

TOWN OF NEW WINDSOR

ZONING BOARD

February 11, 2013

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

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

 NICOLE PELESHUCK
 ZONING BOARD SECRETARY

MEETING AGENDA:

1. Morning Pond Florist
2. Michael Veneziali
3. Daniel Clarino for Thomas McDonald

REGULAR MEETING:

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals regular session for February 11, 2013 to order.

APPROVAL OF MINUTES DATED 11/26/12 & 12/10/12

MR. KANE: Motion to accept the minutes of November 26, 2012 and December 10, 2012 as written.

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

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

TABLED FROM PREVIOUS MEETING:

MORNING POND FLORIST - (12-42)

MR. KANE: First on the agenda is tabled from a previous meeting, Morning Pond Florist, Anthony Sculley. Proposed two additional four foot x eight foot canvas wall signs. A variance is needed for two additional wall signs located at 2648 Route 32 in a C zone. This hearing has already taken place. Basically what we're doing here is voting, we gave him the option we only had three of us at the last meeting, we gave him the option of waiting for a full board for a vote.

MR. CHANIN: Do you have anything to add?

MR. SCULLEY: You know the variance is for two signs.

MR. KANE: Right.

MR. SCULLEY: And if two isn't acceptable, we'll take one, whatever you can give us.

MR. CHANIN: You have to ask for what your application states, so if your application is asking for two signs that's your application.

MR. SCULLEY: Fine.

MR. CHANIN: If it's denied, you can resubmit the same application after six months or a different application sooner.

MR. SCULLEY: Thank you for the clarification.

MR. KANE: So I'll accept a motion unless anybody needs to be refreshed, I'll accept a motion and a second, please.

MR. BEDETTI: I'll make a motion that we grant the variance for two additional signs for Morning Pond Florist at 2648 Route 32 in a C zone.

MR. TORPEY: I'll second that.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	NO
MR. HAMEL	AYE

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MR. TORPEY AYE
MR. KANE AYE

MR. KANE: You're approved.

MRS. PELESHUCK: Here are the next steps. I'll call
you cause I have to revise the letter.

MR. SCULLEY: Thank you very much, thank you for your
time.

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PRELIMINARY MEETINGS:

MICHAEL & ELAINE VENEZIALI (13-01)

MR. KANE: We have two preliminary meetings. First one is not here, we'll go to number three.

DANIEL CLARINO FOR THOMAS MC DONALD (13-02)

MR. KANE: Daniel Clarino for Thomas McDonald. An interpretation is requested for an existing second kitchen. The second kitchen either creates a two-family house or single-family house with two kitchens. Located at 3 Stonecrest Drive in an R-4 zone. So you know and anybody else that would have been here for a prelim what we do in New Windsor, we hold two meetings, by law New York State every decision we make has to be in a public hearing. So what we do here with the preliminary meeting we can get a general idea of what you want to do, make sure that you have all the information we need to make a good decision. You walk into some towns and if you don't have the right stuff you walk in cold you lose. So it's a two step process here. What will happen in the public portion of the meeting is very similar to what's going on right now, what will go on right here, except that at a certain point we'll open it up to the public, see if anybody's here to speak, we'll open it up, they have a chance to ask questions, voice their opinion, do whatever. At that point, we'd ask you to answer them if you care to. We close the public portion, we bring it back for further consideration then we vote. The only time we don't vote on something right away is if we don't have a full board which you just saw right there, we'll wait and give you an opportunity to have a full board because you need three votes. If there's only three people here, the vote is 2-1, you lose. So what I want you to do is tell us exactly what you want to do, please state and spell your name and speak loud enough for the young lady over there to hear you.

MR. CLARINO: My name is Dan Clarino, real estate broker with Benchmark Realtor Group. I represent the McDonalds family who's looking to sell this property. We have a buyer for it, we're in contract. This house, this structure was built somewhere about 1958, it's been in the same family basically since that period of time, went from the people who built it to a daughter and husband and now to another set of another daughter and another husband. The McDonalds bought this property about 1991, it's a single-family house, has two kitchens, it had the two kitchens in it when they bought it in 1991, as far as we know it was the two kitchens were there since the inception of the property. It has separate access as you can see from the pictures I supplied for you. The kitchen downstairs next to a family room, those are the only

two rooms on that level, excuse me, there's a half bath down there, but there's no bedroom. I think the town has looked at this as a duplex or two family for a long time, it never was a two family, it's always been a single family house with two kitchens.

MR. KANE: Your intent is to use it as a single family or sell it as a single family?

MR. CLARINO: Yes, used as a single family house.

MR. KANE: Is there any access, you said those are the only two rooms on that floor, is there any access from upstairs down there?

MR. CLARINO: Yes, there is.

MR. KANE: Is there a lockable door in between those?

MR. CLARINO: There's a door on the top of the stairs because it's a single family house, I don't know if it's lockable or not, I suppose it could be lockable if somebody wants to put a lock.

MR. KANE: We got your intent is to use it as a single-family home, single gas and electric meters coming into the home?

MR. CLARINO: Yes.

MR. KANE: For both kitchens?

MR. CLARINO: Yes.

MR. KANE: That's important.

MR. SCHEIBLE: Is this being used as a mother-daughter situation?

MR. CLARINO: It may be, I don't, the buyers who are buying the property came from another broker so I'm not directly involved with that side of the real estate transaction. But it would be my understanding that it would be a single family, there may be usage downstairs, maybe a relative but it's not meant to be other than that.

MR. KANE: Cause we'll want to make sure that that's your intent is to sell it and that you advertise it that way.

MR. CLARINO: We will market it as a single family home, that was my intent.

MR. KANE: You had mentioned that the Town of New Windsor had seen this as a duplex possibly, what have you been, has the taxes been paid on that as a two family?

MR. CLARINO: I believe so.

MR. KANE: Really?

MR. CLARINO: Yes.

MRS. PELESHUCK: Yes, taxes will be paid if the assessor goes out and sees something with the second kitchen they automatically think it's a two family, that's why they have to come here and we have to determine if it is not.

MR. CHANIN: That's why he's asking for an interpretation.

MRS. PELESHUCK: Right.

MR. CLARINO: It was never used as a two family but I believe it's taxed as such.

MR. KANE: Probably because nobody ever responded to the original.

MR. CHANIN: Nobody ever grieved the assessment.

MR. KANE: Okay, alright.

MR. CLARINO: This kitchen has probably been there as long as the house has been there.

MR. KANE: No complaints formally or informally about the kitchen as far as you know?

MR. CLARINO: I have only been involved with the property for four or five months but I've heard nothing during my time.

MR. KANE: If you can check that with the homeowners that will be a question I ask at the public hearing.

MR. CHANIN: When you come back for your second

appearance, these question that you're being asked now will be asked again on the record so you should have answers to them when you come back.

MR. CLARINO: And what question did I not answer that you're looking for?

MR. KANE: If they have heard anything, any complaints formally or informally about the property.

MR. CLARINO: They are out of town, otherwise, they probably would have been here this evening.

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

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

MR. TORPEY: I'll second that.

ROLL CALL

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

MR. CLARINO: Thank you for your time.

MRS. PELESHUCK: The county website was down so I could not do your mailings, I'll call you when I know the number of mailings that you have to bring in.

MR. CLARINO: Thank you for your time.

FORMAL DECISIONS:

XCEL DEVELOPMENT
SAXTON SIGN CORP
MUIZA TAHIR
HENRY SCHEIBLE
BETTER HOMES & GARDENS
THOMAS RILEY
KELVIN MCRAE
DISCOUNT DOLLAR MARKET
DOUG BROWN
BURGER KING

MR. KANE: Formal decisions, we have one no show which is number two so we're going to go right to the formal decisions, if you want, we can take them with one vote please.

MR. CHANIN: Somebody can move if it's the board's wish to vote on these collectively.

MR. BEDETTI: I'll make a motion that we vote on the formal decisions collectively.

MR. HAMEL: I'll second it.

ROLL CALL

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

MR. BEDETTI: I'll make a motion that we accept the formal decisions as were posted by way of e-mail for Xcel Development, Saxton Sign Corporation, Muiza Tahir, Henry Scheible, Better Homes & Gardens, Thomas and Dena Riley, Kelvin & Annmarie Mcrae, Discount Dollar Market, Doug Brown and Burger King.

MR. CHANIN: Let the record reflect that Mr. Scheible recuses himself from voting to approve on the application concerning his application. So the vote on nine of them will be five in favor and none against and the vote on number 12-45 will be four in favor and none opposed with one abstention.

MR. KANE: Nothing further, motion to adjourn.

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MR. BEDETTI: So moved.

MR. TORPEY: 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