

TOWN OF NEW WINDSOR

ZONING BOARD

November 25, 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

ABSENT: CAMMY AMMIRATI
 ZONING BOARD SECRETARY

MEETING AGENDA:

1. WLD, LLC (13-27)
2. Arimes Estates Ltd. (13-28)
3. Viviano Corradi (13-25)
4. New Windsor Stewart Associates, LLC Summit Terrace
 (13-26)

REGULAR MEETING:

MR. KANE: I'd like to call to order the November 26, 2013 meeting of the New Windsor Zoning Board of Appeals.

APPROVAL OF MINUTES DATED OCTOBER 28, 2013

MR. KANE: Motion to accept minutes of October 28, 2013 as written, they were sent via e-mail.

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

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

PRELIMINARY MEETINGS:

WLD, LLC (13-27)

MR. KANE: Tonight's first preliminary meeting WLD, LLC. A use variance is requested for the boarding, breeding and raising of fowl, not permitted in an NC zone. Located at 400 Blooming Grove Turnpike. So everybody that's here for a preliminary meeting so you understand the process, the Town of New Windsor holds two meetings. We hold a preliminary meeting so we can get a general idea of what you want to do and make sure that you have all the information we need to make a decision. A lot of other towns in Orange County or in New York do one meeting, you come in, you don't have the right stuff, you lose, goodbye. So we do a two step meeting, a preliminary is again informative for us to get all the information and by law, all our decisions are made at a public hearing which we'll set you up for. At that point, any questions? So WLD, LLC. Please state your name, address, speak loud enough for this young lady over there to hear you.

MR. DUNN: Good evening my name is Bruce Dunn, 69 South Plank Road, Newburgh, New York 12550 here representing the applicant, who I might point out initially while the agenda suggests that use variance is requested for the breeding and raising of fowl, it's more for the boarding and the keeping of six hens in a therapy environment for the owner who suffers from Crohn's disease. So we're not looking to breed, we're not looking to produce eggs, at least not for resale, you can't keep them from producing their eggs.

MR. KANE: The issue that you have is that it's a use variance, not an area variance. There are five criteria you have to meet, going to be very tough.

MR. DUNN: But that's why we're here.

MR. KANE: Go ahead.

MR. DUNN: With respect to the pictures we presented, what I'd like to start with is showing you if you look at them in the order that you have them there's a picture of the front of the premises where another part of the shelter is seen, shelter for the hens. And in the second picture at the bottom of the first page I can tell you that the shelter for the hens is right behind the yellow fence but you can't see it from the

neighboring property. On the second page top picture once again you can't see from the road the shelter for the hens but I can tell you that it's in the area of that yellow fence to the back left portion of the corner of the property. Likewise in the picture from further toward Blooming Grove Turnpike toward the rear of the building you can see in the far left corner the yellow piece of plastic which covers the front portion of the shelter for the hens but that's all you can see. And then the third page is a picture of across the front and of course you can't see anything there, the bottom is in fact that shelter with the yellow plastic cover. These hens are there for the owner from the recommendation of her physician and with the consent and support of each and every one of her neighboring individuals. It's, this situation is not a condition that was created by her, her physical condition, certainly if she could avoid having Crohn's disease, she would. And since this is not an agricultural use, since it's not a production of eggs use and since it's not a breeding use, since there are only hens in the pen, it is a use strictly for the therapy, almost service type animal for the owner. There's no detriment or bad effect on the neighborhood, the neighbors like I say don't mind or object, at least not the close ones. And these hens are quieter than dogs, cats and even quieter than the pigeons that are flying in the neighborhood. They don't smell, they don't offend, except for apparently one individual. And therefore, either through a use variance or a special permit we're seeking the opportunity to have what in essence are pets on the property in a small area that's confined by about five feet by seven feet that can't be seen from anywhere on the neighboring properties. And it's not a permanent structure, it's not sunk into the ground but it's permanent in that it won't blow away, housing these six or seven hens with product that's purchased at Home Depot or Lowes. Do you have any questions?

MR. KANE: If you're going for a use variance, you have to address all five points of the use variance, one being not selling the home for intended use for a reasonable return. That's under a use variance, that's under state control, has nothing to do with us. If you're looking for special permit if I believe correctly that's town board, I don't think the zoning board does special permits.

MR. DUNN: It would be the planning board actually for

the special use which is possibly where we'd have to go next. But in any event, there isn't, they are actually in the Town of New Windsor, I'm not sure if a zone where the keeping of hens as pets would be permitted, you do have a veterinarian's area, you have a kennel area, you have dogs, cats, sometimes even goats but in terms of hens, you don't.

MR. SCHEIBLE: Where there's hens, you have a rooster. No rooster?

MR. DUNN: No rooster, only hens, yup, no rooster, only hens, no products, no idea of products for sale, you can't keep them from laying but there's no rooster.

MR. SCHEIBLE: How do you make the eggs?

MR. DUNN: They eat and make the eggs, right?

MS. DOVIKEN: Yes.

MR. SCHEIBLE: Just out of curiosity.

