

TOWN OF NEW WINDSOR

ZONING BOARD

March 24, 2014

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

ALTERNATE: GREGORY BIASOTTI

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD CHAIRMAN

 CAMMY AMMIRATI
 ZONING BOARD SECRETARY

MEETING AGENDA:

1. John & Denise Meyer
2. Lewis Sign Co for Crystal Run Healthcare
3. Devitt's Supply Inc.

REGULAR MEETING:

MR. KANE: I'd like to call the Town of New Windsor
Zoning Board of Appeals regular session for March 24,
2014 to order.

PRELIMINARY MEETINGS:

JOHN & DENISE MEYER

MR. KANE: Tonight's preliminary meeting John and Denise Meyer, that's 14-06, variance for 20 feet is requested for a proposed addition that does not meet the rear yard setback of 30 feet. Located at 7 Ashley Court in an R-4 zone. We have two preliminary meetings here tonight and in New Windsor what we do is we hold two meetings, preliminary meetings so we can get a general idea of what you want to do, make sure that you have all the information to give us. And then by law everything is decided in a public hearing. In other towns if you walk in and they have the one meeting and if you're not informed, have the right stuff, you lose, can't come back for six months. We opted to go to a two meeting scenario here and what will happen in the public meeting will be very similar as tonight except that at that point the public will be here for any comments or questions that they have. So speak loud enough, tell us who you are, your name, address, speak loud enough for that young lady over there to hear you and tell us in your own words what you want to do.

MR. CELLA: Jonathan Cella, engineer representing the property owners, John and Denise Meyer.

MR. KANE: Is Mr. Meyer here?

MR. CELLA: No, prior obligations but they will attend the public hearing. The property's located at 7 Ashley Court in an R-4 zoning district, existing residence was built around the year 2000 as part of a minor subdivision serviced by sewer, by municipal sewer and individual wells. The proposed addition will be on the east side which will be approximately 300 square feet and it will create the need for an additional area variance for side yard setback on the eastern property line which the existing structure is already encroaching upon. The addition will be a one story, as you see the existing residence is a colonial and we're going to create, construct a garage under with a bonus room on top so we're not adding any additional bedroom count and we're asking for 10 foot side yard setback as opposed to the required 30 foot. The existing lot's a half acre as well as the majority of the surrounding lots. If you do a drive-thru of the cul-de-sac south properties on the north side of the road have similar setbacks. I can print pictures--

MR. KANE: For the public hearing, please.

MR. CELLA: -- and bring them along for demonstration. This is the east side of the property which the addition will be on, it will be similar, as you see now we have a garage under and we will have a garage under again with a front loading garage door and bonus room on top. The addition will be off the first floor, the additional living space.

MR. KANE: Cutting down any trees, substantial vegetation? I can see that it's obvious but I have to ask.

MR. CELLA: There's an existing tree line here which we will not impact.

MR. KANE: Other than that, no vegetation or trees?

MR. CELLA: Correct. If you look at the plans, it works out pretty well, we're increasing the impervious area but by 150 square feet on the south side of the driveway. The addition will be constructed on top of the existing driveway so that impervious area won't be drastically affected.

MR. KANE: Creating any hazards or runoffs?

MR. CELLA: My opinion, no.

MR. KANE: Any easements running through the particular area where you want to build?

MR. CELLA: Not on the property. As you see, there is an existing 50 foot right-of-way on the western side of the property which I believe it's on the tax map, I believe it goes to a larger undeveloped piece and again we're on the opposite side of the property and we--

MR. KANE: How many square feet is the existing house?

MR. CELLA: I can have that for the public hearing, the square footage.

MR. KANE: Please.

MR. CELLA: I believe it's 24 by 50 so probably around standard 2,000 or 2,500 square foot colonial.

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

MR. HAMEL: What's the height of the extension, are you going to go one story or--

MR. CELLA: One story with a--

MR. HAMEL: Same kind of roof line?

MR. CELLA: Yeah, we'll have to work this angle out obviously there's going to be some kind of valley but it will have the same roof line as on the existing house.

MR. KANE: So the livable part of the addition is going to basically be on the first floor of the house?

MR. CELLA: That's it, correct, and like I said, underneath the foundation will serve as the garage under, we looked at putting the addition on the western side of the property but again, that would create a need for a rear yard variance and would be much more costly to construct, the well's there, there's just several issues.

MR. TORPEY: Who owns the property next to the undeveloped piece?

MR. CELLA: I think it's McMannus, do you want me to get an address? I can, I'll bring additional photos of the existing parcels.

MR. SCHEIBLE: You may have mentioned it but this is a well supplied house?

MR. CELLA: Yes.

MR. SCHEIBLE: How far away from the well is this addition? You probably said it.

MR. KANE: It's right over here. Give us about an approximate footage.

MR. CELLA: Say the house is 50, so 60 to 70 feet away.

MR. SCHEIBLE: And it's supplied by municipal sewage?

MR. CELLA: Yes, in the front and the bedroom count will stay the same, there will be no renovations to the

second floor, essentially just bonus room and do a little modification.

MR. KANE: No additional bathroom?

MR. CELLA: No, I believe there's already a, there's a powder room on the first floor so this will be living room and small increase in the laundry room area but again that's already there.

MR. SCHEIBLE: And the present house that's there is now a one-family home?

MR. CELLA: Correct.

MR. SCHEIBLE: And in this addition, there's not going to be any such thing as a rental piece of property?

MR. CELLA: No, it's an owner occupied residence, it's hard to see from the snow but the owners take pride in their property.

MR. SCHEIBLE: Yeah, I can see that.

MR. KANE: Further questions from the board?

MR. BEDETTI: On the short side where you're seeking the variance you said that was adjacent to undeveloped land did you say?

MR. CELLA: No, this is an existing residence here, there's a tree line and this lot faces the other road, they have their access off I believe it's called Park Avenue, I'm sorry, that driveway has a, this residence has a driveway off of Park Avenue. This is a dead-end cul-de-sac.

MR. TORPEY: They're going to gain more property right there.

MR. CELLA: Right here.

MR. TORPEY: Yeah, straight road going to that development.

MR. CELLA: Right, the circle's coming out and it will come, I guess there's a piece back in here, right, but again, that will be a front yard then.

MR. TORPEY: The house next door that you're building

up against is actually the builder's daughter, they're not doing anything.

MR. CELLA: Yeah, I know, I believe that the owners have been in contact with their neighbors and they have good relations.

MR. KANE: We'll find out.

MR. CELLA: Exactly.

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

MR. HAMEL: I'll make a motion we schedule a public hearing for John and Denise Meyer for the variances as requested.

MR. TORPEY: I'll second it.

ROLL CALL

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

MR. KANE: Being as this is the government, here's your next step. Any questions, give Cam a call.

MR. CELLA: Thank you very much.

MR. KANE: Have a great evening, careful home.

LEWIS SIGN CO., LLC FOR CRYSTAL RUN HEALTHCARE

MR. KANE: Tonight's next preliminary meeting Lewis Sign Company, LLC for Crystal Run Healthcare, 14-07. A variance for a proposed second wall sign will exceed the maximum number of wall signs permitted. Located at 59 Windsor Highway in an HC Zone.

MS. MANNING: Good evening, I'm Liz Manning from Lewis Sign Company. Our client is Crystal Run Healthcare, they're the new building on 59 Windsor Highway which has just really gotten underway, gotten operational and we put up one permanent sign on the front wall saying Crystal Run Healthcare but there's also an Urgent Care facility in the building and they'd like to let the public know so we're requesting the second sign in order that that important function can be advertised to the public.

MR. KANE: The sign, it's illuminated?

MS. MANNING: Non-illuminated, I brought a sample of the material it will be made from if you're interested. It's standard sign construction aluminum material what they call aluminum tube frame which is the actual Crystal Run signature color, it harmonizes with the building itself and the other sign.

MR. KANE: The front of the building, approximately how many feet off of the road is that again, if not right now for the public hearing?

