

TOWN OF NEW WINDSOR

ZONING BOARD

MAY 12, 2014

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
 FRANCIS BEDETTI
 HENRY SCHEIBLE
 RICHARD HAMEL
 GREGORY BIASOTTI

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

 CAMMY AMMIRATI
 ZONING BOARD SECRETARY

ABSENT: PATRICK TORPEY

MEETING AGENDA:

1. TBR Management Corporation
2. TBR Management Corporation
3. Thomas Palmer

REGULAR MEETING:

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals regular session for May 12, 2014 to order.

PRELIMINARY MEETINGS:

TBR MANAGEMENT CORPORATION (14-10)

MR. KANE: Tonight's preliminary meeting is TBR Management Corporation. Variances of 16,437 square foot gross lot area and a 3,531 square foot net lot area required for a proposed single-family dwelling. Located at Beattie Road in an R-1 zone. And we'll follow that up with another one. So come on up, state your name and address, speak loud enough for this young lady over here to hear you. Just so you know, I don't know if you've been here before, what we do in the Town of New Windsor is we hold two meetings. We hold a preliminary meeting so that we can get a general idea of what you want to do, make sure you have all the proper information and that we have enough information to make a decision. And then by law, we have to have it in a public hearing which would be next. Some towns just do the public hearing, you come in, you're not prepared, you lose, don't see us for six months. That's why we use a two step process.

MR. LOCKHART: Good evening, my name is Robert Lockhart, I live at 18 Country Acres, Wallkill. We're applying for a variance on Beattie Road which is on the west side of the road. It's a pre-existing, approved pre-existing approved building lot. It's currently one acre and the town went up on their zoning to an acre and a half. We meet all the setbacks. And we're looking to get this approved. Since we've handed this in, this came off a prior March of 1976 survey, we have since not only designed the septic but we actually have a survey not with me tonight, there's just a one percent or less error on the survey. My engineer told me to tell you.

MR. KANE: Mr. Lockhart, your relationship with TBR Management Corporation?

MR. LOCKHART: I'm the single owner of TBR Management.

MR. KANE: Cutting down, some basic questions, cutting down substantial trees and vegetation?

MR. LOCKHART: No.

MR. KANE: Creating any water hazards or runoffs?

MR. LOCKHART: No.

MR. KANE: Any easements running through the property?

MR. LOCKHART: Yes, there is a telephone easement in the front along the front of the property on Beattie Road as well as in between the two lots. These are relatively, these are the smaller telephone poles, these aren't the high power lines for the electric but they're there and there are pre-existing easements.

MR. KANE: And the building of the home is not going to interfere with them at all?

MR. LOCKHART: Not at all.

MR. KANE: Septic, wells?

MR. LOCKHART: We did the testing on the septic, it's being designed now, it's going to be septic and well, four bedroom septic gravity inground, it's nice dirt, I dug the holes myself.

MR. KANE: Further question from the board?

MR. SCHEIBLE: Go back to your telephone poles, just out of curiosity, how far are they, dead in the center of the two lots?

MR. LOCKHART: It favors lot two.

MR. SCHEIBLE: In other words, when you say favor, it gives them more vacant space, is that what you mean by that?

MR. LOCKHART: I'm sorry?

MR. SCHEIBLE: It gives them more vacant space, right?

MR. LOCKHART: Yes, correct, yes.

MR. SCHEIBLE: Did you ever approach, you say that's on the, by the telephone company?

MR. LOCKHART: I don't know who tagged the pole, I don't know who's renting from who, if it's telephone, it's telephone, cable and then electric up top.

MR. SCHEIBLE: So there's electric going through there?

MR. LOCKHART: Yes, yes, in front of on Beattie Road as

well as going through the property that feeds a neighborhood very, very far, it's a strange way of getting there but somebody did it.

MR. SCHEIBLE: Did you ever request a, I don't know who owns it, you said telephone and electric all on one, did you ever request them to go underground with this line?

MR. LOCKHART: No, no, I have not. Usually from my experience it would be a developer customer expense when that's, we used to call it custom work order and it would be a lot of money--

MR. SCHEIBLE: Yes.

MR. LOCKHART: -- to bury the service, it's a main service for the front of Beattie Road, feeds up until the tunnel at least. So I have not, no.

MR. BEDETTI: Now, these two projects, these are already on two previously subdivided lots?