MS. DOVIKEN: Correct.

MR. DUNN: Not being a biology major but I think that's what happens.

MR. SCHEIBLE: We'll discuss that some other time.

MR. DUNN: Okay.

MR. SCHEIBLE: How many are actually on the premises?

MR. DUNN: Six.

MR. SCHEIBLE: Just want to reiterate that.

MR. CHANIN: Good afternoon, good evening, whatever time it is.

MR. DUNN: Good evening to you.

MR. CHANIN: If you don't mind on behalf of the board, I have a few questions.

MR. DUNN: Sure.

MR. CHANIN: As far as the maintenance and the keeping of the animals and the facility in which they are to

live, what provisions if any, first of all, how long have they been there?

MR. DUNN: They've been there since around July of this year.

MR. CHANIN: So they have not been through a winter yet?

MR. DUNN: Not at this site.

MR. CHANIN: Have they been through a winter at other sites?

MR. DUNN: They're that old? No.

MR. CHANIN: This is going to be their first winter?

MR. DUNN: Okay.

MR. CHANIN: What happens to them when it gets very cold and snows?

MR. DUNN: There's a commercial form of heater that's specifically humane for penned hens that's not a light source because the light source makes them think it's day all the time daytime. So there's a regular commercial small heater that's placed in the area of their house and yard which is electric, correct?

MS. DOVIKEN: Yes.

MR. CHANIN: So the idea is that in the cold and snowy weather they wouldn't be allowed to get into the house, they would stay in this coop? Is it proper to call it a coop or a hut or a shed or whatever? The chicken shed?

MR. DUNN: Sure.

MR. CHANIN: Is that coop itself that would be heated so that they would have shelter from the cold weather, is that correct?

MR. DUNN: At one end of the area you'll see a small enclosed place that's at the left and then the area that's around the fence is open air except that it could be sides put down but the heat would be in both.

MR. CHANIN: Did I hear you correctly to say that the

area where the animals will have relatively free reign so to speak is enclosed in a safe way or another by a fence?

MR. DUNN: That fence that you see on the third page, the bottom picture.

MR. CHANIN: Okay, and not having ever raised chickens myself, I assume and correct me if I'm wrong that there are various provisions that have to be made, you know, on a daily or continuing basis with respect to the following kinds of things, following kinds of impact. Noise, you said they weren't noisy, smell, sanitation in terms of their waste material, the attraction of vermin, other kinds of impacts like that. Can you address those how are those taken care of?

MR. DUNN: Sure, by the owner who has her business there located on that lot. And the sanitation in the picture at the far right bottom picture on the third page, see a small rake and shovel, that's the tools that are implemented to clean the area where they have been. The blue pool that you see in the center is not really a water pool, that's a, got a little bit of water in it, it's a sand box so their waste and product is raked, scooped and disposed of in a plastic bag.

MR. CHANIN: I assume that includes any feathers and things like that?

MR. DUNN: Correct, yeah, and they're never let out of this area.

MR. CHANIN: That was another one of my questions, the idea is that they're--

MR. DUNN: They're confined in that area.

MR. CHANIN: Okay, other than the applicant, does anybody else share the responsibility for this kind of care and maintenance and so forth?

MR. DUNN: For that particular kind of care and maintenance, no.

MR. CHANIN: Is there someone else who shares in supporting their existence here in other ways?

MR. DUNN: In the event that there was some need to attend to them while the applicant was not at her shop,

she does have workers there who would be able to do that.

MR. CHANIN: I assume that as necessary if they should ever need it that they're given proper veterinary care, other kinds of animal care that companion animals usually need and want?

MR. DUNN: Absolutely, I mean, there really couldn't be anybody more sensitive to the needs of her pets than the applicant here.

MR. CHANIN: Okay, and I assume that you indicated since they're not going to travel very far from this area or not at all, that this is the place also where they're fed and how is that done, how is the feed provided to them, how is the feed kept and stored?

MR. DUNN: Okay, the feed would be kept and stored on the interior of the premises until it's used for them to eat. It's taken and put in the dishes in that fenced area and some spread on the ground that's later cleaned up so they can peck and eat it.

MR. CHANIN: Is there any possibility that either currently or in the future that this operation might attract vermin or other kinds of animals, be they wild or domestic?

MR. DUNN: Well, it hasn't yet and I suppose if a mouse for some reason wanted to commingle with the hens, they might be able to fit through the small pieces of the fence but otherwise, no.

MR. CHANIN: Nothing like--

MR. DUNN: There's nothing that would attract them.

MR. CHANIN: Okay, could I please ask whether or not the applicant has any other pets or has had in the past any other pets?

MR. DUNN: I know that the applicant has a rescue dog. Do you have any other pets?

MS. DOVIKEN: A turtle.

MR. CHANIN: And pardon me for perhaps invading your privacy, I don't want to do that, but specifically what do you mean by a rescue dog?

MR. DUNN: Well, it was dying.

MR. CHANIN: The applicant rescued the dog, the dog is not to rescue the applicant?

MR. DUNN: Correct, well, except--

MR. CHANIN: Except for the companionship?