MS. MANNING: Okay, I'll find out.

MR. TORPEY: It's set pretty far back.

MR. KANE: Yeah, I know, I've just got to put it in the record. Actually, my son was there yesterday in the Urgent Care part.

MS. MANNING: In the application, I answered the question that's kind of to justify why we're making our request. In order to advertise the Urgent Care facility we have requested, well, we have been approved for a temporary banner so that's being displayed right now but of course, that can't stay permanently so that was an interim measure. And we feel it's an important message to the public.

MR. TORPEY: Is there a sign up there right now?

MR. KANE: Crystal Run, that's the legal one.

MR. TORPEY: I thought there was another one.

MS. MANNING: Temporary banner.

MR. KANE: Nothing else that I know of, just a banner. No other lighting from the ground going up to the sign in the evening, like the hours of operation?

MS. MANNING: No, there won't be any, I think the pylon is illuminated.

MR. KANE: Pretty straightforward. Further questions, gentlemen?

MR. BEDETTI: Just so I understand the Urgent Care is part of Crystal Run Healthcare, it's a service that Crystal Run Healthcare provides?

MS. MANNING: That's right.

MR. BEDETTI: Not a separate stand-alone entity?

MS. MANNING: Correct, that's the main entrance.

MR. BEDETTI: I wasn't sure if that was separate or whether it was all together.

MS. MANNING: It's all in the same.

MR. BEDETTI: Looking for a sign to advertise one of the services that United Healthcare provides at that location?

MS. MANNING: That's right.

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

MR. BEDETTI: I'll make a motion we schedule a public hearing for Lewis Sign Company for Crystal Run Healthcare for a proposed second wall sign located at 59 Windsor Highway in an HC Zone.

MR. HAMEL: Second it.

ROLL CALL

March 24, 2014

9

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

MR. KANE: Your next steps, if you have any questions, give Cam a call in the office.

MS. MANNING: Thank you very much.

MR. KANE: Thank you, have a great evening, careful home.

PUBLIC HEARINGS:

DEVITT'S SUPPLY INC. (14-05)

MR. KANE: Tonight's only public hearing Devitt's Supply Inc. Variance of four feet in height and 96 square feet per sign face requested for an LED sign with changing light messages. Located at 56 Devitt Circle in an HC Zone. Good evening, is there anybody here for this public hearing that's going to want to speak? Seeing as there's not, we don't need to cover that base. Same as in the preliminary, state your name, address, speak loud enough for the young lady to hear you.

MR. C. FITCH: Christopher Fitch, Devitt's Supply, 56 Devitt's Circle.

MR. A. FITCH: Aaron Fitch.

MR. KANE: Like you have never been here before, tell us exactly what you want to do.

MR. A. FITCH: We're proposing a sign variance for a sign face for an LED sign at 56 Devitt's Circle. It's zoned in a highway commercial zone. We have pictures and graphs of the proposed LED sign.

MR. KANE: LED going to be illuminated?

MR. A. FITCH: Yes, I want to just briefly discuss illumination, it's an ambient light setting so it can be adjusted depending on time of the day and night. The company plans to have any message that would be transmitted on the sign to be there for at least 15 seconds. If the town would require longer, they would be willing to have it go as long as you guys would like. There's plans to turn the sign off at midnight so it wouldn't be going all night. So in addition to supplies and the advertisements on the sign, it's beneficial to the community where you can get severe weather alerts out quickly, Amber Alerts out quick, the company would be willing to work with the town if there's any pressing issues where you need to get information to the citizens.

MR. KANE: Use it for Amber Alerts too?

MR. A. FITCH: Yes.

MR. SCHEIBLE: That's excellent. This sign, this is merely to say what's on sale that day or whatever?

MR. C. FITCH: Right, or we have a great variety of hydrangeas.

MR. KANE: Besides the Amber, the community service that you may provide the other use of the sign is strictly for Devitt's business?

MR. C. FITCH: For Devitt's or anybody who's on the property of Devitt's.

MR. TORPEY: Birthdays?

MR. C. FITCH: Birthdays, Mardi Gras.

MR. KANE: Can you speak just to the pylon freestanding sign is existing already and you're going to add the LED to it or is this a whole new sign?

MR. C. FITCH: We're going to take down the old sign which is on the south side of the out entrance and we're going to move it to the north side of the out entrance where there's a little bit more room. I think it's a little bit less of a hazard when people are pulling out of our place cause it will be set back a little bit more.

MR. KANE: Can you speak to the additional height?

MR. C. FITCH: Mainly just to try to deter vandalism so we can get it, cause it's a big investment just to get it up so that God forbid it don't get graffitied (sic.) or anybody throwing a rock at it.

MR. KANE: Further questions from the board?

MR. SCHEIBLE: I like the idea of what you're doing so far as the height to deter vandalism, I agree with what you said right there.

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

MRS. AMMIRATI: On the 11th day of March 2014, I compared 28 addressed envelopes containing the public

hearing notice with no responses.

MR. KANE: We'll bring it back to the board for further questions? Discuss the frequency of changing the message.

MR. BEDETTI: Discuss the 15 seconds for the message, I think it's short, I don't know about the rest of the board, is there some leeway we can manage with extending it to 30 seconds or something like that?

MR. TORPEY: What if there's different messages sometimes 30, sometimes 20?

MR. BEDETTI: I'm talking about the frequency of change rather than how long it takes to read it.

MR. C. FITCH: I would only ask how long, just as a comparison the Walgreens or the Town of New Windsor sign the frequency on those--

MR. BEDETTI: We've been pretty much discussing them on a case-by-case basis because I don't think there's anything established in the current Town Code, that's why I thought a discussion on what you're able to do.

MR. C. FITCH: Yeah, it basically could do whatever it needs to do. We would just with the investment that we're making we would just of course I don't want it flashing every three seconds shop here this and that but I'd like to get the most bang for the buck out of it. I don't want to make it an eyesore by any means so if you think 30 seconds.

MR. KANE: Just to give you an idea, start, so 15 goes slow, we're not even there yet.

MR. BEDETTI: Yeah, I have some idea.

MR. SCHEIBLE: If a cars are coming down Route 32, it's a matter of maybe just 15 seconds.

MR. C. FITCH: Depends if they're doing 45 or 70.

MR. SCHEIBLE: We have to look up the speed limit and find out the ratio.

MR. BEDETTI: We don't want them doing 45 and reading the sign or 50 and reading the sign along the way, more of a safety issue.

MR. C. FITCH: The sign company that we have chosen to do the marquee is probably one of the better in the industry as far as state of the art stuff and that ambient changing, you know, so when it's dark at night the sign isn't as bright as it would be when the sun is out and it does it automatically.

MR. KANE: I like that it's going off at midnight too.

MR. SCHEIBLE: I may have missed it in this discussion but it is being lit up from both sides?

MR. C. FITCH: It will be both sides.

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

MR. SCHEIBLE: I'll make a motion to approve the Devitt's Supply Inc. sign variance of four foot in height and 96 square foot for a sign face requested for LED sign located at 56 Devitt's Circle in New Windsor.

MR. HAMEL: Second it.

ROLL CALL

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

MR. BEDETTI: I say yes and except the 15 second delay between message changes and I would say yes if it's agreeable.

MR. KANE: I was going to do it. You're all set, gentlemen.

MR. C. FITCH: Thank you very much.

FORMAL DECISIONS:

1. Edward and Joann Lekis
2. Michael Marcantonio

MR. KANE: We have two decisions to vote on at your leisure, we can vote on them both at the same time. I'll take a motion.

MR. BEDETTI: I'll make a motion we accept the formal decisions as distributed by e-mail for the following, Edward and Joann Lekis identified as 14-03 and Michael Marcantonio identified as 14-02 as written.

MR. HAMEL: Second it.

ROLL CALL

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

MR. KANE: Motion to adjourn?

MR. BEDETTI: So moved.

MR. SCHEIBLE: 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