

TOWN OF NEW WINDSOR

ZONING BOARD

September 23, 2013

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

ALSO PRESENT:      GEOFFREY CHANIN, ESQ.  
                                 ZONING BOARD ATTORNEY

JENNIFER GALLAGHER  
BUILDING INSPECTOR

CAMMY AMMIRATI  
ZONING BOARD SECRETARY

MEETING AGENDA:

1. Crystal Agresti-Foy
2. Highland Operating/Kings Road Estates
3. GSA/Acquest Development Co.
4. Marsha Bryan
5. Classic Home Builders
6. Gulf/Old Temple Hill Road
7. Allen Dantas
8. FATM Properties

**REGULAR MEETING:**

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals regular session for September 23, 2013 meeting to order.

APPROVAL OF MINUTES DATED 8/25 & 9/9/13

MR. KANE: Motion to accept the minutes of August 26, 2013 and September 9, 2013 as written

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

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

PRELIMINARY MEETINGS:

CRYSTAL AGRESTI-FOY (13-22)

MR. KANE: Tonight's first preliminary meeting Crystal Agresti-Foy. An interpretation is requested for a single-family dwelling under construction with two kitchens or a two-family dwelling. Located at 11 Vascello Road in an R-4 zone. So everybody knows, what we do in New Windsor we hold two meetings. There's a preliminary meeting so that we can get an idea of what you want to do and make sure we have all the facts that we need. If we don't, we ask you to bring them with you to the next meeting. A lot of towns do one meeting scenario, if you don't have the right stuff, you lose. So that's why we hold a two meeting scenario. And all of our votes have to be done in the public hearing, that's the point where the public can speak. Miss Agresti-Foy, are you here? Dad's going to speak today.

MR. AGRESTI: I changed my looks a little.

MR. KANE: State your name, address, speak loud enough for this young lady over here to hear you and tell us exactly what you want to do.

MR. AGRESTI: Greg Agresti, 11 Vascello Road, New Windsor. We're proposing to take a single-family home that's presently under construction and making it a legal mother-daughter with a legal second kitchen.

MR. KANE: And this is strictly for family use?

MR. AGRESTI: Mother-daughter, yes.

MR. KANE: There is no intent to have this as a two family or rental apartment?

MR. AGRESTI: Me and my wife, my daughter and my son-in-law.

MR. KANE: Coming into the home there will be a single electric and gas meter?

MR. AGRESTI: Yes.

MR. KANE: Free access from the home one area to the other, no locked doors, anything like that?

MR. AGRESTI: Correct.

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

MR. BEDETTI: I'm good.

MR. KANE: I'll accept a motion.

MR. BEDETTI: I'll make a motion we schedule a public hearing for Crystal Agresti-Foy for an interpretation for a single-family dwelling with two kitchens located at 11 Vascello Road in an R-4 zone.

MR. HAMEL: I'll second it.

ROLL CALL

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

MR. KANE: So you're set up for a public hearing. We're going to give you a piece of paper to tell you exactly what your next steps are going to be.

MR. AGRETTI: Thank you.

HIGHLAND OPERATING/KINGS ROAD ESTATES (13-23)

MR. KANE: Highland Operating/Kings Road Estates. Property is currently zoned OLI, will be rezoned to R-1. Multiple variances for lot area and lot width. Currently two tax lots. Proposed six lot subdivision. Located at Kings Drive. Referred by the planning board.

MR. REINEKE: For the record, my name is Steve Reineke. I'm the attorney for the two property owners. I have one of them with me this evening. I have the authorization to appear on behalf of the other. To the secretary up here?

MR. KANE: Up here, please.

MR. REINEKE: I have a summary if the board wants that now or just, I have a number of sets just so you can see quickly what it is that we're looking for.

MR. KANE: Give one over to that table right over there.

MR. REINEKE: I think I have enough for everybody. Essentially, what we've got there are two large lots that are surrounded by residential on Kings Road. What's being proposed is a re-subdivision of those large lots into lots that are more in conformity with the surrounding neighborhoods. The three page sheet that I gave you outlines the specific variances that we need so that you can reference them in terms of the general impacts. The second sheet that I gave is just an enlarged copy of that portion of the tax map which identifies where the two large lots are and shows the other properties that basically access through Kings Road. And on the third sheet what we have done is we have taken the areas of those other properties to just give you an example of what the property lot sizes are. Just doing the overall average it comes out to 38,000, that's a little skewed with that one 100,000 square foot lot that's on there and as you can see from the face page, our smallest lot would be 41, just about 587 for those needing the variances. One of the lots does meet all of the area requirements. So what we would like is for the board to schedule a public hearing so that we can present this maybe perhaps a little more formally but we felt this would be an easier way for the board to just glance at the overall that we're looking at.

MR. KANE: Septic and wells?

MR. REINEKE: Yes, they would be septic and wells.

MR. BIAGINI: Percs have been done.

MR. KANE: Be prepared to address that in the public hearing, please.

MR. REINEKE: Okay.

MR. KANE: Further questions from the board?

MR. BEDETTI: Yeah, I notice this says currently zoned OLI and it will be rezoned R-1, when does this R-1 rezoning to take place?

MR. REINEKE: Actually, we had approached the town on that and it appears that where they were drawing the map lines to break the R-1 and the OLI that they inadvertently put it in the wrong spot and I believe the town board has acted on that already.

MR. BIAGINI: Right.

MR. REINEKE: Or it's scheduled for action by them.

MR. BIAGINI: The map has been changed to R-1.

MR. KANE: That's official?

MR. BIAGINI: Well--

MR. CHANIN: Wait, stop, come up, please, tell the stenographer your name.

MR. BIAGINI: My name is Ed Biagini.

MR. CHANIN: What's the answer to the question?

MR. BIAGINI: I was advised by Mike Blythe that, the town attorney, that the map has been corrected and it's R-1 not OLI.

MR. CHANIN: Is there an item on the town board agenda?

MR. BIAGINI: To my knowledge, I was told there was not, it was a mistake when they did the zoning so there was no reason for the town board to actually act on it,

they were, it was a correction on the map.

MR. REINEKE: But I think that's something we need to get to the board for that information.

MR. KANE: Absolutely, I think before this board does any movement on that we would want to make sure that that change has taken place already.

MR. CHANIN: Which could be accomplished simply as a memo from Mr. Blythe.