MR. DUNN: Correct.

MR. CHANIN: Is the applicant now or has the applicant ever been affiliated with any sort of organization, either the ASPCA or Chicken Run Rescue or a local shelter or humane society, anything like that?

MR. DUNN: She, there's no real per se association, however--

MR. CHANIN: Or even perhaps a local farmer or somebody with experience in what are typically considered to be farm animals?

MS. DOVIKEN: I actually grew up on a farm in Pine Bush.

MR. CHANIN: Please give us your name.

MS. DOVIKEN: Wendy Doviken and I'm the applicant, I own the property.

MR. CHANIN: Everything that we say is being recorded so you're welcome to speak but when you speak, speak loud enough so the stenographer and the members of the public can hear you, okay?

MS. DOVIKEN: Okay.

MR. KANE: The reason for having the chickens?

MS. DOVIKEN: I have an incurable disease, Crohn's disease. And in going to therapy in support groups, they suggested that people who suffer from Crohn's disease, it's debilitating and it brings on depression and things of that nature that they suggested therapy animals and so that's what spurred this.

MR. KANE: If that's the case, one of my main questions here is why are they being kept at a place of business

and not at home where you would have access to these if that's their purpose?

MS. DOVIKEN: On that, I'm at my shop from 6:00 in the morning until 7 or 8:00 at night every single day, that's where I spend most of my life is at the shop, I spend very few hours at home except to sleep.

MR. CHANIN: Could I ask what kind of business you're in at the shop?

MS. DOVIKEN: Auto repair.

MR. CHANIN: Auto repair is harmonious with companion animals, with these companion animals?

MS. DOVIKEN: Any workplace is compatible with companion animals or, you know, support animals.

MR. CHANIN: I'm just asking, don't be offensive.

MR. DUNN: It's not incompatible certainly and you can see from where the shelter is placed on the property that it doesn't interfere with the business nor does the business interfere with the humane treatment of the pets.

MR. CHANIN: Following up on Mr. Kane's question, if these are supposed to be companion therapeutic animals, why is the request made in the name of a corporation and not by you individually?

MR. DUNN: Because the corporation owns the property.

MR. CHANIN: Okay, but they're not there to, I'm not arguing with you, just making a comment, you can agree or disagree, but the animals are not there for business purposes, they're there for your individual therapeutic purposes?

MR. DUNN: Correct, and the application--

MR. CHANIN: But the technicality is the application is in the name of the business because that's the name of the property but I want to make clear for the record that it's not a business associated use.

MR. DUNN: Correct.

MR. CHANIN: Okay, and I assume and again correct me if

I'm wrong, number one that these are not therapeutic animals as such that are registered with the New York State Secretary of State like a seeing eye dog or another animal like that?

MR. DUNN: The ADA doesn't define fowl or hens as a service animal but they recognize just as snakes and other pets as therapeutic animals.

MR. CHANIN: And again, I'm not trying to be facetious, believe me, I'm not, just for the record, just so everybody here in the room knows, I think Mr. Dunn may know this already because he and I have long been, you know, acquaintances and colleagues together for many years, I'm an animal lover. I have represented humane societies and shelters throughout Orange County for the better part of last 20 years. So this is not hostile and I'm not being facetious, sorry to be defensive. My question is I assume that these hens have not therefore received any kind of special training or any special designation, they just have a therapeutic health effect, is that correct?

MR. DUNN: They do for this applicant and there's been, there is no training or special service, right?

MS. DOVIKEN: Yes.

MR. CHANIN: Right, and I'm sorry, did you tell me before that you grew up on a farm?

MS. DOVIKEN: Yes.

MR. CHANIN: You don't mind if I speak directly to the applicant?

MR. DUNN: Please go ahead, anybody could.

MR. CHANIN: Apparently in your past history you grew up on a farm that had chickens?

MS. DOVIKEN: Correct.

MR. CHANIN: So you've been around chickens and you know the life of a chicken and the care they need and so forth?

MS. DOVIKEN: Correct, I showed them in 4H in the Orange County Fair like 30 years ago.

MR. CHANIN: And I think you mentioned earlier and Mr. Dunn mentioned earlier that, you know, chickens lay eggs. But the purpose if that happens to happen occasionally because of the good graces of nature, they are not for resale, they are not for commercial purposes. If they happen to lay an egg and you're happening to be in the mood for an egg okay, but other than that, eggs are a by-product really just of the companion animals.

MS. DOVIKEN: I feed the eggs back to the chickens for their own nutrition.

MR. CHANIN: Based on my questions, do any members of the board have any other questions that haven't been asked?

MR. BEDETTI: Yeah, have there been any, since you've had the chickens, have there been any complaints that you're aware of for them being there?

MR. DUNN: As far as we're aware, there's been one complaint from a second or third floor occupant of the apartment that's over 1,000 feet away.

MR. BEDETTI: Would that be Oakwood Apartments?

MR. DUNN: Yes, that's the only one.

MR. CHANIN: And could I just please ask if you know the answer and we, if we received a complaint we have it on record, just for tonight to get it on this transcript, do you know in particular if any, what the specific nature of the complaint was? Was it about smell? Was it about noise? Was it about just general annoyance? Do you have any idea specifically on that?

MR. DUNN: There was a single e-mail that we've been, that has been shared with us through the building department saying just pointing out that there are chickens raised which she doesn't believe are consistent with the Town Code.

MR. CHANIN: So it was a legalistic type complaint? Did it cite any specific impact?

MR. DUNN: I know what it says exactly, here's the complaint. The name of the complainant or her address and telephone number and she says Star Quality Auto at 400 Route 94 in New Windsor has a coop behind their

garage with at least six chickens, a pool and shelter for them. When I spoke to the building department yesterday they informed me this was against code. Can someone please go out there and take a look?

MR. CHANIN: Is there a pool, is there a body of water?

MR. DUNN: No, it's the blue pool that holds sand.

MR. CHANIN: My last question is how long has WLD, LLC been doing business in this property?

MR. DUNN: The property was purchased--

MS. DOVIKEN: April 25, 2011.

MR. DUNN: -- April 25, 2011 and the business was opened?

MS. DOVIKEN: July 2011.

MR. CHANIN: And the chickens are new as of this summer?

MR. DUNN: As of July this year.

MR. CHANIN: That prompts one more question. What did you do between the summer of 2011 and the summer of 2012?

MS. DOVIKEN: As far as?

MR. DUNN: Service animals.

MS. DOVIKEN: I was in remission, my disease was in remission at that time.

MR. CHANIN: Okay, again, if the board has any other questions?

MR. BEDETTI: Yeah, I have one other question. I assume that property was originally part of the Schoonmaker Development there, is that correct?

MR. DUNN: I don't think so.

MS. DOVIKEN: Not that I'm aware of.

MR. DUNN: It's on the other side of the street.

MR. BEDETTI: No, it's on the corner of St. Anne's Drive and 94.

MS. DOVIKEN: The property was started as a gas station in 1956 before the Schoonmaker houses were built.

MR. CHANIN: Let me just say one other thing on the record, not trying to be defensive but I want it on the record because I want to be fair about it. My mother and my two aunts both died of Crohn's disease and my mother and her sisters were patients of the original Dr. Crohn after whom the disease is named.

MS. DOVIKEN: Who's from Rhinebeck.

MR. CHANIN: Yes, and he also practiced in, he was the general, I forget the medical term right now, but he was in charge of, he was in charge of general medicine with respect to those kinds of diseases and illnesses at Newark General Hospital for many years.

MS. DOVIKEN: Also at Mt. Sinai where I'm a patient.

MR. CHANIN: As far as I'm concerned, I'm not a member of the board, I don't have a vote here but I just want you to know that I, I would like you to think that I have some experience and sensitivity to Crohn's disease.

MS. DOVIKEN: Thank you.

MR. CHANIN: For what that's worth and I know how disabling and how terribly restrictive it can be on your quality of life.

MS. DOVIKEN: Thank you.

MR. TORPEY: But how do the chickens--

MR. CHANIN: No, no, the whole point of the application is that and I haven't read any of the medical recommendations but the whole point and correct me if I'm wrong, the whole point of the application is to ask for this variance so that the applicant can gain the therapeutic benefit of these companion animals. Is that a fair characterization?

MS. DOVIKEN: Correct.

MR. DUNN: That's correct.

MR. BEDETTI: I'd like to follow up on the previous question and the reason I asked if it was part of that original Schoonmaker development was because the deeds of the properties that were, that are part of that development specifically prohibit fowl and chickens and so on. So I think in light of the fact that we'll be having a public hearing and if there are other people that come from that development that may raise that question that they have it as part of their deed it may be worth checking to make sure that that property wasn't part of that Schoonmaker development and specifically prohibiting the keeping of fowl in that, on that property.

MR. DUNN: I can tell you there's no such restriction in the deed of this property.

MR. BEDETTI: That property there?

MR. DUNN: Correct.

MR. BEDETTI: Okay.

MR. KANE: Any further questions? Okay, do you want to go ahead and proceed and you're going to proceed this as a use variance?

MR. DUNN: Yes.

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

MR. BEDETTI: I'll make a motion we schedule a public hearing for WLD, LLC for the property located at 400 Blooming Grove Turnpike for the request for a variance as listed.

MR. HAMEL: I'll second it.

ROLL CALL

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

MR. KANE: Next steps.

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MR. DUNN: Thank you.

MR. KANE: You're quite welcome, have a good evening,
sir.

ARIMES ESTATES LTD (13-28)

MR. KANE: Tonight's next preliminary meeting, excuse me if I butcher the name, is Arimes Estates, LTD. Area variance is required for an existing addition built without a permit that does not meet side and rear yard setbacks and proposed deck that does not meet side yard setbacks located at 1083 Route 94 in an NC zone. How you doing?

MR. MOSLEM: My name is Saed Moslem, I'm a managing manager of Arimes Estates, LTD and this is an area variance for the addition and for the--

MR. TORPEY: Speak up a little.