MR. LOCKHART: Yes, these were actually approved SVLs, tax parcels, they were approved as one acre. Since then, the town rezoned so it went to an acre and a half, therefore, the lot size is what we're here for.

MR. BEDETTI: But they already, they're already separate lots, you're not here for a subdivision?

MR. LOCKHART: No, we're not creating, these are pre-existing.

MR. KANE: Didn't we jump to an acre not more than a couple years ago and then they brought it back up to an acre and a half? We're going to find out the dates, I want to know.

MR. BEDETTI: It's two acres now.

MRS. AMMIRATI: No, that area it was two acres, it actually dropped down cause that's an R-1 zone.

MR. KANE: Okay.

MRS. AMMIRATI: I can find out when it dropped down.

MR. KANE: Yeah, if you would. And also when the lots were subdivided, the date on that to the one acre.

MRS. AMMIRATI: It's 1976.

MR. KANE: We got that then, just the other one.

MRS. AMMIRATI: Okay.

MR. KANE: Further questions?

MR. HAMEL: You have several pictures here of a lot of type of houses, are they, you have one here which would be similar and the rest of them are they pictures of the neighborhood?

MR. LOCKHART: I would build either a bi-level, which is right--

MR. HAMEL: First one?

MR. LOCKHART: Yes, or a small colonial, one that would be, would fit into the neighborhood very nice.

MR. HAMEL: These pictures here, these are not of the other houses in the neighborhood?

MR. LOCKHART: Yes, across the street to the right and to the left, that's what's existing right now on that road, those are all the neighbors, immediate neighbors.

MR. SCHEIBLE: Approximately, what's the size of your lots?

MR. KANE: A lot smaller.

MR. SCHEIBLE: Smaller or larger?

MR. KANE: Well, there's two across the street that's zoned two acres and then there's a bunch that go into that were probably there for a long time before that, probably about half the size of those current lots.

MR. LOCKHART: Right.

MR. HAMEL: Looks like lot number one you'll be cutting down a lot of trees.

MR. LOCKHART: Whenever I build it's bear minimal, I don't make money taking down trees, most of the bigger pine trees are by the road I would want to keep up for privacy. I'd just take down for the house and septic.

MR. HAMEL: The house is going to be right, you know, here and the easement for the utility line that goes through how wide is it, do you know?

MR. LOCKHART: We believe it's 20 foot. We weren't sure how the town does the calculations for the net lot area. My engineer wanted me to question that, is it just the easement itself length times width or is it in the front from the most inward part all the way to the property line?

MR. KANE: We'll get an answer for that for you.

MRS. AMMIRATI: You'd have to talk to the building inspector about that. He comes up with those numbers when he does your disapproval.

MR. LOCKHART: Okay.

MR. KANE: Further questions? No further questions, I'll accept a motion to set up a public hearing.

MR. HAMEL: I'll make a motion that we schedule a public hearing for TBR Management Corporation for the variances as requested.

MR. BEDETTI: I'll second that.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. BIASOTTI	AYE
MR. KANE	AYE

MR. KANE: So this is your next step on number one, okay, and now you're up for number two.

TBR MANAGEMENT CORPORATION (14-11)

MR. KANE: Number two, TBR Management Corporation.
Please state your name and address.

MR. LOCKHART: Robert Lockhart, 18 Country Acres,
Wallkill, New York.

MR. KANE: So we're going for the same situation except
for lot number two is a little less intrusive as far as
the net square area needed?

MR. LOCKHART: Yes.

MR. KANE: Okay, again cutting down substantial trees
and vegetation?

MR. LOCKHART: No.

MR. KANE: Creating water hazards or runoffs?

MR. LOCKHART: No.

MR. KANE: Any easements on this particular lot?

MR. LOCKHART: Yes, in the front there is a telephone,
cable and electric utility easement.

MR. KANE: Will the building of the house interfere
with that easement whatsoever?

MR. LOCKHART: No.

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

MR. BEDETTI: I have one quick question. I assume
you're roughly placing the house, how is that going to
affect the side yard requirements?

MR. LOCKHART: Well, right now, our building envelope
is roughly 70 feet wide by 190 feet deep, it's, we're
going to be well within.

MR. BEDETTI: Yeah, I can see certainly the back is
going to be well within but the two side yards, how are
they?

MR. LOCKHART: We will have, let's see--

MR. KANE: You won't need any variances for them.

MR. LOCKHART: No, right now they're plotted on the map for 40 feet which is the bear minimum but will not, the biggest house, the widest house will be a 52 footer, if I go with the bi-level, if I go to a small colonial, it would be 42 foot, so we'll have, there's plenty of room in the envelope, lot of wiggle room.

MR. BEDETTI: I didn't see anything on the application relative to that so I figured maybe you hadn't set the house.

MR. LOCKHART: My wife filled out the application.

MR. BEDETTI: She did a good job.

MR. KANE: Any further questions?

MR. BEDETTI: No, I'm good.

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

MR. SCHEIBLE: I'll make a motion to set up a public hearing for TBR Management seeking a variance of 16,389 feet gross lot area and 2,390 square feet net area required for proposed single-family dwelling located on Beattie Road in an R-1 zone.

MR. BEDETTI: I'll second that.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. BIASOTTI	AYE
MR. KANE	AYE

MR. KANE: And you get a second piece of paper.

MR. LOCKHART: Thank you.

MR. KANE: Good luck.

MR. LOCKHART: Thanks.

PUBLIC HEARINGS:

THOMAS PALMER (14-09)

MR. KANE: Tonight's first publishing hearing and only public hearing Thomas Palmer. Variances of 3.8 feet and 8.8 feet for side yard setbacks and 12.6 total side yard setbacks for proposed single-family dwelling located at 286 Lake Road in an R-4 zone. Let me ask if there's anybody here for this particular hearing? And seeing as there's nobody here for this hearing, we don't need to fill out any other paperwork. You're on, same as the preliminary meeting, you want to tell us name, address, explain in your own words exactly what you want to do.

MR. PALMER: Sure, Thomas Palmer, I live at 508 Shore Drive in New Windsor. And I propose to build approximately 2,100 square foot bi-level home on the property with I believe final side yard setbacks variance of 3.8 feet and 12, approximately 12 feet on the one side.

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

MR. PALMER: No, it's already cleared.

MR. KANE: Creating and water hazards or runoff?

MR. PALMER: No, sir.

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

MR. PALMER: No.

MR. KANE: How big is the home going to be?

MR. PALMER: Dimensions wise it will be 48 by I believe 30.

MR. KANE: That's pretty average size for homes in that particular area?

MR. PALMER: Yes, there's several homes on that road very similar.

MR. KANE: Septic, well?

MR. PALMER: There's town sewer there and existing well.

MR. KANE: Okay, open it up to the board for further questions?

MR. BEDETTI: I'm good.

MR. SCHEIBLE: I'm good.

MR. KANE: And to the left side?

MR. HAMEL: No, I'm good.

MR. KANE: Then we'll once again ask, open the public portion of the meeting, ask if there's anybody here for this particular hearing that wishes to speak? There's no one so we'll close the public portion of the meeting and ask Cam how many mailings we had?

MRS. AMMIRATI: On the 29 day of April 2014, I compared 45 addressed envelopes containing the public hearing notice with no responses.

MR. KANE: I'll accept a motion if there's no further questions?

MR. BEDETTI: I'll make a motion we grant Thomas Palmer a variance of 3.8 feet and 8.8 feet for side yard setbacks and a total of 12.6 feet total side yard setback for proposed single-family dwelling located at 286 Lake Road in an R-4 zone.

MR. SCHEIBLE: I'll second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. BIASOTTI	AYE
MR. KANE	AYE

MR. KANE: Good luck.

MR. PALMER: Thank you.

FORMAL DECISIONS:

1. JOHN & DENISE MEYER
2. LEWIS SIGN CO., LLC FOR CRYSTAL RUN HEALTHCARE
3. CLASSIC HOME BUILDERS, LLC

MR. KANE: Gentlemen, we have three formal decisions to vote on, I'll accept them all in one vote if that's what you want to do.

MR. BEDETTI: I'll make a motion that we accept formal decisions identified as John and Denise Meyer identified as 14-06, Lewis Sign Company, LLC for Crystal Run Healthcare identified as 14-07 and Classic Home Builders, LLC identified as 14-08 as published and distributed by e-mail.

MR. HAMEL: I'll second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. BIASOTTI	AYE
MR. KANE	AYE

MR. KANE: Next meeting is June 9, holiday at the end of this month. Have a good Memorial Day, stay safe. Motion to adjourn?

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. BIASOTTI	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer