

TOWN OF NEW WINDSOR

ZONING BOARD

October 28, 2013

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

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

 CAMMY AMMIRATI
 ZONING BOARD SECRETARY

MEETING AGENDA:

1. Viviano Corradi
2. New Windsor Stewart Assoc./Summit Terrace
3. Shea Piekarz
4. Highland Operating/Kings Road Estates
5. GSA/Acquest Development Co.
6. Crystal Agresti-Foy

REGULAR MEETING:

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals regular session for October 28, 2013 to order.

APPROVAL OF MINUTES DATED 9/23/13

MR. KANE: Motion to accept minutes of September 23, 2013 as written.

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

October 28, 2013

2

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

PRELIMINARY MEETINGS:

VIVIANO CORRADI (13-25)

MR. KANE: Tonight's first preliminary meeting Viviano Corradi. 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 469 Riley Road in an R-3 zone. For those of you here for a preliminary hearing tonight, what the Town of New Windsor does is we hold two meetings. We hold a preliminary meeting so we can get a general idea of what you want to do, make sure we have all the proper information. Then by law all our decisions have to be made at a public hearing. Other towns in the area just do one meeting, you're not prepared, you lose, can't come back for six months. Please state your name, address, speak loud enough for this young lady over there to hear you and tell us exactly what you want to do.

MR. CORRADI: Viviano, V-I-V-I-A-N-) Corradi, C-O-R-R-A-D-I. I live at 469 Riley Road, New Windsor.

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

MR. CORRADI: I'd like to, it's an existing kitchen, I bought the house with it but then they told me there was an illegal, I mean, was built without a permit. So it's still, I would like to keep it. I, you know, I, everything there is original from when they build the house, the heating system is zoned for the heating two zone house, one upstairs, one in those two rooms, it's got a bathroom and two rooms, that's all there is, the kitchen plus another room.

MR. KANE: How long has the kitchen been in existence?

MR. CORRADI: I got no idea.

MR. KANE: How long have you owned the home?

MR. CORRADI: I bought 2013, just bought the house. It was a, I was living in a hotel and this opportunity came and I bought it.

MR. KANE: Okay, your intent in using the second kitchen is only as a, using your home as a single-family home, you have no intent to rent it?

MR. CORRADI: No, I would like a single-family home but like I say, I have a son, he wants to live by himself so he use these two rooms as like father and son, you know, renting is impossible because there's only one electric meter so I don't know if--

MR. KANE: Part of the reason is the building department wants to get you here so we can get everything on record that there's no fire issues, you're not using it as an illegal rental and we put everything on record.

MR. CORRADI: No, like I wanted to use as a family, you know, like I said, a guest comes, maybe can sleep there or a son or daughter or something like that but no intention of renting.

MR. KANE: You have an existing single meter for gas and electric coming into the house?

MR. CORRADI: Yes, that's what I say, single meter.

MR. KANE: And the second kitchen has access from the whole house, anybody can walk down there?

MR. CORRADI: Yes, yes.

MR. KANE: Further questions from the board? We have pictures of the meters, we have a picture of the kitchen.

MR. CHANIN: Mr. Corradi, do you know how old the house is?

MR. CORRADI: I think was built in 2000, no, 1971 or '72, but I don't know cause like I say I just purchased the house.

MR. CHANIN: So it's about 40 some odd years old?

MR. CORRADI: More or less.

MR. CHANIN: You told us that the kitchen was there when it was built?

MR. CORRADI: I think the kitchen has been there for quite a few years cause it's old, the kitchen is old, like I said, two zone, like I said zone for upstairs and zone for the two rooms downstairs and it's got a bathroom.

MR. KANE: But your intent is just for family use?

MR. CORRADI: I intend to use for family purposes mother and son, mother and daughter, whatever name you want, I don't know, I have no intention of renting.

MR. KANE: I think we've got enough. Gentlemen, I'll accept a motion.

MR. BEDETTI: I'll make a motion we schedule a public hearing for Viviano Corradi for an interpretation for an existing second kitchen at 469 Riley Road in an R-3 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. AMMIRATI: Come back and see me.

MR. KANE: She's giving you directions for what you have to do next.

MR. CHANIN: You have to come back again so follow those directions.

MR. CORRADI: Thank you very much.

NEW WINDSOR STEWART ASSOC., LLC/SUMMIT TERRACE (13-26)

MR. KANE: New Windsor Stewart LLC/Summit Terrace, multiple variances required for maximum building height, minimum floor area, maximum length of building and number of child play areas. Located at Route 207 and Clark Street in an R-5 zone. Sir, same thing, name, address and speak loud enough for this young lady to hear you.

MR. SARCHINO: Joseph Sarchino with the firm of John Meyer Consulting located at 120 Bedford Road in Armonk here representing Stewart Association. I'll go through the variances, Mr. Chairman, if you'd like one by one?

MR. KANE: Please.

MR. SARCHINO: First I'd like to make sure everybody's familiar with the location of the property, Route 207 in this location here, Clark Street which provides access to the property. The entire development parcel is highlighted in green here and it's 69.89 acres. There's an existing development here right now which is known as Stewart Terrace, I'm not sure if everybody is familiar with that. The project is, the subject project for development is the second phase, second and last phase of the Stewart Terrace Development, again, 69 acres. There's 171 existing units on this portion of the property and the proposal is about 270 additional units on a subdivided 19.5 acre lot which is subdivided out of the 69 acres. So that leads me to the first variance which is density. If you calculate the density on the entire parcel we're at 6.3 units per acre. Once we do the subdivision for sale of the property from the government to the developer, we're asking for a density increase technically cause we're calculating it on the smaller subdivided parcel to 13.8 units per acre. So that's the reason why that developed, so the original overall unit density was calculated as a whole but when we take the subdivision it brings us into acquiring a variance. The second variance was maximum building height, let me just show you the development plan actually first. So again, take that existing conditions map and fill in the proposed development, so basically just an extension of the Clark Street through the development and it continues Clark Street off the property here. So our units are basically around proposed loop road, there was a previous development here that was demolished

years ago, used to be the government barracks housing, so this is the configuration of the development. The units as designed by the architect, project architect we're asking for the variances, again, are these units, this one smaller unit but that's a nine unit building, most of them are a 29 unit building and again the height of the building is 44 feet, 44 feet 7 inches. We had asked for 50 feet cause when you take the calculation in accordance with the zoning regulations, it's an average of the side yard where you measured from. So looking at the side yards of these units, we found that 50 feet was the maximum. The length of the building also came into play. Again, we're asking for 160 is required by the zoning these units are 210 feet long as seen here. And one important thing that we did during the course of our review with the planning board is we did review this with the fire department and they had no issues with this building, the length of the building or the height of the building. Town engineers also reviewed the plan. The one other or the fourth variance was the size of the unit, the zoning requires a minimum of 1,000 square feet. We do have, this project is comprised of one and two bedroom units, the one bedroom unit is 740 square feet so we're asking for slightly smaller unit than is allowed by the zoning. The last variance requested is the number of child play areas. The zoning code requires one child play area for each two bedroom unit. So accordingly, we have 144 two bedroom units so that would require 144 play areas. The project has as you come in first thing that you would see would be a clubhouse here in this location and a pool. There's a child play area and there's an open space to play, technically it's one child play area. So again, we're asking for the reduction, it's to the requirement of the zoning code. So that basically summarizes the variances we have requested.

MR. SCHEIBLE: Are these buildings going to blend almost exactly in the way the terrace is built right now?

MR. SARCHINO: We'll blend into the existing buildings here. Well, they're multi-family, they're a combination of multi-family buildings, they're a smaller development than what's proposed here. These are apartments and it's not exactly the same concept of it but the architecture is similar, if you look at the architecture, very similar. I think this is a little more aesthetically pleasing cause we have stone on the or brick on the lower end of the project, there's

garages for the units and peaked roofs and shutters and things like that, it's a little bit different, you know, these are, I think they're mostly vinyl siding, I don't think there's any stone on the existing Stewart Terrace but it will blend in though, yes.

MR. SCHEIBLE: You said it's two and three bedroom?

MR. SARCHINO: No, one and two bedrooms.

MR. SCHEIBLE: Excuse me, and how many would be two bedroom, give or take, I mean compared to the one bedroom?

MR. SARCHINO: There's 166, 144 two bedrooms and the remaining is one bedroom, so let's see, so there's about 100 one bedroom units or so in that area, 130.

MR. SCHEIBLE: Reason I was just asking might be a silly question when you're talking about the play area that's got to be left for children once you get into the three bedroom that's going to be--

MR. SARCHINO: We're not going to have any children, right, no, and even the way the zoning code is identified that is a lot of play areas, I mean, one child play area for every two bedroom units, that means we need 144 child play areas.

MR. TORPEY: You've got a lot of property.

MR. SARCHINO: We would need a lot of property for that, yes, sir. But, I mean, there's open space, there's a gazebo in the middle here, walking paths that come through.

MR. TORPEY: What's the circle on the end there?

MR. SARCHINO: Okay, so this really is for fire truck maneuvering. So basically, if a fire truck did come in, it can come around the loop but if it did have to come down here, there's a way to turn around immediately, so that was something that we worked out with the town engineer, he could also continue and go down Clark Street as you could today. But in order to get emergency vehicles to turn at the end of the road here that's why we put that in.

MR. HAMEL: Is this town water and sewer?

MR. SARCHINO: Town water and sewer, yes, sir.

MR. KANE: Any easements running through the property?

MR. SARCHINO: There is an easement, there's a water main easement that runs up along the back side of here, there's a couple easements, the town sanitary sewer pump location is in this location, there's a couple easements that run through here and up cause there's a sanitary easement running through.

MR. KANE: Nothing that's going to be impacted?

MR. SARCHINO: No.

MR. KANE: Cutting down substantial trees and vegetation?

MR. SARCHINO: No. As you can see here again, the site was, I'm not sure if anybody ever remembers it.

MR. TORPEY: There were buildings at one time.

MR. SARCHINO: Yeah, there's a road here right now, there's a road here so we're kind of mimicking exactly what used to be there. So basically, it's lawn area that they mow and roadway so yeah, a bit of this project we're really not cutting many trees down, we're going to be planting quite a bit.

MR. KANE: Water hazards or runoff?

MR. SARCHINO: No, we, this development constructed storm water mains here, this is a stream in this location that comes off site here and we're doing something very similar, we have two storm water basins, all of which was reviewed by the town engineer in great detail.

MR. KANE: Further questions from the board?

MR. BEDETTI: Yeah, these are all rentals?

MR. SARCHINO: Rentals, that's correct.

MR. BEDETTI: All of the units are all rentals?

MR. SARCHINO: Correct.

MR. BEDETTI: Now, the density, now the density would

you go over that density? Again, the density that you mentioned is that for the entire project now?

MR. SARCHINO: Correct.

MR. BEDETTI: The entire project, the entire project is going to be 13.8 units per acre?

MR. SARCHINO: Yes, that is correct. No, no, no, the entire project, let me just explain it again.

MR. BEDETTI: Do that one again.

MR. SARCHINO: So again the green outline is the entire parcel, 69.8 acres, if you take that number and you multiply it by seven units per acre you get 488, between the existing 171 and our 270 that equals 244, I'm sorry, 441 so we're below what would be required when you do the calculation on the whole property. That's why I said if you look at the whole property where it's 6.3 units per acre, we had to do the subdivision because it's a sale of the property from the government, the Navy to the developer here so I think what the town thought we should get a variance on that even though we're calculating as a whole but when you do the subdivision we're over when you take the smaller parcel so kind of a formality but--

MR. SCHEIBLE: Just curious, is this for military personnel only?

MR. SARCHINO: No, it would be for anybody, not limiting to military, although military could rent there.

MR. SCHEIBLE: I'm looking at the map says United States of America.

MR. SARCHINO: Yeah, that's the existing owners.

MR. SCHEIBLE: So they're turning over to a private enterprise?

MR. SARCHINO: The government is going to make a little money and sell the property, yeah, they need the money.

MR. KANE: Further questions?

MR. SARCHINO: And it will go on the tax rolls where it doesn't now.

MR. CHANIN: Did you say your name was Mr. Sarchino?

MR. SARCHINO: Yes.

MR. CHANIN: I'm Geoff Chanin, how are you today?

MR. SARCHINO: Good, how are you?

MR. CHANIN: What was the name of the firm?

MR. SARCHINO: John Meyer Consulting.

MR. CHANIN: Is that a engineer or architect or both?

MR. SARCHINO: Planners and landscape architects.

MR. CHANIN: I want to make it clear to the zoning board members that on our agenda tonight is a request for four variances. You mentioned five. The five you mentioned were density, maximum height, length, size which refers to the size of the apartments and the number of child play areas, that's five. We do not have a request for a density variance on our agenda. We only have the other four. And you explained it a moment ago by saying that if you take the entire acreage into account then you're within the standards of the code. So my question for clarity and for the sake of the board's further proceedings is whether or not you do or do not wish the board to consider a variance for density? That's my question. And if you do, then it would have to be reflected in the application.

MR. KANE: The application for the mailing that goes out.

MRS. AMMIRATI: It's on the disapproval where he didn't get it.

MR. CHANIN: Alright, now, wait, wait, everybody stop, we're making a record so this has to be clear in the record. I'm being told by our efficient and perspicacious staff that indeed this zoning board is going to consider your request in addition to the other four a request for a variance with respect to density, is that correct?

MR. SARCHINO: That's correct.

MR. CHANIN: Okay, then my advice to you and to the board would be that you make sure for the sake of the record and proper procedure and also so the board can give proper public notice about what they're considering that it be very clear in your application for the variances that you include a request for a variance with respect to density. Is that fair?

MR. SARCHINO: Yes, that's very fair.

MR. CHANIN: Thank you.

MR. KANE: Is the apartments you said they're open to anybody, not considered low income or anything like that, just anybody?

MR. SARCHINO: Market rate.

MR. KANE: Further questions?

MR. BEDETTI: On the play areas, I know you mentioned that there was just one play area, is that the best you could do?

MR. SARCHINO: Well, I mean, similar to, you know, the recreation area most of these type develops do have one recreation area, we have a clubhouse, there's an exercise room in the clubhouse, a meeting area in the clubhouse, there's a pool and then there's also a child play area. But they can use the entire facility, including the pool and the play area that would be proposed. We also have again there's a green area in this location, I mean, it's just a matter of you can't, the zoning code requires a certain number and how do you define that number? So it's basically we have clubhouse, pool, play area, lawn area around here, this entire area and again they're one and two bedroom units, there's not going to be children, if we had three bedroom units, that's a whole other story.

MR. KANE: This is a turnover type of location?

MR. SARCHINO: Yes, that's correct.

MR. KANE: Just be prepared to speak to that cause we're going from 142 play areas to one, so I think it needs a little bit of discussion.

MR. BEDETTI: And there are 270 units there?

MR. SARCHINO: That's correct.

MR. KANE: Be prepared to discuss that in the public hearing.

MR. SARCHINO: Very good.

MR. KANE: Further questions? We're all set, I'll accept a motion to set up a public hearing.

MR. CHANIN: We need a motion.

MR. SCHEIBLE: I'll make a motion for the New Windsor Stewart Association multiple variances that are required for maximum building height, maximum floor area, maximum length of building and number of child play areas located at 207 and Clark Street in an R-5 zone.

MR. TORPEY: I'll second that.

MR. SARCHINO: And the density.

MR. KANE: Yes, and the density.

MR. CHANIN: Again, for the record, just to reiterate the motion is to set forth a public hearing to receive comments on a request for five variances, density, maximum height, building length, size which refers to square footage in the units and number of child play areas five requests, is that your motion?

MR. SCHEIBLE: Yes.

MR. CHANIN: Is there a second?

MR. TORPEY: Second it.

ROLL CALL

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

MR. SARCHINO: Thank you very much.

PUBLIC HEARINGS:

SHEA PIEKARZ (13-18)

MR. KANE: Tonight's public hearings, first public hearing is Shea Piekarz, excuse me if I mispronounce 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 405 Mt. Airy Road. Is there anybody in the audience that wishes to speak on this particular matter during when the public portion opens up? Okay, you're on.

MR. CHANIN: Please begin by stating in a loud, clear voice your name and address.

MS. PIEKARZ: Shea Piekarz, 405 Mr. Airy Road in New Windsor.

MR. CHANIN: Please tell the board and loud enough for the rest of the people here to hear you what you want.

MS. PIEKARZ: Just I have an existing kitchen and I just don't want to have to tear it down, I just want to make it legal without renting, no rentals.

MR. KANE: So your intent is to use this as a single-family home?

MS. PIEKARZ: Yes.

MR. KANE: Not any rental?

MS. PIEKARZ: No.

MR. KANE: Single gas and electric meter coming into the home? You have pictures?

MS. PIEKARZ: Yeah, they requested that.

MR. KANE: Can you hand those in for the record, please? Thank you. How long have you owned the home?

MS. PIEKARZ: Two years.

MR. KANE: And the kitchen was existing when you purchased the home?

MS. PIEKARZ: Yes.

MR. KANE: Any clue to how long it's been around?

MS. PIEKARZ: I don't.

MR. KANE: Okay, and there's easy access to the second kitchen from the rest of the home?

MS. PIEKARZ: No, only outside access.

MR. KANE: Only outside, is that connected to other rooms?

MS. PIEKARZ: There's two rooms downstairs and a bathroom.

MR. KANE: Further questions from the board?

MR. BEDETTI: Yeah, in the two years that you've owned it, have you rented that area out to outsiders?

MS. PIEKARZ: I did.

MR. BEDETTI: Other than family?

MS. PIEKARZ: Yes, February to July of this year.

MR. KANE: But your intent in the future is no rentals?

MS. PIEKARZ: Correct.

MR. KANE: Cause this is an official thing, it goes on the record, that's why you're here.

MS. PIEKARZ: Yes, no, I don't ever want to rent again.

MR. HAMEL: How old is the house, do you have any idea?

MS. PIEKARZ: It was built in the '50s original, there was an addition I think done in the '80s.

MR. CHANIN: Do you know if all the rooms downstairs including the second kitchen were there when it was built?

MS. PIEKARZ: No, they were not there originally in the '50s, no, I don't know when, I know the kitchen wasn't there in the '50s, I don't know how long the rest of the bathroom or any of that was in there.

MR. CHANIN: Do you know when the kitchen was built?

MS. PIEKARZ: No, I'm guessing in the '80s when they did the other changes.

MR. TORPEY: When you purchased it, you purchased it as single family or mother-daughter?

MS. PIEKARZ: No, single family.

MR. CHANIN: Now, you said that the only access to the kitchen and the other rooms downstairs is by going outside and going in a separate door?

MS. PIEKARZ: Yes.

MR. CHANIN: Do you find that to be inconvenient?

MS. PIEKARZ: At times, I use it mostly for storage or if, you know, like I have someone come over and, you know, they have their own space down there, you know, if I have a guest come up from Florida or something.

MR. CHANIN: But that's personal guest of your family, not a stranger and not someone who's renting it, is that correct?

MS. PIEKARZ: No, that's correct.

MR. CHANIN: That's, I want you to understand that the reason why one of the questions the board is asking you is about access is because in a situation where the only access is from outside it suggests that it's a separate apartment. If it's freely accessible from the rest of the house from the inside it suggests that it is only a convenience and not a separate apartment because if there were somebody living down there somebody else from the other part of the house could just walk in.

MS. PIEKARZ: Correct.

MR. CHANIN: You understand?

MS. PIEKARZ: I do. There used to be stairs downstairs but they took them out.

MR. CHANIN: Would you ever consider in the future restoring access to the downstairs from the rest of the house?

MS. PIEKARZ: I had considered it but I'm probably not going to be living there for more than three more years so--

MR. CHANIN: Is that because you've made plans to sell it at some point?

MS. PIEKARZ: Yes.

MR. CHANIN: And you understand that if this board renders an opinion or interpretation that sets forth on the record that it's a single-family house, you understand that either three years from now or whenever you decide to sell it you'll only be allowed to list it for sale and only be allowed to sell it for use as a single-family home?

MS. PIEKARZ: Ah-huh, that's fine, I do understand that.

MR. KANE: Okay, at this point, I'll open it up to the public, ask one more time if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting, bring it back to Cam and ask how many mailings we had?

MRS. AMMIRATI: On the 10th day of September 2013, I compared the 22 addressed envelopes containing the public hearing notice with no responses.

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

MR. HAMEL: I'll make a motion that we grant Shea Piekarz the variance as requested for the second kitchen.

MR. TORPEY: Second that.

ROLL CALL

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

MR. KANE: You're all set, thank you for being honest about the rental.

HIGHLAND OPERATING/KINGS ROAD ESTATES (13-23)

MR. KANE: Tonight's next public hearing is Highland Operating/Kings Road Estates. Property is currently zoned OLI, will be rezoned R-1. Multiple variances for lot area and lot width. Currently two tax lots. Proposed six lot subdivision located on Kings Drive referred by the planning board. Anybody here for this particular hearing tonight? Okay, please state your name, your address and your affiliation so that the members of the public and the stenographer can hear you.

MR. YANOSH: My name is Daniel Yanosh, licensed land surveyor, 26 Coutant Road, P.O. Box 320, Circleville, New York. I'm the record surveyor for the applicant. The question was asked--

MR. CHANIN: Could you please spell your last name?

MR. YANOSH: Y-A-N-O-S-H.

MR. CHANIN: Thank you.

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

MR. YANOSH: We have two tax map parcels currently 3.65 acres and 3.45 acres located on Kings Drive, back up onto Route 207. We're looking for a six lot residential subdivision, six single-family houses to be built on this piece of property, each having individual septic and wells. We have done perc tests on all the lots ranging between six minutes and 30 minutes perc rate will be eight to 10 to 21 to 30 which is an acceptable perc rate for septic systems in Orange County. We show all the existing septic, wells and locations of the houses. What we're looking for today is some variances for gross area for lots one, two, three, four and five, we do meet the net area of 40,000 square feet for all of them but the gross area we're short and we need minimum lot width for all the lots, should be 150, we're requesting variances between 3.78 feet and 15 feet for all six of those lots.

MR. KANE: Cutting down substantial trees and vegetation?

MR. YANOSH: Not much, it's almost open field, you see the tree line over here between lot two and three, there was some clearing, they took some woods out on

lot number one and number two, we were in there in the beginning when we were doing the survey and topo, we had to cut a little road in the area in the front here to mow, the brush was quite high and quite thick to walk through to do perc tests and topo. So that was done a while ago and that's the majority of the property is brush that used to be yeah high at one time, there's vegetation along 207 which will remain vegetation on this lot here, we'll show limits of clearing per what Mark Edsall requested and the planning board. There will be no access off 207, all the driveways will come off Kings Drive.

MR. KANE: Creating water hazards or runoff?

MR. YANOSH: Disturbance will be under five acres, we only have a total of seven and a half acres so no more than--

MR. KANE: Any easements running through that?

MR. YANOSH: We do have easements along 207 for drainage and we do have a power line that goes through the property, we're working with the power company to get it moved over from one side to the other. There used to be I was told by the planning board member Mr. Hank VanLeeuwen said there was a trailer on this property years ago, there are no remains of anything out there, we couldn't find anything. We'll look some more as we go along, there might have been a well out there, it's been abandoned for so many years.

MR. TORPEY: It's where he grew up.

MR. KANE: Proposed septic and wells on each of the lots?

MR. YANOSH: On the plan sheet three has all the soils information you requested at the last meeting. The lot sizes that we propose are from like .96 acres lot one to 1.71 acres for lot number seven and in the area itself the average lot size is the biggest lot there's one next to it here on the corner that's a thousand, 100,000 square feet which is like two and a half acre lot. The rest of the lots in the area both sides of the road are consistent to what we have here right now, ranging from 43,000 square foot, 38,000, so it's a range of small lots in the area, really we're not diversing from what the natural neighborhood location is like right now. The houses will be single family,

there will be small footprints, probably just bi-levels or raised ranches they call them two story bi-level, they call them something different now, whatever, but small, little, hopefully affordable houses for the area.

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

MR. BEDETTI: I guess I have the same question tonight that I had when it was first brought before the board was you say that's proposed change in zoning, has this change occurred, this change officially taken place? Has a public hearing been held on the change in the zoning?

MR. TORPEY: Supposed to get a letter from George or somebody.

MR. KANE: Referral is based on R-1 zoning so town attorney has advised, the town board has been advised that the town board is rezoning it to an R-1 so what I would say, Geoff, correct me if we do put an approval on this, it would be only with the caveat that this thing goes to an R-1, that it doesn't stay OLI.

MR. BEDETTI: So essentially you're telling me that it really hasn't officially happened yet?

MR. CHANIN: Correct. Hold on.

MRS. GALLAGHER: The zoning map has been changed to state that it is an R-1 zone now.

MR. CHANIN: Let the record reflect that Jennifer Gallagher of the town building department is present and informed us that the zoning map has been changed, I take it because the town board has already passed the resolution authorizing the change?

MRS. GALLAGHER: That I can't speak of but I know that the map that's hanging in my office states that that's an R-1 zone now, no longer OLI.

MR. KANE: But can we just make sure that this has been changed, okay? Any further questions at this moment? If not, I'll open it up to the public at this point, come on up, state your name and address and any comments you'd like to make.

MRS. FLANNERY: Linda Flannery, 61 Kings Drive, used to be Rock Tavern. I want to see it, where is it? I'm 61, I'm right here.

MR. YANOSH: This is the new house they built a few years ago.

MRS. FLANNERY: My feeling--

MR. KANE: It's not a private conversation.

MR. CHANIN: Your name is Miss Flannery?

MRS. FLANNERY: This is my first time so I don't know what I'm doing.

MR. CHANIN: Just going to ask you to speak clearly and loudly enough so that the stenographer, the board and the members of the public can hear you.

MRS. FLANNERY: Yes, okay, I, my family's lived on the road for 75 years and I have never seen a trailer there my whole life and directly across the street now Kings Drive is directly across the street from all the Stewart construction that is also going on which will impact the Washingtonville School District, I think. Do you know?

MR. CHANIN: I have no idea.

MRS. FLANNERY: I think that's what it is. Can you explain this a little bit more? This is where you started clearing and building the road?

MR. YANOSH: There's no road there now, existing house is right here with the lawn of Bucharello (phonetic).

MR. CHANIN: You've got to speak so that the stenographer can hear you and please speak one at a time.

MR. YANOSH: It extends from the Bucharello property all the way over to the Triolo property passed Mason Lane out across from Fox Hill Run, opposite Fox Hill Run.

MRS. FLANNERY: Correct, and this is one, two, three, five, six, this is, these are the six houses that you propose and their access will be on Kings Drive?

MR. YANOSH: Correct.

MRS. FLANNERY: No access on 207?

MR. YANOSH: Correct.

MR. CHANIN: Do you have any comments, Miss Flannery, to make?

MRS. FLANNERY: I do not, I just got this in the mail on Saturday and so I'm just here for information. I don't know how many mailings went out for this but--

MR. CHANIN: You'll find out in a moment.

MRS. FLANNERY: I'm the only one here.

MR. CHANIN: If you don't have any comments then have a seat but if you think of any comments you can come back.

MRS. FLANNERY: Okay, and is this, this is the end of it right here?

MR. CHANIN: It depends what the board does. The board can approve it, disapprove it or send it back for more information.

MRS. FLANNERY: Are you the builder?

MR. CHANIN: No, he's the architect.

MR. YANOSH: Surveyor.

MRS. FLANNERY: Okay.

MR. YANOSH: If the board does approve this application, we'll go back to the planning board for another meeting and public hearing for the planning board.

MR. KANE: Anybody else wish to speak? I'll close the public portion of the meeting and ask Cam how many mailings we had.

MRS. AMMIRATI: On the 24th day of September 2013, I compared 23 addressed envelopes containing the public hearing notice with no responses.

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

consideration. Any further questions, gentlemen? Then I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant the variance as requested by Highland Operating/Kings Road Estates located on Kings Drive in an R-1 zone.

MR. TORPEY: I'll second that.

MR. BEDETTI: I want to put an adder to that pending the final approval of the zoning change from OLI to R-1 by the town board.

MR. TORPEY: Second it.

ROLL CALL

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

MR. YANOSH: Thank you very much.

GSA/ACQUEST DEVELOPMENT CO. (13-24)

MR. KANE: Tonight's next public hearing GSA/Acquest Development Company, 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 the Avenue of Americas in the AP Zone referred by the planning board. Anybody here for this particular hearing? I guess I know why you're here. Okay, name, address, speak loud enough for this young lady to hear you.

MR. O'BRIEN: Good evening, I'm Victor O'Brien with C & S Engineers, 90 Broadway, Buffalo, New York. We are the civil engineers representing the developer Acquest Development. We're looking for five variances. We have the two and a half acre site at Stewart Airport. This is a proposed FBI building, it's 26,000 square feet, two stories. The variances are first one is setback, 50 feet is required, we're proposing 36.4. The second one is the building height, we're allowed 18.2 maximum, we're going to 34.7 or we'd like to. The next two variances have to do with the fence. Due to security reasons, they'd like an eight foot security fence. The code allows only a four foot in the front and six foot on the sides and rear. And the final or fifth variance is on the number of parking spaces. The code requires 128 and we're providing 107 but did our, I don't have the original application with me, did it have 108 in there?

MR. KANE: Yes.

MR. O'BRIEN: Okay, still do 108, they changed this site plan, there were some comments from the fire prevention board and we changed the radius and we lost a parking space but we can pick it back up, we can still base the variance--

MR. KANE: It won't inhibit anything from the fire prevention board?

MR. O'BRIEN: No, we took it out of here cause we had to.

MR. KANE: Our mandate is the minimum allowed but getting that extra space is correct but I don't want to interfere with them.

MR. O'BRIEN: Yes, and I don't want to change the

variance application so we'll go with 108 cause we have some room to pick it back up if we need to.

MR. SCHEIBLE: Is that going to be a chain link the fence just out of curiosity chain link or--

MR. O'BRIEN: No, it's, I have a couple cut sheets here, I apologize, I don't have one for everyone but it's like an ornamental type iron, I think they're going with the curved on the top, it was either that or the high security chain link that has small links cause they don't want people climbing it.

MR. CHANIN: Mr. O'Brien, the reason why in your introductory remarks you said that you were seeking five variances is because two of them refer to the fence?

MR. O'BRIEN: Yes.

MR. CHANIN: And that's because the fence you're proposing at different parts along its length will be different heights, is that right?

MR. O'BRIEN: No, it will be eight foot everywhere but the code has two different requirements depending if it's front, side or back.

MR. CHANIN: Okay.

MR. KANE: Okay, at this point, I'm going to open it up to the public and ask one more time if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion and ask Cam how many mailings we had.

MRS. AMMIRATI: On the 20th day of September, I compared one self-addressed stamped envelope with the public hearing notice with no responses.

MR. KANE: That's got to be an all-time low with one. Back to the board further questions?

MR. BEDETTI: No, I'm good.

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

MR. HAMEL: I'll make a motion that we grant the request by GSA/Acquest Development Company for the variances as requested.

MR. TORPEY: Second it.

ROLL CALL

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

MR. O'BRIEN: Thank you.

CRYSTAL AGRESTI-FOY (13-22)

MR. KANE: Okay, tonight's last public hearing, Crystal Agresti-Foy. Interpretation is requested for a single-family dwelling under construction with two kitchens or two family dwelling located at 11 Vascello Road in an R-4 zone. Come on up. Let me ask if there's anybody here for this particular hearing? When you come up, just going to write your name and address. State your name and address and speak clearly, I'll let you know when it's time.

MR. AGRESTI: Hello, my name is Greg Agresti, 57 Lakeside Drive, New Windsor and I'm proposing to put a mother-daughter at 11 Vascello Road and I--

MR. KANE: So this is proposed with a second kitchen, your proposal is to use this property as a single-family home?

MR. AGRESTI: Yes.

MR. KANE: No intentions as rental property at all?

MR. AGRESTI: Mother-daughter.

MR. KANE: Mother-daughter, single gas and electric meter coming into the home?

MR. AGRESTI: Single gas and electric.

MR. CHANIN: You want to put in a kitchen that's not there yet?

MR. AGRESTI: Correct, I'm building a new house.

MR. CHANIN: Alright.

MR. KANE: Yeah, any questions?

MR. BEDETTI: This is just for your family?

MR. AGRESTI: For my wife, myself, my daughter and her husband.

MR. BEDETTI: This is not a rental?

MR. AGRESTI: It's a mother-daughter.

MR. BEDETTI: Again, free access through the whole

house?

MR. AGRESTI: Totally legal mother-daughter, all the accesses are in there.

MR. KANE: Okay, then let's cut to the chase. At this point, I'm going to open up the public portion of the meeting and gentlemen, come on up, there's a little piece of paper right there that you put your name and address please and state what you'd like to say.

MR. STUAT: My name is Keith, last name Stuart, 7 Vascello Road right down the street. My concern was the way it was written that we were looking at potential two family so I'm not against a mother-daughter.

MR. KANE: That's why we bring them in, there's no chance of a rental, we have them on record so if we have to, we have a little bit of meat behind this.

MR. CHANIN: In other words, if the board should grant the request that this be interpreted as a single-family house with two kitchens and if the owner then in the future rents it to a stranger now the town building inspector has the right to issue a violation because it's not being used according to the ruling of this board.

MR. STUAT: Correct, it's my understanding I'm looking for a single-family home only and not make it to a rental property.

MR. KANE: That's why we ask it multiple times.

MR. STUAT: Correct.

MR. ARMENDAREZ: I had the same question.

MR. KANE: Just state your name.

MR. ARMENDAREZ: Jose Armendarez, 21 Vascello Road. Basically the same question, we thought it was going to be two homes instead of one home. And why didn't the other thing was the original application why was it 220 instead of 210? Because the 210 was first and now they are requesting for 220, so two family, first they requested one family and now they're requesting for two family? And the way this letter when they submitted it looked like there was going to be two homes in one.

MR. KANE: No, single-family home.

MR. SCHEIBLE: You understand that's one electric meter?

MR. AGRESTI: One electric, one gas.

MR. KANE: Anybody else care to speak? No? We'll close the public portion and ask Cam how many mailings we had.

MRS. AMMIRATI: On the 9th day of October 2013, I compared 39 addressed envelopes containing the public hearing notice with no responses.

MR. KANE: We'll bring it back to the board with further questions? None? I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant the interpretation for a single-family dwelling that's currently under construction with two kitchens and that interpretation is that this single family, this is a single-family home located at 11 Vascello Road in an R-4 zone, it will be only, it will be a single-family home only, cannot be rented nor sold as a multi-family home.

MR. HAMEL: I second the motion.

ROLL CALL

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

MR. KANE: You're all set.

MR. AGRESTI: Thank you very much. Have a good night.

FORMAL DECISIONS

1. Marsha Bryan
2. Classic Home Builders
3. Gulf/Old Temple Hill Road
4. Allen Dantas
5. FATM Properties

MR. KANE: Formal decisions, we can take them one at a time or in a group.

MR. BEDETTI: I'll make a motion for formal decisions to be considered as a group and these formal decisions were written and distributed by e-mail and they're listed as follows, Marsha Bryan, 13-15, Classic Home Builders, 13-04, Gulf/Old Temple Hill Road LLC, 13-21, Allen Dantas, 13-20 and FATM Properties, 13-19 and they be accepted as written.

MR. TORPEY: Second it.

ROLL CALL

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

MR. KANE: Only one meeting in November on the 25th. 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