MR. REINEKE: Okay.

MR. KANE: Further questions?

MR. CHANIN: Mr. Reineke, hello. Am I correct that lot six meets the required gross lot area, that's why it's not on the list?

MR. REINEKE: That's correct.

MR. CHANIN: And am I to understand that this was referred by the planning board with or without a recommendation?

MR. REINEKE: I know it was referred by the planning board, I don't think they had a recommendation on it.

MR. CHANIN: Okay.

MR. REINEKE: I think they felt if we can't justify it we shouldn't have it. Such a picky board.

MR. CHANIN: They trust us.

MR. KANE: Further question from the board?

MR. BEDETTI: Now I'm assuming that the requirements that are for R-1 requirements?

MR. REINEKE: That is correct.

MR. BEDETTI: As opposed to OLI.

MR. REINEKE: That is correct.

MR. BEDETTI: I'm good.

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

motion to set up a public hearing.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Highland Operating/Kings Road Estates for property subdivision located on Kings Drive and there are currently two lot subdivision into six lots.

MR. TORPEY: I'll second that.

MR. BEDETTI: That's an R-1 zone, by the way.

MR. REINEKE: Or else we wouldn't be here.

MR. KANE: Correct.

ROLL CALL

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

MR. KANE: Your next steps.

MR. REINEKE: Thank you.

GSA/ACQUEST DEVELOPMENT CO. (13-24)

MR. KANE: Last preliminary meeting GSA/Acquest development. Multiple variances required for front yard setback, maximum building height, off-street parking and fence height for site plan. Located at Airport Center Drive and Avenue of the Americas in an AP zone. Referred by the planning board.

MR. O'BRIEN: Good evening, I'm Victor O'Brien. I'm with C & S Engineers, we're the engineering firm that prepared the site plans. Can everyone see this okay? As you said, we're here to request five variances. We have a two and a half acre parcel 25,000, 26,000 square foot building. The way it's situated we have two front setbacks that we have to meet on Avenue of the Americas and Airport Center Drive. This front setback here we're proposing 36.4 feet and the required is 50 feet, that would be the first. Secondly, building height, the building height being somewhat on the setback, somewhat interrelated we're allowed a building height of 18.2 and we're proposing 37, 34.7, I'm sorry. Third variance would be for the number of parking spaces. We're proposing 108, code says supposed to be 128 and 108 is actually more than what the tenant requires. And the last variance or last two are sort of one in the same, have to do with fence heights, because of security reasons, we're seeking a variance to go to an eight foot fence where on the front setbacks we're required to have four on the side and rear a six foot fence, we'd like to go eight everywhere. That was five, right? Five.

MR. TORPEY: Chain link fence, right?

MR. O'BRIEN: Actually, it's more of a decorative, iron decorative metal, the vertical, that's what they're looking at, actually have some cut sheets that the developer has, I can get those.

MR. KANE: For the public hearing.

MR. O'BRIEN: Okay.

MR. KANE: And of the proposed 108 spaces, how many are handicapped?

MR. O'BRIEN: Total of five.

MR. KANE: There's going to be one tenant?

MR. O'BRIEN: Correct.

MR. SCHEIBLE: Correct me if I'm wrong, we're talking about the requested FBI building? I just want to make sure, we don't see anything on here, I just want to make sure.

MR. O'BRIEN: Correct.

MR. SCHEIBLE: The only thing I can, see what I'm saying, the FBI checks out and there's not enough parking spaces for the next tenant.

MR. O'BRIEN: Okay.

MR. SCHEIBLE: I hope they're here for a long time, don't get me wrong.

MR. O'BRIEN: Yes.

MR. KANE: Further questions? In the building of that cutting down substantial trees or vegetation?

MR. O'BRIEN: There are some trees along the front but for the most part, this is a parking lot now so--

MR. KANE: Certain questions I have to ask.

MR. O'BRIEN: We're reducing the hard surface providing a little more landscaped area.

MR. KANE: Creating water hazards or runoffs?

MR. O'BRIEN: No, all of the runoff is picked up with a subsurface drainage system and we have a storm water treatment unit and connect to an existing sewer.

MR. KANE: Any easements running through the property that would be impacted by the building?

MR. O'BRIEN: You know, I'm thinking there's an easement, we're not impacting any, I think there is an easement, a drainage easement along the back here. Right now, everything drains to a swale but we're not impacting it, you can see we have left this strip of landscaped area.

MR. KANE: Just point it out in the public hearing for the easements.

MR. O'BRIEN: Okay.

MR. KANE: Further questions from the board?

MR. BEDETTI: Is this two, three level building?

MR. O'BRIEN: Two story.

MR. KANE: Any further questions from the board?

MR. BEDETTI: This is a new building?

MR. HAMEL: What's the building?

MR. O'BRIEN: Brick facade, I'm not the architect but there may be some treatment around the top cornices and things like that but for the most part it's concrete panel.

MR. KANE: Obviously, no signs we have to handle in any way?

MR. O'BRIEN: As far as advertising type signs, not that I'm aware of, no, just a couple stop signs here.

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

MR. SCHEIBLE: I'll make a motion to request a public hearing for the multiple variances required for front yard setback, maximum building height, off-street parking and fence heights for site plan located at Airport Center Drive and Avenue of the Americas in an AP zone.

MR. TORPEY: I'll second that.

ROLL CALL

MR. SCHEIBLE            AYE

MR. BEDETTI            AYE

MR. TORPEY            AYE

MR. HAMEL            AYE

MR. KANE            AYE

MR. O'BRIEN: Thank you for your time.

MR. KANE: Here's the sheet you need for your next steps.

PUBLIC HEARINGS:

MARSHA BRYAN (13-15)

MR. KANE: Tonight's first public hearing will be Marsha Bryan. Single-family dwelling with existing shed and existing 12 foot by 20 foot deck. A 3.1 foot side property line variance for the shed and a 1.5 foot variance for the deck. Property is located at 305 Stephenson Lane in an R-4 zone. Anybody in the audience for this particular hearing that will wish to speak? Okay, when the time comes, I'll let you, you'll need to state your name and address, okay? We have a sheet that we need, we're going to put it there. Okay, in your own words, tell us what you want to do.

MRS. BRYAN: My name is Marsha Bryan. We purchased a home with an existing shed and a deck and found out we needed some variances to make it proper, we need 3.1 side yard variance for the shed and 1 1/2 foot variance for the deck.