MR. MOSLEM: We're here for the addition of the rear addition, a variance for the rear addition and for the deck.

MR. CHANIN: You started this whole thing without a permit?

MR. MOSLEM: It was all existing, the corner that is in question was deteriorated.

MR. TORPEY: You know where this is, right?

MR. KANE: Cut down any substantial vegetation or trees in the building of the addition?

MR. MOSLEM: No.

MR. KANE: Creating water hazards or runoffs?

MR. MOSLEM: No.

MR. KANE: Any easements going through that particular area where the addition is?

MR. MOSLEM: No.

MR. KANE: How long ago did you start the renovation?

MR. MOSLEM: Approximately, 45 days.

MR. CHANIN: You've said these things were previously existing?

MR. MOSLEM: Correct.

MR. CHANIN: Since when?

MR. MOSLEM: Since the previous owner of the property, this property was purchased about two or three months ago and I guess it was just never done correctly, we're just trying, trying to clear everything up.

MR. CHANIN: Do you know how long the previous owner owned it?

MR. MOSLEM: I think they are the original owners from the '60s.

MR. CHANIN: Do you think all of these structures have existed since the 1960s?

MR. MOSLEM: Yes, I mean, except for the deck that we're proposing.

MR. TORPEY: I must say it cleaned up very nice.

MR. MOSLEM: Thank you, thanks to that 121.

MR. KANE: The deck that you want to put on is 16 by 22?

MR. MOSLEM: Correct.

MR. KANE: What's this little kickout down here?

MR. MOSLEM: Little kickout, those are steps that would be going down.

MR. CHANIN: Speak so she can hear you.

MR. MOSLEM: The steps going down into the back yard.

MR. KANE: If the steps were put down over to either way, would they need a variance depending on which side they went?

MRS. GALLAGHER: No because the steps don't count towards the setback.

MR. KANE: Further questions from the board?

MR. SCHEIBLE: How long have you owned the piece of property now?

MR. MOSLEM: About three months.

MR. SCHEIBLE: Okay, and were you aware of this situation when you purchased it three months ago?

MR. MOSLEM: No, this was purchased from the county and those are kind of quitclaim type of deeds.

MR. SCHEIBLE: So there's nothing stated in a quitclaim, correct me if I'm wrong, that there's a variance, you know.

MR. CHANIN: You're absolutely correct. The county and any other taxing jurisdiction, if they have any common sense at all will sell you property at a tax sale and they will only give you a quitclaim deed. Just so everybody knows, the quitclaim deed is a deed that says whatever it is I own I'm selling you but I'm not guaranteeing you what it is I own. The risk is on you. If there's an encroachment or title problem, it's your problem, whatever it is I own I'm selling it to you and it's your business to know what that is.

MR. SCHEIBLE: You answered my question.

MR. KANE: Further questions? If not, I'll accept a motion to set up a public hearing.

MR. BEDETTI: I'll make a motion we schedule a public hearing for Arimes Estates, LTD for area variances for property located at 1083 Route 94 in a NC zone.

MR. TORPEY: Second that.

ROLL CALL

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

MR. KANE: These are your next steps. Have a great night.

PUBLIC HEARINGS:

VIVIANO CORRADI (13-25)

MR. KANE: Tonight's first public hearing, Viviano Corradi. Interpretation is requested for an existing second kitchen. The second kitchen either creates two-family house or single-family house with two kitchens. Located at 469 Riley Road in an R-3 zone. Is there anybody here for this particular hearing? Okay, we have some papers up here, I just need you to put your name and address on it, it's for the stenographer so she has that information. When it becomes time for the public comments I'll let you know then you can come up and ask whatever questions you need to or make any statements you need. At that time, you can fill out the paperwork, okay? Thank you. Sir, you're on, tell us exactly what you want to do.

MR. CORRADI: I want to make the second kitchen as like I said it's a mother and daughter like I said.

MR. KANE: Let me interrupt you one minute. I know you've been here before for the preliminary but you have to proceed just like you were not here before, okay? So you've got to tell us exactly what you want to do, name and address.

MR. CORRADI: My name is Viviano Corradi, I live at 469 Riley Road, New Windsor, New York. I have, like I said, I have an existing kitchen that I bought the house with it, the kitchen is very old. And I want, like I said, I want to use it as a second kitchen and put like I says mother and daughter house, that's about it. I don't want anything else. I don't want to make a two family, I don't want to make anything else, just want to keep it the way it is. I don't want modern or add it or detract anything at that house, you know, whatever is there I want to keep it the way it is.

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

MR. CORRADI: I think it's from the time that they build the house.

MR. CHANIN: You were here on October 28, right?

MR. CORRADI: Yes.

MR. CHANIN: At that time, you told us that you purchased it on April, in April of 2013?

MR. CORRADI: Yes.

MR. CHANIN: But that it was existing in 1971?

MR. CORRADI: The house, the house was built in 1971.

MR. CHANIN: Right, and that the second kitchen was original when it was built?

MR. CORRADI: I don't know, I don't know that.

MR. CHANIN: But as long as you've known about it?

MR. CORRADI: The way it looks, the way it looks I think it's there since the house was built but I'm not sure.

MR. CHANIN: And you said that the house has two zone heating but one meter for the utilities and there's actual access to the second kitchen from all other parts of the house?

MR. CORRADI: Yes.

MR. CHANIN: That's what you told us in October?

MR. CORRADI: Yes.

MR. KANE: And you have no intention on using it as any kind of rental space, strictly as a single-family home?

MR. CORRADI: No, sir, like I say, a family member but I'm not rent to, you know, the outside of the family member.

MR. TORPEY: For free?

MR. SCHEIBLE: You said it was a mother daughter, is your daughter living in the house presently? Do you have a daughter actually?

MR. CORRADI: I have a son.

MR. SCHEIBLE: You have a son, he's using this kitchen?

MR. CORRADI: Yes, he's using this kitchen.

MR. SCHEIBLE: That's a family member.

MR. CORRADI: He's a family member.

MR. SCHEIBLE: Okay.

MR. CORRADI: My son I guess is a family member.

MR. KANE: Yes, he is. That doesn't change. Any further questions right now? I'm going to open this up to the public, if you have any questions at this point, you can come on up and ask whatever you need to ask. Again, just state your name and address and I'll ask you just to write it down if you would.

MRS. SORBELLO: Pat Sorbello, 454 Riley Road. We're familiar with this house and it was always an existing illegal apartment.

MR. KANE: And that was previous owners that always had that?

MRS. SORBELLO: Yes.

MR. KANE: Your intent is to use it strictly for your son and your family and no intent whatsoever to rent?

MR. CORRADI: I don't want no rent, I don't want to rent to anybody. I don't want any--

MR. SORBELLO: I'm Vincent Sorbello, 454 Riley Road. The house always had a rental downstairs but the people didn't live upstairs, they lived in the city. They'd come on the weekend, never any problem with any of the neighbors but if he's not going to rent it, I have no objection to the second kitchen.

MR. KANE: One of the reasons why the building department brings all of this in front of us is that we get everything on record and we also get a statement from the homeowner that their intent is to use it as a single-family home and no intention of renting. If you complain somewhere down the line that rental is going on at that particular property here or somebody else's then they have some teeth to go after that situation.

MR. SORBELLO: We have no objection to him fixing the kitchen that's already there but this house was always, always had illegal rental downstairs and it's okay but it's, we're zoned single family, there are other

illegal rentals on the road I'm sure that I know about but we don't need all the houses on the road to be rentals.

MRS. SORBELLO: All of a sudden it seems like there's a lot of houses showing like right next to it illegal apartments.

MR. SORBELLO: You get four or five cars in the yard it's not one family.

MRS. SORBELLO: And they're using separate doors.

MR. SORBELLO: So it tends to run the whole neighborhood.

MR. KANE: We understand but that's part of the reason we're trying to get a handle on this whole thing and we bring them here.

MR. BEDETTI: How long have you lived at your location?

MRS. SORBELLO: Forty-four years.

MR. BEDETTI: And in that time, are you aware of anybody ever complaining of the fact that it was an illegal rental?

MR. SORBELLO: No, we knew the people that owned the house.

MR. BEDETTI: You've never complained and nobody else has that you're aware of?

MRS. SORBELLO: There were issues with the tenants but the people that owned it lived in New York City.

MR. SORBELLO: The last tenant that was in there they had some problems, they had trouble there and that's one of the things you get a little tiny rental in the basement somewhere and you tend to not get high class renters. And that's, we have no objection that he and his son, if his son wants to live downstairs and have his own kitchen that's fine, I have no problem with that.

MR. CORRADI: I sold a house in the Bronx, I sold the house in Pearl River because I got divorced.

MR. CHANIN: Address your comments to the board.

MR. CORRADI: Oh, I sold the house in Pearl River because I got divorced and my wife was in on the deed so I had to sell, that's why I bought this house. But I have a lot of space, I am never renting, never rent it to anybody because like I said, it's not worth it, it's not worth it.

MR. KANE: Any other statements?

MRS. SORBELLO: No, I have a question, the only way you find out is by somebody turning someone in?

MR. KANE: That's it.

MR. CHANIN: Or when the building department makes a regular inspection.

MRS. GALLAGHER: Not on a single-family house we don't. So you guys, any time you're welcome to come into my office, sign a complaint form and we would go out and absolutely if it's illegal we could take care of it.

MR. CHANIN: My point is if they're there for some other reason and they see it they're obviously going to address it.

MRS. SORBELLO: Yes.

MR. CORRADI: Thank you very much.

MR. KANE: Thank you very much. Nobody else in the audience for this particular hearing? We'll close the public portion of the meeting and bring it back to Jen and ask how many mailings we had.

MRS. GALLAGHER: On the 29th day of October, Cammy sent out 23 addressed envelopes with no responses.

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

MR. HAMEL: I'll make a motion that we grant Viviano Corradi a variance as requested.

MR. TORPEY: I'll second that.

MR. CHANIN: The interpretation that's requested, he's not here for a variance, he's here for an interpretation.

MR. BEDETTI: Is that going to be modified, counselor?

MR. CHANIN: I assume that the motion is to approve the interpretation that this is a single-family house with a second kitchen, is that correct?

MR. HAMEL: Yes.

MR. CHANIN: Is there a second?

MR. BEDETTI: I'll second it.

ROLL CALL

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

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

MR. CORRADI: Thank you very much.

MR. KANE: Thank you.

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

MR. KANE: Last public hearing is New Windsor Stewart Associates LLC Summit Terrace. Multiple variances requested for maximum building height, minimum floor area, maximum gross lot area, maximum length of building and number of child play areas. Located at Route 207 and Clark Street in an R-4 zone. Anybody here for this particular hearing that wants to speak? Okay, you're on.

MR. SARCHINO: Joseph Sarchino, I'm with the firm of John Meyer Consulting. I'm here tonight representing the applicant. As you just stated, we're requesting five variances, unit density, maximum building height, minimum floor area, maximum length of building and the reduction of the number of child play areas for the project. The project is a 270 unit apartment development, proposes a second phase of the Stewart Terrace project, second and last phase I might add. And we've gone through at the previous meeting detailed summary or discussion of the variances that are requested. And I'm here tonight to answer any questions the public may have and offer any additional information that the board may request.

MR. CHANIN: Mr. Sarchino, you told us you're an attorney?

MR. SARCHINO: No, I'm not.

MR. CHANIN: You're an engineer?

MR. SARCHINO: We're the engineers representing the applicant.

MR. CHANIN: Thank you.

MR. KANE: Cutting down substantial vegetation and trees in the building?

MR. SARCHINO: No. If you remember, if you want, I can get the drawings out, but there was a previous development there, used to be military barracks. Basically that's been demolished and that's the general area that the proposed development is so luckily or not luckily but this project will not have many trees being removed.

MR. KANE: Creating any runoff or water hazards?

MR. SARCHINO: We have a storm water management plan in place, the town engineer has reviewed that as well as the planning board found that to be acceptable, storm water prevention pollution plan has been prepared and approved by the town engineer.

MR. KANE: Any easements running through the property?

MR. SARCHINO: There are two easements that run through the property, one being relocated to accommodate an existing sanitary sewer line and there's another one that runs to an existing pump station that will remain in place.

MR. KANE: It's going to be town water and town sewer?

MR. SARCHINO: Town water and town sewer, that's correct, Mr. Chairman.

MR. CHANIN: Now, Mr. Sarchino, last time you were here you spent some time talking about one of the five requests in particular and that is the child play area. I think you told us last time that strictly speaking under literal interpretation and strict interpretation of the code you would be required to provide 144 being one for every two units?

MR. SARCHINO: Two bedroom units.

MR. CHANIN: That would come out to some number like 140 something and what you're requesting is a variance because what you're proposing is to provide a big, one big lawn area which would be the play area, so to speak, but you're also providing a clubhouse and a pool, is all that correct?

MR. SARCHINO: Providing a tot lot, the pool, clubhouse and play area.

MR. CHANIN: Can you tell us a little bit more about the tot lot?

MR. SARCHINO: The details of the tot lot is not completed yet but most likely have a slide, a swing tetter-totter, those type of things in the tot lot area.

MR. CHANIN: Kind of like a juvenile playground area?

MR. SARCHINO: Correct.

MR. KANE: Open or enclosed?

MR. SARCHINO: It's going to be fenced in right adjacent to the pool deck so it would be all tied together. One other thing I did not note at the last meeting that the applicant will be paying the town a recreation fee that amounts to \$945,000 so I think that would go a long way with providing whatever child play facilities in the town, whatever the town deems suitable.

MR. TORPEY: There's no apartment complexes with any play areas, I was looking at that.

MR. SARCHINO: This is an unusual item in the code, I've never seen this before in any municipalities that I've ever worked in but it's there.

MR. TORPEY: There's no play areas for the kids anywhere else but almost here.

MR. SARCHINO: Yeah, but it would be nice cause there's a nice pool, clubhouse is a very nice facility, has exercise equipment in it and we do have a tot lot and there's a lawn. We're putting a substantial amount whatever the town deems appropriate for that fee but it should be spent towards recreation, I would imagine.

MR. KANE: And these apartment are open to anybody?

MR. SARCHINO: Correct.

MR. CHANIN: You told us tonight that you were, that it is going to be a 207 unit apartment building?

MR. SARCHINO: There's 270 units plus one superintendent's unit that's in the clubhouse because there's a full time superintendent at the facility.

MR. CHANIN: Help me with my math, unless I took my notes incorrectly which is always possible, you told us last time that there were going to be 100 one bedroom and 142 two bedroom, how does that add up to 270?

MR. SARCHINO: So let's see, I can check my numbers on that, I may have, I'd have to go back and look at the bedroom count but--

MR. CHANIN: Tell us again, you said that the one bedrooms would have a minimum of 740 square feet and which ones would have a minimum of 1,000 square feet?

MR. SARCHINO: The two bedrooms.

MR. CHANIN: Okay.

MR. SARCHINO: I said there's a minimum, the smallest unit is 240, I'm sorry, 740 square feet and then I think that the largest unit is like 1,200 feet, if I remember correctly, so that's the smallest one that I have noted here.

MR. SCHEIBLE: On the map just examining it and it says NF, now and former United States of America, has this already been processed into the hands of, so it depends on this right here?

MR. SARCHINO: Correct, correct.

MR. SCHEIBLE: Whether it's agreed upon or not?

MR. SARCHINO: Correct. The land has not been transferred yet.

MR. SCHEIBLE: So it's still NF?

MR. SARCHINO: Yes.

MR. CHANIN: You mentioned this last time which was October 28 but if you could go over it again for us please with respect to the request for a variance regarding density, you told us that the maximum density allowed by the code currently is 6.3 units per acre but after the subdivision is completed the density will be 13.8 units per acre, is that correct, are those numbers correct?

MR. SARCHINO: Well, yeah, the density the way it works out right now there will be a total of 441 units on the 69.809 acre site and that equates to 6.3 units per acre. The seven units per acre, if you take the 69-acre plus property would equate to 488 units, so we're below it by 47 units when you look at the property as a whole. And the reason the variance is requested is cause we created a subdivision that the Navy had created, we used the same line that they previously created so that gives us the 19 plus or

minus acres which equates to needing a variance, so just a matter of where that line was struck is the reason why we need the line. But the overall site works out to be 6.3 units per acre so it's below what the town requirement is.

MR. CHANIN: Say again therefore why you're asking for the variance?

MR. SARCHINO: It's where the subdivision line was struck previously by the Navy, so we kept that line, that boundary and the acreage is not enough to keep it to the seven, so just a matter of where the line was struck is the reason we have to have the variance.

MR. CHANIN: Thank you.

MR. SARCHINO: But the property as a whole comes out to 6.3 units per acre below the town maximum.

MR. CHANIN: You don't have to answer me, I don't have a vote here but I'm asking you these questions for the board's sake, you understand that?

MR. SARCHINO: Yes, absolutely.

MR. KANE: Okay, at this point, I'm going to open it up to the public once again, ask if there's anybody here who wishes to speak? Seeing as there's not, there's nobody here, we'll close the public portion of the meeting and bring it back to Jen, ask how many mailings.

MRS. GALLAGHER: On the 29th day of October, Cammy prepared two addressed envelopes, mailed them out and had no responses.

MR. KANE: That's probably an all-time low.

MR. SARCHINO: Well, like I said, I think I said at the previous meeting the property is somewhat isolated, we don't have any neighbors necessarily next to us.

MR. KANE: Further questions from the board?

MR. BEDETTI: Is this going to be a single phase development or is it going to be developed or built in stages?

MR. SARCHINO: Well, my experience with the developer

is he's just continued to build but which so it's like a continuous phase so to speak, there's not like a specific number of units to be built and stopped. They usually just build them and they keep building them as they get occupied so usually a continuous buildout for the property, no phasing.

MR. SCHEIBLE: I go after the same question that the previous gentleman asked because there have been problems, I've been in that area where everything came to a standstill, didn't continue, am I correct or not? And that's, and I understand the question the previous gentleman asked, you know, is this going to be a whole or piece at a time? I'm asking the same identical question.

MR. SARCHINO: It's planned to be a whole, it's planned not to be phased, the market is there for these type of units, market rate apartments, and they produce a very nice product and I think it will continue to rent as they build and there's never a guarantee to that but they think it would be a very strong project.

MR. SCHEIBLE: Very well.

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

MR. BEDETTI: I'll make a motion that we grant the multiple variances to the New Windsor Stewart Associates known as Summit Terrace located at Route 207 and Clark Street in an R-5 zone as requested.

MR. HAMEL: I'll second it.

ROLL CALL

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

MR. SARCHINO: Thank you very much for your time.

MR. KANE: Here you go, you always got to get a piece of paper.

MR. SARCHINO: The filing of the decision, how long do you think that takes?

MR. CHANIN: Here it is right here, you think I'm kidding? But you can't have it tonight.

MR. SARCHINO: Can I get a copy?

MR. CHANIN: The laws of bureaucracy require that I stall you. No, I'm just kidding, you'll have it shortly.

MR. SARCHINO: Thank you very much.

FORMAL DECISIONS:

1. Shea Piekarz (13-18)
2. Agresti-Foy (13-22)
3. Highland Operating/Kings Road Estates (13-23)
4. GSA/Tenant Office Building (13-24)

MR. KANE: We have four formal decisions to vote on so if anybody wants to make a motion we can take them in one vote?

MR. SCHEIBLE: I'll make a motion to accept the formal decisions of Shea Piekarz (13-18), Agresti-Foy (13-22), Highland Operating Kings Road Estates (13-23) and GSA/Tenant Office Building (13-24).

MR. BEDETTI: I'll second that.

ROLL CALL

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

MR. KANE: Motion to adjourn?

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer