has a notch in the building, can I just, so this to you so the 10 feet went from this part, it depends on where you measure from, that's an 18 inch setback so it's very similar, it might be six inches bigger than what the other one was. But it depends on where you measure from. If you're talking about the setback of my wall so 10 feet from the left side, about 11'8" from the right side.

MR. BEDETTI: Your sliding door, how high is that off the ground?

MR. BROWN: Four or five feet, it's a significant dropoff, I have it blocked off, my recycling goes out there, we open the door and throw it out. It's a mud hole. I didn't want to go through having them come and inspect the footings, I know a little bit about this stuff, leave the deck up, see how far they are, I also found a tiny bit of damage behind when we started ripping off so like all homeowners it created a snowball effect.

MR. SCHEIBLE: If you're coming in from 207, which side of Clarkview?

MR. BROWN: Right-hand side for the house on 207, I'm on the left-hand side closer to this end.

MR. SCHEIBLE: You're not overlooking at the lake?

MR. BROWN: Right on the corner of President and Clarkview.

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

MR. HAMEL: I'll make a motion we schedule a public hearing for Douglas Brown for the variance as requested.

MR. BEDETTI: I'll second that.

MR. BROWN: One quick question, we're labeling as a covered deck, should I down the road want to turn this into like a windowed room, not a four season room not with heat, should I want to put windows in it I'd have to come back?

MR. KANE: You'd have to go for a building permit.

MR. BROWN: Right now, I'm applying for a covered deck, that's what it will be. Down the road if I want to put windows or any type of screening or something.

MR. KANE: That's not going to have anything to do with this particular board.

MRS. PELESHUCK: Just a permit, not a variance.

MR. CHANIN: You have to come back to the building department in the first instance to find out what further approvals you need because the approval you get from this board you get tonight is limited to your application.

MR. BROWN: It was an important question for me. I didn't know if I should do the whole kit and caboodle so it would be a bigger budget.

MR. CHANIN: The important point being that whatever approval you get from the town is limited to the application that you submitted.

MR. BROWN: So a covered deck is what I'm doing and a further plan--

MR. BEDETTI: Not an enclosed porch.

MR. BROWN: No, but down the road I want to do that.

MRS. PELESHUCK: That's just a building permit, I promise.

MR. SCHEIBLE: Wouldn't a building permit differ if he's going to put, make a larger deck on it down the road?

MRS. PELESHUCK: He's just saying enclosing it.

MR. KANE: If the base stays the same, it's all building department. Further questions? Roll call.

ROLL CALL

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

MR. BROWN: Gentlemen, thank you.

MRS. PELESHUCK: Here's your next steps.

DISCOUNT DOLLAR MARKET (MATTHEW EDAMPADTH) (12-37)

MR. KANE: Next preliminary is Discount Dollar Market, Matthew Edampadth. Three existing facade signs are not permitted. A variance for two additional facade signs is required. The first sign is "Discount" 1.5' x 10'. The second facade sign is "Dollar" 15' x 8' and the third is "Market" which is 1.5' x 7.5'. Located at 176 Windsor Highway in an R-4 zone

MR. EDAMPADTH: I'm Matthew Edampadth, 1276 Windsor Highway, I own Discount Dollar Market store.

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

MR. EDAMPADTH: Actually, I use five stores like so my store front is 100 feet by 75 feet so to put the Discount Dollar Market we have to have like make three signs so there's no other way we can put the sign there. That's what the builder built, you know, like each store they put like a square.

MR. KANE: So your space takes up the space of five locations in that plaza?

MR. EDAMPADTH: Yeah, five locations.

MR. BEDETTI: Not three?

MR. KANE: No, five, cause he goes more towards the right, see where the next one comes up so he's all the way over there.

MR. BEDETTI: So he's using three of the five like a unit?

MR. KANE: Right.

MR. CHANIN: Technically, he's allowed the discount and not allowed the--

MR. KANE: Technically, he's allowed discount and he's going for dollar market.

MR. BEDETTI: That's the name of your store?

MR. EDAMPADTH: Yes.

MR. BEDETTI: Discount Dollar Market, that's the name

of the store?

MR. EDAMPADTH: That's the name of the store.

MR. KANE: Okay, obviously the sign is illuminated, non-flashing?

MR. EDAMPADTH: Yes.

MR. HAMEL: When did you put the signs up?

MR. EDAMPADTH: There was signs there before, there was a dollar store there before, two signs were there, I just put one more.

MRS. PELESHUCK: When?

MR. EDAMPADTH: That's in July.

MR. KANE: So we're showing that the allowed is a 2.5 foot five in height and it's using three of the five units, so if we had five stores we'd have five different signs there.

MR. TORPEY: What if he bumps the signs together?

MR. KANE: He had to do it that way because of the way they are on the facade.

MR. TORPEY: So he's allowed two more signs.

MR. KANE: No, don't push it.

MR. BEDETTI: The new code allows 42 square feet, he's got 38.25.

MR. KANE: He's under the area too with them so it seems on paper that it might be excessive.

MRS. PELESHUCK: This is the way the building department does it, they take this and they actually box it all out so it would actually be more.

MR. BEDETTI: I know but what their interpretation is is inconsistent with the facade of that store so go ahead, I understand that, thank you.

MR. KANE: Further questions?

MR. SCHEIBLE: Temporary signs out in front, have they

been removed at all, different temporary signs along the highway there?

MR. EDAMPADTH: Yeah.

MR. SCHEIBLE: You have to remove those, that would be my suggestion to remove those and I would have no problem with that, looks a little tacky when you see all the signs along the highway.

MR. KANE: Okay.

MRS. PELESHUCK: The building department is going around removing signs and throwing them out so just to let everybody know, don't spend anymore money cause we're going to take them.

MR. KANE: I think we have enough, I'll accept a motion.

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

MR. BEDETTI: I'll second it.

ROLL CALL

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

MRS. PELESHUCK: Here are the next steps, so if you want to get on the next meeting, you can come in tomorrow with 50 envelopes, 50 stamps and come and see me, okay?

MR. EDAMPADTH: No problem. Thank you so much.

MRS. PELESHUCK: Have a good night.

SCHEIBLE LOT LINE (12-45)

MR. KANE: Next preliminary hearing is Scheible lot line referred from the planning board for an area variance is needed for a two lot lot line change. The first lot is conforming. The second lot will not conform and will need a variance for a minimum lot area for net and gross required front yard setback and developmental coverage located at 528 and 532 McNary Lane in an R-4 zone. Mr. Scheible, I see you're recusing yourself.

MR. SCHEIBLE: Recusing myself.

(Whereupon, Mr. Scheible stepped down as a board member and presented his application.)

MR. SCHEIBLE: My name is Henry Scheible, 528 McNary Lane. You all have a map there right?

MR. KANE: Yes.

MR. SCHEIBLE: This is in the process right now, I went to the planning board and they referred me back for a couple of minor things I call them. As you can see, this is the present property and this is the new formed property and no change in size, it's all the same size. Not that I'm pushing out or anything like that. This, we're looking at the new one here now.

MR. TORPEY: Is it similar to other properties in the area?

MR. SCHEIBLE: Nowhere near it. Did you get the pictures?

MR. KANE: Yes.

MR. SCHEIBLE: This here, this is my father's old dwelling, God rest his soul, there's two existing, that was my father's previous home and this is my home on this side here. The total piece here before this long, it's like a field area, a vacant area which I have no interest of ever building on it because the kids like to play football, baseball, et cetera. Right now, it's attached to my father's old home which my daughter, Susan, is in the process of after I get hopefully this thing finished she's going to be purchasing it from me. So in order to do that, see, this is a private road here, alright, and it would be impossible for me to

make another lot out of this large piece here since only five lots area allowed on a private road and this, this, with these two and then there's three others as you come up the road here on the other side which are all mostly vacant would create five lots which would be, you know, out of the area. So but what happened in changing this lot line here, in other words, lot line used to go down here and now I'm changing it, it's going to go like this there, there and there, right, it's hard to see it.

MR. TORPEY: You're cutting her off?

MR. SCHEIBLE: No, she's got the frontage, she's the first one coming up the road. That reduced the size of that lot but these lots in those days this is back to 1948, this house here that my daughter's purchasing and over the years it was one acre zoning but that's when before we had water, sewer or anything like that. All this is covered by water and sewage right now so those were the days where you had to worry about septic systems, sinking wells down, make sure everything was protected but there's no more of that in the area. It's all covered by water and sewer. So that's certainly this piece, this big piece here is going to be attached onto this piece here which is in my wife's name so it's not my house so--

MR. CHANIN: Nicole, are there numbers?

MR. KANE: Minimum lot area required is 40,000 square feet, proposed would be 30,446, requested variance of 9,554. Minimum lot area, net required 40,000 square feet, proposed 26,218, a variance requested of 13,782. Required front yard 40 feet, proposed is 21 feet, a variance is requested of 19 foot, developmental coverage is 25 percent, proposed is 26.1 percent with a 1.1 percent variance requested.

MR. SCHEIBLE: Those large numbers were established and I reiterate and say it all over again when there wasn't water and sewage available so to protect these lots from having to put septic systems in and drill wells that's not necessary any longer.

MR. KANE: The proposed lot line is going to include the macadam driveway that goes through?

MR. SCHEIBLE: Yes.

MR. KANE: You're going to have a right-of-way?

MR. SCHEIBLE: It's written into the deed of my house right here, that's in the deed that I have a right-of-way, perpetual right-of-way to use that macadam driveway.

MR. KANE: Lot line is going to go just to the other side of that?

MR. SCHEIBLE: Just to the other side of the macadam driveway, correct. And as you can see, compared to all of the neighbors we're way above. The distance from here down to here, my neighbor is maybe 150 feet so it's not like we're building it, doing anything right on top of their lines. There's still 150 feet plus away from this lot line.

MR. TORPEY: You've got the big field ahead of you.

MR. SCHEIBLE: Right, and that field.

MR. TORPEY: You're like the mayor in town there.

MR. SCHEIBLE: That's my wife, the mayoress.

MR. KANE: Is there any reason you can't go passed the macadam to pick up some more square footage?

MR. SCHEIBLE: Not the way--

MR. KANE: Gotta ask.

MR. SCHEIBLE: It's a very good question but to do that would change this here, this macadam road and to go passed that now you're including this into here and this into here so it just didn't work out. Greg Shaw is the engineer on this and he's the one that did, advised me, Greg is down in South Carolina golfing so I couldn't drag him up here so he's the one that came up with all these ideas here.

MR. KANE: Okay.

MR. SCHEIBLE: First I was going to make a separate lot out of this but Greg and I started going through the codes and that would be, you know, illegal to create another lot on a private road. So that's why I'm including this along with my wife's house, I say my wife's house and that's, and Susan, you know, she's

going to be in that house which she is right now.

MR. KANE: Okay, I have nothing further right now. Greg going to be here for the public?

MR. SCHEIBLE: I hope so, yeah.

MR. KANE: I'll accept a motion to set him up for a public hearing.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Henry Scheible for a lot line change located at 528 and 532 McNary Lane in an R-4 zone.

MR. HAMEL: Second it.

ROLL CALL

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

MRS. PELESHUCK: Here are your steps.

PUBLIC HEARINGS:

BETTER HOMES & GARDENS RAND REALTY (12-38)

MR. KANE: Tonight's first public hearing Better Homes & Gardens Rand Realty, Brian O'Connor. Proposed freestanding sign will exceed the maximum number of permitted freestanding signs. Property already has a freestanding sign, however, Better Homes & Gardens would like their own 4' x 4' sign located at 819 Little Britain Road in a PO Zone.

MR. KANE: Good evening, sir, please tell your name and address and speak loud enough for that young lady over there to hear you.

MR. O'CONNOR: Brian O'Connor, Frohling Sign, Nanuet, New York, appearing tonight for Better Homes & Gardens Rand Realty. We're requesting, there was an illegal sign that was located on the property and we're requesting to make that a legal sign, we're requesting an additional freestanding sign for Better Homes & Gardens Rand Realty. The sign itself is a non-illuminated sign, it will be located in the same place they are, use the exists posts, we'll just be changing out the sign face from the Prudential sign to the Better Homes & Gardens sign. This sign is, Rand Real Estate believes that this sign is necessary as their office is on the eastern side of the building and as you're traveling westbound on Temple Hill Road I guess that's Little Britain Road, you can't see their office, they have a lot of people from out of the area that they're meeting and they're asking to meet at the office to go around to various homes that they're showcasing so this sign gives the building what they feel is the property identification so that their clients will be able to find a location.

MR. KANE: As you said, it's a non-illuminated sign?

MR. O'CONNOR: Yes.

MR. KANE: Sign comes up approximately how many feet off the ground?

MR. O'CONNOR: Two and a half feet off the ground.

MR. KANE: So total two and half to the bottom and so it's six foot high?

MR. O'CONNOR: It's six and a half feet to the top of the sign.

MR. KANE: Doesn't inhibit the view of traffic on the road?

MR. O'CONNOR: It does not.

MR. KANE: We have pictures showing that.

MR. O'CONNOR: Here's additional photographs. That photograph was taken as you're looking east on Little Britain Road. This sign which is the existing freestanding sign is as you're driving northbound on Temple Hill Road that sign is mounted to the dumpster enclosure and then--

MR. KANE: It's a very unique piece of property.

MR. O'CONNOR: And then this is the, this photograph is taken as you're facing westbound on Little Britain Road and that's their building sign. So you can see that from that direction you cannot see the sign, it's unique in the fact that there would be three signs but you can't really see all three signs or even two of the signs from one location.

MR. BEDETTI: There's only, is there only one entrance into that triangle area?

MR. O'CONNOR: Yes.

MR. BEDETTI: And it's on the 207 side?

MR. O'CONNOR: Yes.

MR. SCHEIBLE: Well, do they call that 207?

MR. BEDETTI: Or is that Little Britain Road?

MR. SCHEIBLE: Because 207 splits, it goes like this.

MR. O'CONNOR: Map Quested it and it's basically still considered 207 there.

MR. BEDETTI: Yeah, alright, and my question is there's only one entrance, right?

MR. O'CONNOR: There's only one entrance, right, that's to this parking lot.

MR. KANE: What I'm going to do right now is 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 13th day of November 2012, I mailed out 11 addressed envelopes and I did receive a written response.

MR. KANE: We'll read this into the record. To members of the board: I am writing to object to the variance being sought by Rand Realty to keep a sign located on the property located at 819 Little Britain Road. I have been a tenant at the property for two years and have followed town guidelines as to signage. There has been a sign external to the property which was never approved but it was erected by the landlord to rent his building. It was conservative blue or black lettering on a white background with both Prudential Realty and the landlord advertising his phone number. When I moved in I had no real objection to the sign but now Rand Realty has posted a solid bright green sign which draws all attention away from my signs on the building and blocks the line of sight. Apparently, the landlord advised Rand Realty to seek a variance for the sign. Since the sign has been present, the number of patients coming in on a drive by basis has all but disappeared. Plus it is cosmetically unsightly and not in keeping with the signs on or in front of the building which are conservative. I am therefore requesting that you deny any variance to allow this sign to remain. As I understand there was never any permit applied for even before Rand Realty took over this sign. It is interfering with my practice of medicine and violates the normal codes of the town. Thank you for your attention in this matter. Sincerely, Howard L. Feldman, M.D.

MR. O'CONNOR: He gets drop-in patients, drive-by patients?

MR. SCHEIBLE: I would have to look up, I was on the planning board when this was approved and the signage situation did come up where the signs were going to be placed if I recollect that there were not to be any signs along the grassy area, only on the building. I would love to see the minutes of that approval.

MRS. PELESHUCK: Okay.

MR. TORPEY: Why couldn't they put a big three triangle sign?

MRS. PELESHUCK: It was only supposed to be on the back of the dumpster which that's what it is.

MR. BEDETTI: Is that green sign there that's that one of the signs for the realty?

MR. O'CONNOR: Yes, yes, we've gotten a permit, we've gotten a permit when they changed from Prudential to Better Homes & Gardens, we got a permit for the building sign over the entrance to change the lettering on that and then this sign didn't require a permit because it was an insert, it was just a change of face so but we did.

MR. BEDETTI: Essentially, that face there is being used as the quote freestanding sign?

MR. O'CONNOR: Correct.

MR. BEDETTI: Okay, I think I had seen an earlier picture that had the Prudential name there so that's gone now.

MR. O'CONNOR: Better Homes & Gardens is in there.

MR. BEDETTI: So you have one freestanding sign there and you have the facade sign and you're looking for the other, this as the extra freestanding sign?

MR. O'CONNOR: Yes. When Rand purchased the Prudential they were not aware that that sign was up illegally.

MR. BEDETTI: Never got a permit?

MR. O'CONNOR: Never got a permit. When I filed an application with the township to change the face on that one, that was when it was brought to our attention that that sign did not have a permit and the Rands said to please go through the procedure of applying for a variance to make the sign legal.

MR. BEDETTI: Got it.

MR. SCHEIBLE: Not to sound crazy, I drive passed there every day and tell you the truth, I thought Prudential

was putting that building up for sale as the realtor, that's what it looks like right now.

MR. KANE: The sign itself is in front of the cosmetic entrance.

MR. O'CONNOR: Well, his office is located on that side of the building, yes.

MR. HAMEL: He's on the south side of the building, right?

MR. O'CONNOR: On the west side but this gives you a little bit different perspective, this is his entrance here and the sign it's quite a distance away.

MR. KANE: Want to look at the minutes?

MRS. PELESHUCK: I'm trying to pull them up right now. Actually.

MR. KANE: If not, you have every right to take a look at those minutes so we would--

MR. BEDETTI: Yeah, he asked that, it doesn't matter to me.

MR. SCHEIBLE: It's been a while now. When was the approval, couple years back now?

MR. TORPEY: What's the three corner sign?

MR. O'CONNOR: John Pizzo, he's the owner of the property.

MR. KANE: We're using current technology to see if we can pull that up. We have every right to look at minutes, let's check into it.

MR. O'CONNOR: The gentleman actually pointed something out to me which is correct, the position, his entrance is here which faces, which is by this sign which has always been here, the sign on the dumpster and this sign really isn't even close to his entrance.

MR. TORPEY: Look how big that sign is, Mike, above the door.

MR. KANE: Yes, I see.

MR. TORPEY: That's as big as the three little signs put together.

MR. KANE: Yeah, right above his entrance, yeah, I'd be curious on the planning board statement.

MRS. PELESHUCK: I found it, it's going.

MR. KANE: I think what we do is we need to take a look at planning board minutes for this particular sign to make sure that there was no stipulations put in about anymore road signs. I'd feel more comfortable about that. I wouldn't want to overstep since that was brought up, let's check it out to make sure.

MRS. PELESHUCK: It's a big file.

MR. KANE: At this point, it would be my preference to table it until our next meeting which will be in December, okay, and Nicole can get a copy of that, the minutes for that meeting for us.

MRS. PELESHUCK: I'll send them out.

MR. KANE: Send that out to all the members. Would you like a copy of that?

MR. O'CONNOR: I would love a copy.

MR. CHANIN: December 10 is your next meeting.

MR. KANE: So it will be on December 10, we'll take care of it at the next meeting. Do we need a vote to table?

MR. CHANIN: Yes, you should.

MR. O'CONNOR: I only need the page that has to deal with the signs, I don't want the whole thing.

MRS. PELESHUCK: Me neither.

MR. KANE: I need a motion to table this until the December 10 meeting if you would.

MR. SCHEIBLE: I'd like to make a motion to table the Better Homes & Gardens Rand Realty represented by Brian O'Connor to a future date December 10.

MR. TORPEY: Second it.

ROLL CALL

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

MR. KANE: Then we can clear it up to make sure it's all in the books.

MR. O'CONNOR: I do have a question, if the board is so inclined to grant the variance and it's just a question of whether a review of the planning board minutes could you have an approval, conditional approval based on review of the planning board minutes?

MR. CHANIN: Hypothetically, such a thing would be possible but very, very risky for this board to do in this case since you don't know what the conditions are that they originally placed and that would be a factor in whether or not they want to grant the variance.

MR. KANE: I don't see an urgency in doing that, honestly, it's a sign that's been up for a while and it will be until it either gets to stay or gets to be taken down.

MR. O'CONNOR: Okay.

MR. KANE: And I think it would be, I think I would have a problem voting for it one way or another without seeing the minutes, I'd rather wait. I don't see any urgency.

MR. TORPEY: Have a nice night.

MR. O'CONNOR: You too, thank you.

KELVIN & ANNMARIE MC RAE (12-39)

MR. KANE: Tonight's last public hearing Kelvin & Annmarie McRae. A variance is required for a proposed connection of the rear deck to the pool deck. The pool deck will require a 25' side yard variance and a variance is needed for the total side yards which are supposed to be 80' total. A variance of 27' for total side yards is required at 21 Old Hemlock Drive in an R-3 Zone. You get a good education waiting tonight.

MR. MC RAE: Yeah, it's been fine. My name is Kelvin McRae. My wife and I just want to basically attach our house deck to our pool deck. Basically, gap's about this big, the rise would be about three steps. The reason why we would require this is the only other way to get to the pool is to go into the grass. Of course your feet are wet, the mud and whatnot, debris gets into the pool. In addition though it's a safety issue as well because we're able to create the steps on the deck, we can put a latch, a self-closing gate which will help secure the gate, secure the pool at night. I have a trampoline on my property, there has been times that I've come home, there's been a kid jumping in it. I had to not so much chase them off but gotta let me know things like that, so a self-closing gate will be much more secure for children. So those are the two reasons why we'd like, and also convenience, you go from the house through the patio doors straight up the steps onto the pool deck so it's convenience also.

MR. KANE: The self-closing gate would be required, absolutely.

MR. MC RAE: Yes, yes, and also there's an alarm from what I've been told that goes on the patio doors as well.

MR. KANE: Both decks are existing at this point right now?

MR. MC RAE: Yes, they're existing, they have been inspected and everything.

MR. KANE: And so we're just looking at connecting them and since you're connecting them that makes your rear offset different.

MR. MC RAE: Yeah, from what I understand once I connect them now the pool deck becomes part of the

house so now it's too close to the property line so that's the issue.

MR. TORPEY: Makes it one big deck.

MR. MC RAE: Yeah.

MR. KANE: Since all we're doing is connecting the two decks together that changes the setbacks.

MRS. PELESHUCK: Yes.

MR. SCHEIBLE: Kelvin, just point out something here just out of curiosity here this is deck number one and deck number two or vice versa, whatever, you want to connect them here?

MR. MC RAE: Yes.

MR. SCHEIBLE: Okay.

MR. MC RAE: Yeah, this is, I got from watching hockey there's a glass partition or plexiglass so that way a kid can't again climb up, go into the pool and also have this here which provides support for the stanchion and keeps a kid from climbing up and going into the pool so again, it's all about safety.

MR. KANE: We have two existing decks that are compliant with the code right now, all we're doing is connecting them which I think makes sense. There's no, again, may sound a little strange, not cutting down of any vegetation or trees in the connecting of the decks?

MR. MC RAE: No, sir.

MR. KANE: Not creating water hazards or runoffs?

MR. MC RAE: No.

MR. KANE: No easements running through that particular area?

MR. MC RAE: No, no, no.

MR. KANE: And the decks themselves are not in question since they're already approved?

MR. MC RAE: Yes, they have been inspected and approved.

MR. KANE: I will open it up to the public and ask the one person in the back if he has anything to do with this particular hearing? Since he doesn't, we'll close the public portion of this meeting and ask Nicole how many mailings we had.

MRS. PELESHUCK: On the 13th day of November 2012, we mailed out 40 addressed envelopes and received nothing back.

MR. KANE: I'll bring it back to the board for further questions. If not, I'll entertain a motion.

MR. BEDETTI: I'll make a motion that we grant the variance to Kelvin and Annmarie McRae for a proposed connecting of rear deck, pool deck at 21 Old Hemlock Drive 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

DISCUSSION

MR. KANE: Gentlemen, that's it. Our next meeting is December 10. Point of information, unless something else comes up Wednesday, December 12, 7:00 my house, we'll have our meeting, just be forewarned every time we do this we have a storm.

MR. HAMEL: I cannot make it that whole week, I'm booked.

MR. KANE: Get with Nicole, I'll get a mailing out, we've got to get it done before the end of December to get our hours in. So I'll give a call and how's the 19th, any objections to Wednesday, the 19th? It's a Wednesday. How's that sound, 7:00 my house? If anybody has any issues, call me and we'll work around it. We need to get these four hours in. Motion to adjourn?

MR. TORPEY: So moved.

MR. HAMEL: 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