MR. KANE: Taking the shed first, how long has the shed been up to your knowledge?

MR. BRYAN: Good 20 years.

MR. KANE: Shed similar in size and nature to other sheds in your neighborhood?

MRS. BRYAN: Absolutely.

MR. KANE: Close. Okay, any easements running through where the shed is?

MRS. BRYAN: No.

MR. KANE: And to your knowledge, was there cutting down of substantial vegetation or trees in the building of the shed?

MRS. BRYAN: No.

MR. KANE: Has it created any water hazards or runoffs?

MR. BRYAN: No.

MR. KANE: Obviously, at this stage, moving that shed to a proper area would be a financial hardship considering the age of it?

MRS. BRYAN: Absolutely, sure.

MR. KANE: Further questions from the board right now? Seeing as there's not a quick one, we'll open up the public portion of the meeting and ask if anybody has any questions?

MR. CHANIN: Do you want to talk about the second one so the public hearing can cover both?

MR. KANE: On the deck, existing 12 x 20 deck, again, to your knowledge, cutting down any substantial vegetation in the building of the deck?

MRS. BRYAN: No.

MR. KANE: Creating water hazards or runoff?

MR. BRYAN: No.

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

MR. BRYAN: No.

MR. KANE: To your knowledge, has there been any complaints formally or informally on either the shed or the deck?

MR. BRYAN: No.

MR. KANE: Okay, deck is similar in size and nature to other decks in your neighborhood?

MR. BRYAN: Yes.

MR. KANE: That's a second story deck, you have a sliding glass door coming out?

MRS. BRYAN: We do.

MR. KANE: So the deck is there for safety purposes also?

MR. BRYAN: Yes.

MR. KANE: Alright, at this point, we'll open it up to the public and ask anybody that has any questions or wish to say anything? Just need you to speak loud

enough for that young lady over there to hear you and please state your name and address.

MR. BRAUN: My name is Leo Braun, B-R-A-U-N. I live directly behind Marsha, and as far as that deck is concerned, that deck was built approximately rebuilt approximately same time that my deck was built. I had it rebuilt again better than 20, 25 years ago. And I have never seen a problem, a reference to the decking or anything else. As far as the shed is concerned, that shed has been up I think before God was there so as far as this so-called public hearing and everything else, I think it's totally, it should not be done in the first place. Just by chance, I happened to go into the zoning board, planning board and I asked them what exactly what the problem was. And I found out it was two and a half feet shorter from what was supposed to be there. We were here about a year ago, the previous owners were and it turned out to be he had the wrong distances so it's not to be on them, it's supposed to be on the previous owner. Unfortunately, he's now in Florida. So that decking and that shed should be a, actually be grandfathered in. My particular property goes directly behind them behind my shed and I do find out mine is luckily five feet, almost six feet there. Behind the hedge there's a rock line area, that rock line is my property line and the previous owner actually asked me permission to, you know, to plant some flowers in it. I don't care as long as he cuts the grass and everything else it's no problem. So to me, I think it's totally wrong that this planning board has to be up there, let the shed remain and let the deck remain. That's all I can say.

MR. KANE: Thank you very much. Anybody else for this particular hearing? Seeing as there's not, we'll close the public hearing of the meeting, bring it back to Cam, find out how many notices we had.

MRS. AMMIRATI: On the 4th day of September, 2013, I compared the 82 addressed envelopes containing the public hearing notice with no responses.

MR. KANE: Eighty-two, used to be certified mail, too.

MRS. BRYAN: I know.

MR. KANE: We'll bring it back to the board for further questions from the board? Any further questions? I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant the variance to Marsha Bryan for a shed and a deck and shed variance for property located at 305 Stephenson Lane in an R-4 zone.

MR. TORPEY: I'll second that.

ROLL CALL

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

MR. KANE: Your next steps.

MRS. BRYAN: We're all done? Thank you very much.

MR. KANE: You're quite welcome, careful home.

CLASSIC HOME BUILDERS - ANTHONY FAYO (13-04)

MR. KANE: Tonight's next public hearing, Classic Home Builders, Anthony Fayo. A variance is needed for an existing building lot that doesn't meet the minimum lot width, required side yard and total side yard setbacks. Property located at 244 Bull Road. This is a continuation of the tabled item from 7/22/13. Good evening.

MR. FAYO: Good evening.

MR. KANE: Where are we?

MR. CHANIN: He was about to state his name

MR. FAYO: Anthony Fayo.

MR. KANE: Total side yard went to 59.3, required side yard went to 29.3. Yeah, the numbers have changed, they have actually gone down since the original. If you look on the front sheet that one right there is a current one, that's the revised form with the correct numbers on them. So as you can see, the total requested variances have dropped significantly. Talk to us, Anthony, tell us exactly what you want to do again.

MR. FAYO: To get the side variances so I can build a house that I currently have a buyer for the lot, this is what the buyer wants.

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

MR. FAYO: No.

MR. KANE: Creating water hazards or runoff?

MR. FAYO: No.

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

MR. FAYO: No, there's not.

MR. KANE: Further questions from the board?

MR. BEDETTI: That's changed since the last time?

MR. KANE: Yes, yes, the numbers have been updated to be correct.

MR. BEDETTI: I gotcha, good. That was a good thing.

MR. HAMEL: Well and septic?

MR. FAYO: Correct.

MR. TORPEY: Is there going to be two kitchens in the house?

MR. FAYO: No, there will not be.

MR. CHANIN: Mr. Fayo, on July 22, 2013, Mr. Alsdorf appeared?

MR. FAYO: That's correct.

MR. CHANIN: And--

MR. FAYO: I could not make it.

MR. CHANIN: And this was, the board was told at that time at the preliminary appearance that the house was too small as drawn and as prior approved the side lots were too small and the whole thing had to be redrafted, is that correct?

MR. FAYO: The plans of the house?

MR. CHANIN: Yes.

MR. KANE: Yeah, your offsets changed.

MR. FAYO: Yes, the offsets have changed so I'll say yes to that question.

MR. CHANIN: And at the time, I believe that Mr. Alsdorf was referred back to the building department and the amendments, are these amendments among other things the product of that meeting with the building department?

MR. FAYO: Yes, they are, they now have a set of plans.

MR. CHANIN: Okay, and what happened last time, Mr. Chairman and board members, is that this item was tabled on July 22 to the August 26 meeting but nobody appeared on August 26, is that correct?

MR. FAYO: I was not aware of that but yes.

MR. CHANIN: And on August 26--

MRS. GALLAGHER: He was not set up for the August 26 meeting.

MR. FAYO: No, the application wasn't right, I didn't have the application right.

MR. CHANIN: That's why you're here today?

MR. FAYO: That's correct.

MR. CHANIN: That's what happened so there was no public hearing.

MR. BEDETTI: I have a quick question.

MR. KANE: Go ahead.

MR. BEDETTI: Tell us what the change was. Did you shift the position of the house? Did you change the dimensions of the house?

MR. FAYO: It was a different style house. This house now has the garage under it, before the original house, this is going back a while first time was garage on the side of the residence. Now it's going garage under. They have the plans if you'd like to see them.

MR. BEDETTI: No, I just wanted in your words what the change was from the last time when you weren't here, there was another gentleman here, the change was made, change, there was a change in the house then?

MR. FAYO: Yes.

MR. BEDETTI: Okay, got it.

MR. KANE: Anthony, creating water hazards or runoffs?

MR. FAYO: No, I am not.

MR. KANE: Cut down--

MR. CHANIN: You did that.

MR. KANE: Okay, at this point, we'll 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 meeting, ask Cam how many mailings we had?

MRS. AMMIRATI: On the fifth of July, 2013, I compared eight addressed envelopes containing the public hearing notice with no responses.

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

MR. BEDETTI: I'm good.

MR. KANE: Okay, I'll accept a motion.

MR. HAMEL: I'll make a motion that we grant Classic Home Builders the variances as requested.

MR. TORPEY: I'll second that.

ROLL CALL

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

MR. KANE: There's your next steps.

MR. FAYO: Thank you very much.

MR. KANE: You're welcome.

GULF/OLD TEMPLE HILL ROAD, LLC (13-21)

MR. KANE: Tonight's next public hearing Gulf/Old Temple Hill Road, LLC. Proposed freestanding sign replacement will exceed 64 square feet for all sides. Proposed freestanding sign 90 square foot. A variance of 26 square feet is requested. Located at 68 Old Temple Hill Road in a HC zone

MR. CORANAS: Kevin Coranas, I'm working for Conklin doing this job for Mike from Hudson Services.

MR. KANE: You're authorized to speak for this applicant?

MR. CORANAS: Yes.

MR. KANE: Okay, tell us in your own words exactly what you want to do.

MR. CORANAS: We were allowed 64 square feet, we want to do 90 square feet. So we're asking for an extra 20 square feet of signage. There's a sign already there existing, we just want to put a two post with the larger square footage.

MR. SCHEIBLE: And what direction are you going to be going, towards the building with the additional square footage or towards the road?

MR. CORANAS: I can go towards the building, it's actually not even that close to the road the sign as it stands now.

MR. SCHEIBLE: I just want to make sure.

MR. KANE: Sign itself going to be illuminated?

MR. CORANAS: Yes.

MR. KANE: Non-flashing?

MR. CORANAS: Non-flashing.

MR. KANE: Internal illumination?

MR. CORANAS: Yes, well, actually, the price signs are digital, the Gulf sign has a light behind it and the price signs are digital.

MR. KANE: And they stay constant?

MR. CORANAS: Yes.

MR. KANE: Not changing?

MR. CORANAS: No, they're actually brighter during the day and dim at night.

MR. CHANIN: Can you tell us please what the dimensions of the sign that's being replaced were?

MR. CORANAS: It was a four by eight.

MR. SCHEIBLE: I just drove passed there this afternoon and you have room to work with as far as I'm concerned.

MR. KANE: Okay, at this point, I'll 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 meeting and ask Cam how many mailings we had?

MRS. AMMIRATI: On the 10th day of September, I compared 64 envelopes with no responses.

MR. BEDETTI: Make a motion we grant the request for a proposed freestanding sign replacement for a variance of 26 square feet for the location at 68 Old Temple Hill Road in an HC Zone.

MR. SCHEIBLE: I'll second it.

ROLL CALL

MR. SCHEIBLE                    AYE

MR. BEDETTI                    AYE

MR. TORPEY                    AYE

MR. HAMEL                    AYE

MR. KANE                    AYE

MR. KANE: You're all set, have a great evening.

ALLEN DANTAS (13-20)

MR. KANE: Tonight's next public meeting Allen Dantas, excuse me if I mispronounce. Variance requested for gross lot area. Required lot area is 60,000 square foot, proposed lot area see 5,414 square feet. Variance of 4,586 square feet requested. Located at Riley & Dean Hill Roads in an R-3 zone. Referred by the planning board. I'm going to assume some of you people are here for this particular hearing? Okay, we need to get the, we have a sheet of paper up there, I just need names and addresses if you wish to speak.

MR. CHANIN: State your names, please.

MR. VALDINA: Frank Valdina, Valdina Engineers.

MR. DANTAS: I'm Allen Dantas.

MR. KANE: You're on.

MR. VALDINA: Thank you. The Dantas have owned this roughly two and a quarter acre parcel at the intersection of Dean Hill and Riley Road since 1986. They are now proposing to subdivide it into two lots, lot one which is little over 55,000 square feet proposed for a duplex home, the second lot lot two which is 40,000 square feet is proposed for single-family ranch style house. The second lot meets the zoning requirements. All of the zoning requirements are met as far as setbacks and front yard, side yard and we'll be connecting to municipal water and sewer. The area requested for the larger lot like I say is shy about not quite 5,000 feet or nine percent of the area. The areas are shown from the end of the road 20 feet back on both lots are proposed to be dedicated at the request of the planning board. This has been before the planning board, they have made a favorable recommendation to the zoning board pertaining to this subdivision and variance request.

MR. KANE: So basically, we're going for one variance for the one lot?

MR. VALDINA: For the, yes, the larger lot.

MR. KANE: Other one meets all the codes?

MR. VALDINA: Yes.

MR. KANE: No other variances would be needed for the building?

MR. VALDINA: No.

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

MR. VALDINA: There's one big tree which isn't very healthy, this is basically overgrown, you can see from the photos, I think you have a copy of them. This first photo is looking at north along Riley Road showing that large tree right in the corner, there's some minor trees up along Riley Road. The next is looking south on Riley Road, few scrub trees in there, nothing of any substantial size. Third photo is looking east from Dean Hill Road showing the lot basically overgrown with weeds and various vegetation.

MR. KANE: Creating any water hazards or runoff?

MR. VALDINA: No, there's a drainage swale along the road, this will be graded toward that.

MR. KANE: And any easements running through that particular area?

MR. VALDINA: No, the town has a couple encroachments.

MR. KANE: Just so you know when the public portion opens up, we're going to take this, we're going to turn it this way, you'll be able to see everything and ask whatever questions you have. Okay? And you said this is going to be on municipal water and sewer?

MR. VALDINA: That's correct.

MR. KANE: And the size of the home that's going to be going on this particular lot is similar in size and nature to other homes that are in this area?

MR. VALDINA: Yes, the single-family home is going to be ranch style house, the duplex if you notice on the photos, on the photo looking south along Riley Road there's a yellow building that's a house that will be behind the proposed duplex house which will be a two story structure looking east along Dean Hill Road, you can see another structure right on the corner of the photo, that's the house on the lower photo which is right across the street from the proposed lot.

MR. KANE: Okay, further questions from the board at this time?

MR. BEDETTI: If I understand this correctly, you actually had to give up some property for the dedicated road?

MR. VALDINA: That's correct, this lot two, for example, meets the lot area requirements, of course once the dedication takes place, it will be less than the required area.

MR. BEDETTI: Understand.

MR. VALDINA: Same thing for lot two, it's larger but you can see there's a substantial dedication that's going to be made to the town.

MR. KANE: So part of the land for the road is being turned over to the town?

MR. VALDINA: That's correct.

MR. BEDETTI: So essentially we shouldn't be penalizing you for giving up property.

MR. VALDINA: Well, hopefully not.

MR. KANE: Probably pretty close, too.

MR. BEDETTI: Yeah, probably it is.

MR. KANE: Further questions from the board at this time?

MR. CHANIN: Mr. Dantas, you're the owner?

MR. DANTAS: Yes, sir.

MR. CHANIN: Have you marketed this property yet?

MR. DANTAS: No.

MR. KANE: No further questions at this time, I'm going to open this up to the public. You need to make sure that you've written down your name and address, okay, and when you come up, please state your name and address, ask whatever you want. Okay, please don't be repetitive. And who's first?

MR. MANDATO: My name is Frank Mandato, 78 Riley Road. I have a couple questions. It's going to be rental property, is that correct?

MR. DANTAS: One is for my son, the other one it might be for sale.

MR. MANDATO: And which one is that going to be, the one that's for sale, the duplex two-family house?

MR. DANTAS: Yes, sir.

MR. MANDATO: I notice you have three cuttings, three driveways, what's the reason for having three instead of just one on Dean Hill and one on Riley or just having two on Riley?

MR. VALDINA: Well, the reason being for the one lot has its own separate entrance on the duplex, you need access, this will be basically split in the middle so with garages on both sides, so let's, you get access in the garages for each family.

MR. MANDATO: There's no water problem with this the way it's going to be built? I don't know if this was asked and said when they built Forest Glen but they diverted all the water to the storm drains coming down and put storm drains on Dean Hill and all that water comes down into a reduced pipe at the end of the ditch which overflows all three properties on Riley Road. That property used to be under water as well until it was filled up. How is that going to affect the water table in the area also?

MR. VALDINA: Well, the basic drainage comes along the northeast end of the property, goes into a swale that goes along--

MR. MANDATO: So that's going to come into the same ditch, that's going to meet at the storm drain on the corner of Dean Hill and Riley with all the other waters coming down Dean Hill already and that's not going to have any affect? We'll see about that. Thank you.

MR. KANE: You're welcome. Next?

MR. LYNODY: My name is Greg Lynody, 85 Riley Road which is right next to this property. You said there was no clear cut trees, correct?

MR. VALDINA: No, I said the trees that are on the property basically aren't worth saving, they're not substantial.

MR. LYONDY: Before this was filled in, there were trees there.

MR. VALDINA: I'm not aware of that.

MR. LYONDY: The swales that you're talking about are now filled with those trees. I have gained a substantial amount of water in my basement. As far as the ditch going across, again, I have to confer with Mr. Mandato, the pipes at the end aren't big enough for the amount of water that we got there now. It flows across Riley Road and floods out the neighborhood. I don't see it as feasible the size the way they're planning to do this. That's it.

MR. KANE: Thank you. Next?

MR. LEONARD: Ed Leonard, 1008 Pine View. I actually live in Forest Glen and I know the flooding that occurs and that occurs in the retention pond that's not shown up here and then it comes down so I'm behind it and I know exactly what you have to be experiencing. So I feel for you. So I can't imagine what that property is. The other thing that concerns me though is the duplex. There's all single-family homes around us and I'm just wondering why you're deciding on a duplex on another piece of the property and why none of the other homes around us have a duplex.

MR. DANTAS: Diagonal there's one.

MR. LEONARD: Where is that? What's the address, Riley Road?

MR. DANTAS: Just diagonal from the corner of Dean Hill looking this way it's a duplex.

MR. LEONARD: Right. The other concern I got though--

MR. KANE: Excuse me, that's not going to happen.

MR. LEONARD: Another concern I got though is that Riley and Dean are very heavily traveled so you're putting a driveway here into a heavily traveled spot and this is a speedway in the front so I'm wondering

you're creating a safety hazard in and of itself by putting two driveways in one lot. That's my concern. I have little kids that I take around on bikes and I know we gotta walk that I guess where we're walking in front of one of the driveways, so I'm just wondering how you're going to, how do I put it, adjust for ease of traffic as well? Cause now you're increasing that volume into those spots. But I wish you the best of luck.

MR. DANTAS: Thank you.

MR. KANE: Next?

MR. MCINTOSH: Rob McIntosh, 68 Riley Road. I guess I have one question more for you than these gentlemen, somewhat repetitive, but we haven't gotten an answer. The water runoff that comes down here and that's pitched off the property to the drainage ditch here before you would allow him to build these properties or before that's a yes or a no, would you end up consulting with the town highway, the neighbors or somebody else to re-look at these ditches and the ditch that runs out to 94 to make sure that it handles the water? I know the water runoff isn't his problem, it's more the town's because they're in charge of directing it but every single drainage ditch that's on his property and that runs along mine overflows every time we have a decent amount of rain. I know one major problem is the fact when they started building these houses up here the town came down, they dug into Riley Road and they put a three foot culvert to allow for excessive water to come down here and to come down Riley Road. If you follow this down behind Kolby Kennel there's a two foot culvert that they never adjusted along with this one, that two foot culvert when you have steady flowing water and that three foot culvert's pumping because that two foot can't handle the water, it ends up diverting it to all the houses, back yards of all the houses on that side of the street and with the old railroad track beds behind us it keeps everything contained to the point where almost everybody here has basement flooding and just really high water tables causing damage to who knows what. Just a statement because of what you said. My house is here and it's not a two-family house. You got a chance, now I do.

MR. KANE: Doesn't matter, if it's zoned to allow, whether one's built or not makes no difference.

MR. MCINTOSH: People are asking and I'm being told as well as everybody else that he's doing it because there's others. I know mine is not and next to it, the two-family house that he claims was there has actually been brought up, fined and removed, they took the panels off, it was forced to be a one-family house because it was on too small of a lot.

MR. KANE: Okay.

MR. MCINTOSH: If you go over--

MR. KANE: Sir, all I'm telling you is that if it's zoned for two family, we have no position to change that, that's the town board.

MR. MCINTOSH: If it's a lot that's too small.

MR. KANE: They'd be here for a variance. Let me finish, depending on when it was built, it could have been grandfathered in. I don't know the property, I can't speak a hundred percent on it.

MR. MCINTOSH: He makes one statement, we have one right here, just letting you know that that's not the case, it was actually the owners were fined and they were forced to convert it back to a single family.

MR. KANE: What I'm telling you it's a moot point, if it's zoned to allow two-family homes, we can't change that, as long as the property can handle that particular size.

MR. MCINTOSH: But he's asking for a variance because this lot is just a hair too small and I--

MR. KANE: For lot area.

MR. MCINTOSH: Too small for the two-family house.

MR. KANE: It's too small for any house, it meets by a couple, misses by a couple thousand feet.

MR. MCINTOSH: That couple thousand feet is--

MR. KANE: That's why we're here to decide.

MR. MCINTOSH: Okay, I may have another question.

MR. KANE: Go ahead.

MR. MCINTOSH: No, my thoughts are all over the place so I have to take a second.

MR. KANE: Not a problem. Next? Anybody else to speak?

MS. MURPHY: Vinni Murphy, 92 Riley Road. Doesn't affect me with the water, not to be repetitive, concerned with the traffic because Riley Road is a speedway, just so you know, kids shoot off Riley Road and they do it and they speed up and down, they do 40, 50 miles an hour, we call the cops, by the time they get there of course they're gone. When we come out of Dean Hill, it does cause problems with the extra driveways, that's my main concern that they don't allow, maybe the driveway could be put somewhere else if it's not big enough. My concern it may be they shouldn't do anything, do something different or put one house on the property like we all have, one little house on the big property instead of two.

MR. MANDATO; One question. What's the current zoning to build?

MR. KANE: Let's have some etiquette here, we don't jump in and ask questions. You had a chance to speak. I'll let you speak again when everybody else has their chance. If people are going to be rude, I'll close it right off the bat.

MR. MANDATO: I'm sorry, I didn't mean to be rude.

MR. KANE: We'll be more than happy to listen, just give us a chance to go through everybody. Sir, you wanted to speak? Yes?

MR. ESCALERA: Peter Escalera, 61 Riley Road, I live across the street and I'm--

MR. CHANIN: Come on up and speak loud enough for everybody and the stenographer to hear you.

MR. ESCALERA: Peter Escalera, 61 Riley Road. I live directly across the street from this proposed lot. And I'm a direct, I was directly affected by the water that was built around in that area, had to redo my whole basement, cost me a lot of money. And I was just also wondering the person that's going to own that

one-family house, are they also going to be owning the two-family house? Just wondering if somebody's going to be there to, you know, monitor the house, just not going to be like some apartment building that's going to be, nobody is going to be paying attention to.

MR. DANTAS: One is for sale and the other one is for my son.

MR. VALDINA: Son is going to be here.

MR. ESCALERA: Person that's going to own that lot is going to be the owner, he's going to own it and just rent it out?

MR. DANTAS: Or sell it for somebody that wants to have mother-daughter kind of a thing.

MR. ESCALERA: Not going to be bought and have people--

MR. DANTAS: The goal is to enhance the neighborhood because my son is going to be there as well.

MR. ESCALERA: Thank you.

MR. KANE: Any further questions?

MS. MURPHY: How big is that property that we're taking about, this whole square, what's the total by itself that he owns?

MR. VALDINA: It's 2.19 acres, a little over two acres, almost two and a quarter acres, this one lot is 40,000 square feet which is roughly they call it a builder's acre.

MR. KANE: Any further questions?

MR. MANDATO: Quick question. The current building code in New Windsor to build one home is that back to one acre now as long as there's sewer and water?

MRS. GALLAGHER: It's 40,000 square feet for a one-family house in an R-3 zone, R-3 zone also allows two family which is 60,000 square feet per lot.

MR. MANDATO: Okay, thank you.

MR. KANE: Any further questions? Yes, ma'am?

MS. LYNODY: Diane Lynody. The property line where the single-family house is on our side are they going to take down anymore trees?

MR. DANTAS: No.

MS. LYNODY: Or are you done taking down trees?

MR. DANTAS: Done, only if they're dead.

MS. LYNODY: Only if they're dead?

MR. DANTAS: Yes.

MS. LYNODY: Because all those trees are fine.

MR. DANTAS: Then they stay up.

MS. LYNODY: When the ditches back up and it's all full of debris, is he going to be responsible for cleaning out the ditches like we usually do ourselves?

MR. DANTAS: I don't know, I have to address that to the board or to the town.

MS. LYNODY: That will be considered his property so he'll be responsible for cleaning out his own ditches.

MR. VALDINA: That's going to be dedicated to the town.

MS. LYNODY: Town doesn't do that when we have bad storms.

MR. VALDINA: I can't address that.

MR. CHANIN: This is not an argument, if you have a comment to make, make your comment.

MS. LYNODY: That's my question, if he's going to own that property, he needs to be responsible for cleaning out the ditch or I'll be knocking on his front door.

MR. KANE: Thank you, ma'am. Any further questions?

MR. MCINTOSH: This is for the gentleman here, just we've gone back and forth, your son will be building and owning this one and building and selling this one?

MR. DANTAS: Yes, yes.

MR. MCINTOSH: My only question is when you compare the excessive cost to build a two-family house compared to just a little bit of money you might get selling a two-family house, why come fight for the variance if you're just going to get rid of that house the minute that it's done?

MR. DANTAS: Just for options, if I have a mother and daughter that needed a two-family house built that way I'll be able to sell it to them.

MR. MCINTOSH: Well, just I'd love for you to go home and just think about what you're doing to the neighboring houses and all the people that are sitting here and the few that aren't because of either jobs or whatever, they're asking to try to keep these single-family homes and if it's no extra cost to you you're not making anything more why not consider keeping that a single-family house?

MR. DANTAS: Thank you.

MR. VALDINA: I think one thing maybe wasn't mentioned based on the current zoning with water and sewer that lot is large enough for close to five lots single-family homes which would entail a little cul-de-sac road in there which again you're putting more houses in. I think this is a practical use of the land, the impact on the adjoining roads we're talking one, two driveways at the most on any one road which apparently they have speeding problems currently, these people coming out of the driveways certainly aren't going to be speeding up and down the road. They're coming out onto it, coming in off of it, those are not adding to the speeding problem. Traffic is going to get, I think most of the traffic as you're probably well aware more than I am they're shortcutting across Riley to get from 94 over to 207.

MR. KANE: Okay, sir?

MR. MURPHY: Doug Murphy, 29 Riley Road. I'll put my name on the sheet. You said that's R-3, 40,000 for a one family home?

MRS. GALLAGHER: Correct.

MR. MURPHY: You said that's 2.2 acres, sir?

MR. VALDINA: Yes, 2.19 acres.

MR. MURPHY: An acre is what, 44,000 square feet?

MR. VALDINA: It's 43,560.

MR. MURPHY: So 40,000 square feet you can put five units on?

MR. VALDINA: At 15,000 square foot back when he bought land.

MR. MURPHY: You can put more homes in when they just said it's R-3 40,000?

MR. VALDINA: When the original zoning in this parcel was 15,000 square foot lots.

MR. MURPHY: That's not what the woman said.

MR. VALDINA: With water and sewer at that zoning you can get five lots on this parcel. Now there have been, and I don't know whether this can be verified or not, but there have been court cases in Rockland County where the judge has determined zoning goes with the land when it's purchased which is a long legal hassle and I've been at seminars where that has been verified by other attorneys. So in a sense, if Mr. Dantas wanted to really develop this to the actual extent he could apply for a five lot subdivision. But in keeping with the general neighborhood and there are some very substantial houses in this area as far as size so the size isn't going to be that much different for the duplex versus what's in the general area. But to get economic benefit, he's been paying taxes since 1986, he felt the most prudent thing was single-family home for his son and then see what economic benefit he can get from the other, from the larger lot with the duplex.

MR. MURPHY: Alright, you're telling me about something that exists when the property was bought, just one question.

MR. KANE: We don't debate here, okay, if you have a point, you can make it.

MR. MURPHY: If you want to develop it as five with that and he did it I guess he would be entitled to but for this he needs a variance because he doesn't have enough space technically, technically he can do what he wants.

MR. KANE: He probably, and correct me if I'm wrong, he probably wouldn't be entitled to it without a court fight.

MR. MURPHY: Okay, so basically--

MR. KANE: That's been proven to win.

MR. MURPHY: So telling us he can put five units there is like telling us he's doing us a favor when he's not.

MR. TORPEY: But a big builder can come in and he'd probably come in and win and probably get five houses if he wants to. I seen it done.

MR. MURPHY: But we're talking about this particular issue, you're not, okay, and all I'm taking is this gentleman brought up a good point, there will be no need for this if you stuck with the concept of one home, one lot and he wouldn't need a variance. And we wouldn't need to learn the etiquette of a meeting because we get a little concerned, okay, not that I can't afford to learn to be a little more calm but, you know, like you said, certain things are moot. The five thing to me is moot because the thing is about these two lots.

MR. KANE: I agree with you, okay.

MR. MURPHY: Thank you.

MR. KANE: Further questions? Last chance to speak? At this point, we'll close the public portion of the meeting, bring it back to Cam, ask how many mailings we had.

MRS. AMMIRATI: On the 10th day of September 2013, I compared 32 addressed envelopes containing the public hearing notice with no responses.

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

MR. TORPEY: Can I ask you a question, Mike, what's this for a variance?

MR. CHANIN: For 4,586 square foot.

MR. TORPEY: He's just here for a variance of the lot

size, nothing to do with water?

MR. CHANIN: Area square footage.

MR. KANE: Strictly area square footage. Okay, no further question then I'll state my opinion to the board.

MR. BEDETTI: I'm assuming that depending on which decision is made here that these gentlemen would have to go back to the planning board?

MR. KANE: Absolutely.

MR. BEDETTI: And I certainly think that the planning board would also have a public hearing for this project and we generally don't deal with--

MR. KANE: Planning board is not required to have a public hearing.

MR. BEDETTI: No, I would say being that it's in a neighborhood there's probably better than 50-50 chance that they might have a public hearing. Well, you're right, you know.

MR. KANE: Anybody can.

MR. CHANIN: Anybody can submit written comments to the planning board, town board or town building department or anybody that they want to.

MR. BEDETTI: I guess the point that I'm getting to these people seem to have a pretty valid complaint relative to drainage problems that they have in the area and ditches and so on and so forth, that's certainly a point that would have, should be brought up before the planning board.

MR. KANE: I agree.

MR. BEDETTI: And unfortunately, we don't deal with the drainage problems but they do have, they do have a forum that they can go to and certainly submit their concerns to at the public hearing that they'd have there or just, you know, voice your concerns regardless to the planning board and to the town. I certainly think they have something that should be addressed by the town, unfortunately, we can't do anything about drainage in this forum.

MR. SCHEIBLE: I'd like to make a motion.

MR. KANE: My opinion was I understand there's money tied up in this, I wouldn't be against, at this point I'm concerned with the flooding. I also have to vary that with the person's right to build on that property. I know what Article 78s do, I've have been doing this over 20 years. Sometimes the popular thing, no, ma'am, you had a chance to speak, it's over. The popular thing isn't always what's by law. So my own opinion is I wouldn't mind just actually tabling this for a meeting to see if there's some discussion that can take place with the planning board or the town about the drainage that's going on or expanding that drainage.

MR. SCHEIBLE: Just to reiterate what we had said previously that no matter what decision we make this evening has to still go back to the planning board and that's where the issues of drainage will come in. You're talking about a large lot here, we're talking about traffic, what do we have, three cars possibly coming out of that spot there? And to add to Riley Road, I don't think that's a lot of traffic and so far as the building lots are concerned, they're fine with me.

MR. KANE: Yeah, my concern is the drainage and the flooding.

MR. SCHEIBLE: But that's a problem that's going to be settled by the planning board.

MR. KANE: I think what I'm looking at is more to those, the culverts that have undersized piping, if I got that correctly, going down and to see if those things can be expanded a bit to open it up and stop that backup of water happening. I mean, people have a right to use their property and develop it to a certain extent but we also have a responsibility to make sure that's done correctly but that's my opinion.

MR. SCHEIBLE: Just out of curiosity, what are the neighboring properties, the average size lots in the area which these ladies and gentlemen must already know as they live right next door to it?

MRS. GALLAGHER: You have the maps.

MR. CHANIN: Mr. Valdina, do you know what the answer

to the question is?

MR. KANE: Most of them are one point something acres.

MR. VALDINA: Most of them are basically around an acre in size, a little narrower but deeper.

MR. KANE: Okay, any further questions from the board or any further statements? If not then I'll accept a motion.

MR. SCHEIBLE: I would make the motion to accept Allen Dantas, issue a variance requested for gross lot size, required lot area 60,000 square foot, proposed lot area 55,000 plus variance of 4,586 requested located on Riley and Dean Hill Roads in an R-3 zone.

MR. TORPEY: I'll second it.

ROLL CALL

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

FATM PROPERTIES (13-19)

MR. KANE: Variances required for lot width, one side yard and building height. Located at 266 Windsor Highway in an HC zone. Referred by planning board.

MR. DE CHIARO: Good evening, Chris DeChiaro, 51 Hickory Hollow Street, Palenville, New York.

MR. CHANIN: Please spell your name.

MR. DE CHIARO: D-E-C-H-I-A-R-O. I'm just the engineer.

MR. CHANIN: If you talk, just make sure the stenographer can hear you.

MR. DE CHIARO: I'm the engineer, not the owner.

MR. KANE: Tell us what you want to do, sir.

MR. DE CHIARO: So this is sort of a review from the last meeting. The client is looking at buying the lot, there are four or five existing buildings on there in various conditions, actually five small buildings on the property. He wants to take down all the existing buildings, basically put up about 153 by 50 foot commercial building or rental space, mostly medical office space with the associated parking and landscaping and all that. So he's looking to develop the front portion of the property, has no plans to develop the back part of the property. We discussed at the last meeting one of the issues with, you know, it's an odd-shaped lot which is why he's here for the variance, basically looking to try to contain the development of the front portion of the property, basically make the project cost effective. All the way in the back there's a lot of drainage issues he'd have to deal with, bunch of things that would need to be relocated, including a creek, basically make the property, wouldn't be financially feasible for the project.

MR. TORPEY: All the pine trees gotta come down?

MR. DE CHIARO: Yeah, there's a bunch of trees on the right-hand side here as you're coming into the property, some of them are not very healthy, some of them are partially dead so they're not, I don't think they're, once you get done with all the work in the

parking lot, I think you'll finish them off.

MR. KANE: Creating water hazards or runoffs?

MR. DE CHIARO: The property's pretty ideal in that way, there's already cut-off drainage in the creek and everything pretty much takes everything on the existing rear portion of the property that would remain unaffected and everything that would be developed here, I mean, almost this entire area is already pavement and mostly impervious and we would increase the amount of impervious surface a little bit but this entire area we captured and detailed in a subsurface drain chamber system so a hundred percent could be captured and released at an existing drainage system but at a rate less than what's happening now.

MR. KANE: Since this is going to be a medical office building, no issues on signs that need to be before us?

MR. DE CHIARO: There, no, and they do plan on having a small sign but it will be something within the town's requirements.

MR. KANE: That meets the codes?

MR. DE CHIARO: Yes.

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

MR. DE CHIARO: Not that we're aware of, we got a survey done. This is the existing property, they've got, this is, this was a barber shop, I think it's now empty.

MR. TORPEY: I used to live there.

MR. DE CHIARO: You know the property pretty well then.

MR. TORPEY: I know the property very well.

MR. DE CHIARO: This would be the building here, the issue, obviously, the lot, the portion of the lot they want to develop is very narrow, it's well under what would normally be required in this zone and so, you know, the only way they can make the 30 foot fire lane work would be to have the building tight to the side so--

MR. KANE: At this point, I'm going to open it up to the public, ask if there's anybody here for this particular meeting? I know he's not. Seeing as there's not, we'll close the public portion of the meeting, ask Cam how many mailings?

MRS. AMMIRATI: On the 10th day of September, 2013, I compared 28 addressed envelopes containing the public hearing notice with no responses.

MR. KANE: And we'll bring it back to the board for further questions.

MR. HAMEL: So the property isn't sold yet? The property it's for sale?

MR. DE CHIARO: Yes, the applicant is the perspective buyer at this point depending on whether or not he can get approval for this project.

MR. KANE: Personally, I think it would be a good upgrade for this property.

MR. SCHEIBLE: That's looked like that for the last 50 years.

MR. TORPEY: It almost became a windmill.

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

MR. HAMEL: I'll make a motion that we grant FATM Properties the variances as requested.

MR. TORPEY: I'll second that.

ROLL CALL

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

MR. KANE: You're all set. Thank you, sir.

FORMAL DECISIONS:

1. Leroy Porter
2. Gary VanVoorhis
3. Aryan, Inc.

MR. KANE: Gentlemen, we have three formal decisions to vote on, however you want to do it is up to you.

MR. BEDETTI: I'll make a motion that we decide these formal decisions as a group, first one being Leroy Porter identified 13-14, Gary VanVoorhis, 13-16 and Aryan, Inc. Gloede Signs identified as 13-17 and published by e-mail and submitted and circulated by e-mail as written.

MR. HAMEL: Second it.

ROLL CALL

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

MR. KANE: We've got one meeting in October the 28th.

MR. BEDETTI: Motion to adjourn.

MR. SCHEIBLE: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer