

TOWN OF NEW WINDSOR

ZONING BOARD

JULY 28, 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. John & Eileen Weber
2. Rickie Yankow
3. Wendall Harrington
4. Ray's Transportation
5. Moroney's Cycle

**REGULAR MEETING:**

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals regular session for July 28, 2014 to order.

ROLL CALL

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

**PRELIMINARY MEETINGS:**

**JOHN & EILEEN WEBER (14-17)**

MR. KANE: Tonight's first preliminary meeting John and Eileen Weber, a variance of 20 feet required for rear yard setback for a proposed rear yard deck located at 2039 Independence Drive in an R-3 zone. Hi, come on up.

So what you understand what we do here in New Windsor we hold two meetings, one is a preliminary meeting, so we can get a general idea of what you want to do, make sure you have all the proper information to give us and enough for us to make a decision.

MR. WEBER: Okay.

MR. KANE: Other towns hold one and by law everything we have to do is done in a public meeting.

MR. WEBER: Okay.

MR. KANE: That will be the second stage. Everything we do here will be the same thing except the public will be involved. In other towns it's one meeting where you go in, you're not prepared, you lose, you cannot come back for six months. We opted to go a two meeting version.

So what I want you to do is explain in your own words exactly what you want to do. State your name and address and speak loud for that young lady to hear you.

MR. WEBER: Okay.

MR. CHANIN: Why don't you stand between those tables and speak so the stenographer and the Board can hear you, but also loud enough for the people to hear you. Start with your name.

MR. WEBER: My name is John Weber, this is Eileen Weber, and we live at 2039 Independence Drive, New Windsor, New York. And our plans are to install a deck to the rear of the house off of the back and we're looking for a variance to go 20 feet because the fence is, the backyard is not the required 40 feet. So we'd like to go and build a deck that's 14 feet by 20 off of the rear of the house. And there should be approximately 24 feet I believe to the end of, from the point of the end of the deck to the fence.

MR. KANE: Okay. Some questions I ask are pretty obvious from the pictures, but I have to put them on the record anyway.

MR. WEBER: Sure.

MR. KANE: Are you cutting down any trees or substantial vegetation in the building of the deck?

MR. WEBER: No, there's not, there are no trees by the deck.

MR. KANE: Creating any water hazards or runoffs?

MR. WEBER: There will not be any water hazards. The house actually has drainage that runs off into sewage in the back of that area.

MR. KANE: Any easements going through the area where you propose to build a deck?

MR. WEBER: There's no easement there, but there is an easement in the back of the house because there's drainage 10 feet underneath the property line in the back of the house.

MR. KANE: I know it well.

MR. WEBER: But that shouldn't affect it because it's 20 feet from --

MR. KANE: That has nothing to do with that. The deck you said is 14 by 20?

MR. WEBER: 14 feet by 20, correct.

MR. KANE: And it's coming 14 feet out from your house?

MR. WEBER: That is correct.

MR. KANE: Towards the rear property line and 20 feet along the length of the house?

MR. WEBER: Correct, to the left of the house.

MR. KANE: So a 14 by 20 deck in your neighborhood is not considered an oversized deck, that would be more of a normal sized deck in your opinion?

MR. WEBER: I think it's a very modest size deck compared to the other decks that I've seen including other areas, sitting areas for like patios that were built in that area that are actually, you know, much larger.

And as far as in my opinion more of a project compared to a deck that you have three footings where there's tons of concrete, actually tons of gravel and blocks to actually create a patio.

MR. KANE: And the deck will also create a safer exit from the home through the rear doors there than the stairs that your builders currently left with you?

MR. WEBER: I believe so.

MR. KANE: I know the area very well.

MR. WEBER: I believe so. I mean I have a three year old and a five year old. Once you step right outside it goes right down to a three foot drop where the stairs are. So by having a deck you will be able to walk out to the deck, have room to actually pass to go to your right where the stairs are planned to go to exit off into the property.

MR. KANE: Okay, any further questions from the Board?

MR. BEDETTI: How high is the deck going to be from the ground level, about four feet?

MR. WEBER: It's 42 inches to the actually sill of the door.

MR. SCHEIBLE: Straight up to the sill of the door but it doesn't interrupt any of the windows that are in the back?

MR. WEBER: No. The side window because it's a, the kitchen area has two windows one on each side and you have the sliding door. And the way I had designed the deck to the right it won't affect the right window and to the left it will go to the end of the house as far as like to the base of the house so it will be by the left side window but it's not going to, it shouldn't affect the window from, you know, opening or closing or opening and closing the doors at all.

MR. SCHEIBLE: Very good.

MR. BEDETTI: You will be standing on your new deck --

MR. WEBER: Right.

MR. BEDETTI: -- this white fence, and is that the view that you'd have standing?

MRS. WEBER: Yes.

MR. WEBER: That's correct. I mean that would be, as you look outside the door where that pylon is that is the end of the deck.

MR. BEDETTI: We're concerned that you don't have a deck that's raised so high that when you stand on your deck and you look you are looking in your neighbor's bedroom or something like that.

MR. WEBER: All the bedrooms in the house are to the upstairs in the Reserve. Most. But there is a six foot fence.

MR. BEDETTI: I see the fence. Thank you.

MR. KANE: Further questions?

MR. CHANIN: Mr. Weber, you said that you live at 2039 Independence Drive?

MR. WEBER: Correct.

MR. CHANIN: Are you the owner?

MR. WEBER: Yes.

MR. CHANIN: And how long have you lived there?

MR. WEBER: Nine years.

MR. CHANIN: And how long has the house been there?

MR. WEBER: We purchased the house and the property in 2003. We moved in in 2005. So June of, June 14th of this year will be nine years living in New Windsor.

MR. CHANIN: And how old is the house?

MRS. WEBER: Nine years old. We are the original owners.

MR. CHANIN: You're the original owners.

MR. WEBER: It's new construction.

MR. CHANIN: All right, that's what I wanted to find out. Thank you.

MR. WEBER: You're welcome.

MR. KANE: This is the development where they put all the backyards like 42 feet from the back of the house. Any further questions? If not I'll accept a motion to setup for a public hearing.

MR. BEDETTI: I'm make a motion that we schedule a public hearing for John and Eileen Weber for a variance of 20 feet for a rear yard setback for a proposed deck located at 2039 Independence Drive in an R-3 zone.

MR. HAMEL: I will second.

ROLL CALL

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

MR. KANE: These will be your next steps, if you have any questions give Cam a call.

**PUBLIC HEARINGS:**

**RICKIE YANKOW (14-13)**

MR. KANE: Tonight's first public hearing Rickie Yankow, variance of 15 feet one inch required for a side yard setback for a proposed addition located at 16 Elizabeth Lane in an R-3 zone.

MS. YANKOW: Hello.

MR. KANE: At this point is there anybody else here for this particular hearing? All right, Miss Yankow?

MS. YANKOW: Yes.

MR. KANE: Just like the preliminary, step up, tell us in your own words exactly what you want to do. State your name and address please.

MS. YANKOW: Rickie Yankow, 16 Elizabeth Lane, New Windsor. I would like to put an addition on the side of my house, a handicapped addition which would be a bedroom and a handicapped accessible bathroom for my father who's diagnosed with ALS.

The way our house is you have to go upstairs or downstairs for the bathroom and for the bedroom. We basically need everything on one floor for him to have use of these rooms.

And he actually, he was hospitalized in hospice and we didn't think he is going to do well, he made a turnaround and he just came home today. So we were like yeah, we set something up in the dining room but we'd like more privacy and access to the bathroom, proper access.

MR. KANE: Okay, similar questions, in the building of the addition, cutting down substantial trees and vegetation?

MS. YANKOW: Just removing a tree stump.

MR. KANE: Creating any water hazards, runoff?

MS. YANKOW: No.

MR. KANE: Is there any easement running through the area that you want to build the addition?

MS. YANKOW: No.

MR. KANE: Any right-of-ways --

MS. YANKOW: No.

MR. KANE: -- nothing like that?

MS. YANKOW: No.

MR. KANE: Your intent and purpose with this addition is continuing to use this home as a single family home?

MS. YANKOW: Yes.

MR. KANE: You're not making any kind of a rentable area in there?

MS. YANKOW: No.

MR. KANE: No additional kitchen going in?

MS. YANKOW: No.

MR. KANE: Staying on single electric and gas meters?

MS. YANKOW: Yes.

MR. KANE: I'll open it up to the Board for further questions?

At this point then I'll open it up to the public and ask once again if there's anybody here for this particular hearing?

Seeing as there's none we'll close the public portion of the meeting and ask Cam how many mailings we have?

MS. AMMIRATI: On the 15th day of July 2014 I compared 23 addressed envelopes with no response.

MR. KANE: And then we will open up to further questions.

MR. CHANIN: Just one thing I want to put on the record if I may, Miss Yankow, last time you were here for your preliminary appearance on July 14th you did indicate that because of the medical circumstances that you would have a separate entrance?

MS. YANKOW: Yes. In the rear, yes.

MR. CHANIN: But that separate entrance in and of itself does not imply that it's going to be anything other than a single family residence?

MS. YANKOW: No, just a single. Just this entrance will allow access to the driveway and on a path.

MR. CHANIN: I just wanted to get that on the record.

MR. KANE: Easy access from the interior of the house to the addition?

MS. YANKOW: Yes.

MR. KANE: Any further questions? If there's not I will accept a motion.

MR. HAMEL: I make a motion that we grant Rickie Yankow the variances as requested for a 15-foot one inch side lot.

MR. KANE: I need a second.

MR. BEDETTI: I will second.

ROLL CALL

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

**WENDALL HARRINGTON (14-14)**

MR. KANE: The next public hearing Wendall Harrington variance for proposed accessory building that will project nearer to the street on which the principal building fronts, located at 235 Bull Road in an R-1 zone.

Good evening. You know the drill, same thing, tell us exactly what you want to do. Speak loud enough for that young lady.

MR. ERIKSSON: My name is Bo Eriksson, I'm the agent for Wendall Harrington at 235 Bull Road. And she is applying for a variance to build an unheated accessory building, it's a garage that will be 640 square feet. I think it is going to project 10, 15 feet forward of the house to the road and it's a garage. It will have electric and a propane line from the house but it will be the same meter. The propane line is, she's going to install a standby generator. We're going to take down, she has to take down two trees, it's not necessarily for this building, but they are going to take them down at the same time.

MR. KANE: Creating any water hazards or runoffs?

MR. ERIKSSON: No.

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

MR. ERIKSSON: No.

MR. KANE: And according to the pictures that you've presented from the Board even though the garage will be closer to the road than the home it is not visible from the road?

MR. ERIKSSON: No, it's probably 250, 300 feet from the road. And like 200 feet from the only neighbor which I have spoken to. I guess we sent letters but I talked to them so they know everything.

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

MR. SCHEIBLE: When you said 600 square foot is it like a two car?

MR. ERIKSSON: Yes, I think 22 feet deep and 30 feet wide.

MR. SCHEIBLE: 30 feet wide?

MR. ERIKSSON: Yes. And as low as possible. I think it can be 15 feet, try to do it as low as possible just for the environment.

MR. SCHEIBLE: You're not building anything like a loft on top of it?

MR. ERIKSSON: Not at all, actually a flat roof.

MR. SCHEIBLE: Sometimes that happens, all of a sudden there is a second story.

MR. ERIKSSON: Exactly. No, actually trying to make it as low as possible. No storage like that, because otherwise you could see it through the window in the house, we are trying to make it lower.

MR. KANE: To be totally repetitive, no intentions on making any loft or any apartment --

MR. ERIKSSON: No.

MR. KANE: -- or anything in this building?

MR. ERIKSSON: No.

MR. KANE: At this point I'll open it up to the public and ask if anybody is here for this particular hearing? Seeing as there's no one we will close the public portion of the meeting, bring it back to Cam and ask how many mailings we have.

MS. AMMIRATI: On the 15th day of July 2014 I compared 19 addressed envelopes containing the public hearing with no responses.

MR. KANE: Bring it back to the Board, any further questions? None, I will accept a motion.

MR. SCHEIBLE: I will make a motion to approve the variance for a proposed accessory building that will project nearer to the street on which the principal building fronts located at 235 Bull Road in an R-1 zone.

MR. BEDETTI: I will second.

ROLL CALL

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

**RAY'S TRANSPORTATION (14-15)**

MR. KANE: Tonight's third public hearing Ray's Transportation variance of 14 feet required for proposed building height located at Argenio Drive in a PI zone referred by Planning Board.

MR. CHANIN: First of all, you're Mr. Aretta?

MR. ARNETTA: Arnetta.

MR. CHANIN: And you are a surveyor?

MR. ARNETTA: I work for Pietrzak & Pfau Engineering.

MR. CHANIN: Make sure the stenographer can hear you. Please introduce the gentleman standing to your left.

MR. STACKHOUSE: Ray Stackhouse, president Ray's Transportation.

MR. CHANIN: Okay.

MR. ARNETTA: Okay, this is the Ray's Transportation site plan, we are currently proposing two rails along the front property line. And for the purpose of this variance we are also proposing a 100 foot by 100 foot building. And in an effort to get this building as close to the rail line for trans-load services, we are requesting a 14-foot variance on top of the front setback line so we can make up our 45-foot building height as it is an inch per foot requirement of horizontal difference to that lot line.

MR. KANE: Obvious questions, cutting down any trees or substantial vegetation in the building of this building?

MR. ARNETTA: No.

MR. KANE: I still got to ask those questions. Creating any water hazards or runoffs?

MR. ARNETTA: No.

MR. KANE: Any easements going through there?

MR. STACKHOUSE: No.

MR. SCHEIBLE: You are right on the rail, I assume, correct?

MR. STACKHOUSE: Yes.

MR. SCHEIBLE: Is there going to be a rail siding?

MR. ARNETTA: Right.

MR. SCHEIBLE: I'm sure all that is necessary to get a rail siding has been approved by the railroad?

MR. STACKHOUSE: Oh, yeah, we bought the property off the railroad.

MR. SCHEIBLE: Just want to make sure.

MR. KANE: All of this goes, after we do this, this will all go back to the Planning Board, if we approve this I should say. Further questions?

MR. BEDETTI: The only variance being sought here is strictly building?

MR. KANE: Building height, that's it, yes.

MR. HAMEL: The building is 100 foot by 100 foot, that's the outside?

MR. ARNETTA: Yes.

MR. BEDETTI: I have a question, what's the building used for? What's the purpose of the building? Is it storage, transfer station? What's the purpose of the building?

MR. STACKHOUSE: It will be loading rail cars there and more storage. We need more storage.

MR. BEDETTI: Basically a storage building and you have access to the railroad?

MR. STACKHOUSE: Right.

MR. ARNETTA: We are also proposing the two rail lines along the front, it's the bold yellow lines. So in an effort to expand the trans-load services this building is being proposed in this location so trucks can gather material and transport it right into the cars.

MR. KANE: I'll open this portion up to the public and ask if there's anybody here for this particular hearing?

Seeing as there's not, we will close the public portion of the meeting and ask Cam how many mailings we had.

MS. AMMIRATI: On the 15th day of July 2014 I compared 23 addressed envelopes containing the public hearing notice with no responses.

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

No further questions, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant the variance of 14 feet required for the proposed building height for Ray's Transportation located at Argenio Drive in a PI zone.

MR. HAMEL: I will second.

ROLL CALL

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

MR. KANE: You're all set with us and you'll go back to the Planning Board and they'll get a notice of our determination here.

**MORONEY'S CYCLE (14-16)**

MR. KANE: The last public hearing that will take place tonight is Moroney's Cycle, variances are required for 13 foot maximum building height, 5.7 foot for rear yard setbacks, 26 foot for side yard setbacks, one percent for developmental coverage and four additional parking spaces located at 833 Union Avenue in an HC zone.

MR. CONKLIN: My name is Kevin Conklin, I work with Wright Architects. Our address is 200 Fair Street, Kingston, New York. What we are proposing to do is enclose an existing concrete area to the rear of the Moroney's Harley Davidson building.

There's an existing retaining wall which we are proposing to build right on top of, so there's no site work. There's no drainage issues, there's no trees to be removed. We are going to match the height of the building that's there right now.

Obviously the side yard setback is an issue but we're going to match the setback that's there right now so we're not going to encroach any closer to the property line.

This is going to be used for a warehouse. It's going to be a metal building, pre-fabricated metal sitting on top of the existing concrete work that's back there.

MR. SCHEIBLE: One floor?

MR. CONKLIN: Yes.

MR. KANE: Obviously not cutting down any vegetation or trees since it's already concrete there?

MR. CONKLIN: Nothing.

MR. KANE: Not creating any water hazards or runoffs?

MR. CONKLIN: No, sir.

MR. KANE: No easements running through that area since it's already concrete. The height of the building variance is so that the addition matches up with the height of the existing building, correct?

MR. CONKLIN: Yes.

MR. SCHEIBLE: Has the Thruway Authority been involved in this?

MR. KANE: They haven't sent any notifications one way or the other.

MR. SCHEIBLE: Did they get a notice?

MR. KANE: I would assume.

MR. SCHEIBLE: Just out of curiosity.

MS. AMMIRATI: No.

MR. KANE: No, they didn't get one from the assessor's office for it.

MR. SCHEIBLE: Okay.

MR. KANE: We have to cover some other things, note one, side yard setback, total yard setback and developmental coverage, those were variances that were already granted by the Zoning Board in 2006 for lot area side yard, total side yard, rear yard, the building height of the other building and developmental coverage off street parking.

MR. CHANIN: Now, if you will remember two weeks ago when your colleague, Mr. Wright --

MR. CONKLIN: Andrew.

MR. CHANIN: -- was here --

MR. CONKLIN: Yes.

MR. CHANIN: We had a long discussion trying to figure out exactly how many variances you were applying for. The number changed. First initially we thought you were applying for four variances, and then after figuring it out we figured out that what you were really requesting was for five variances. And it was my need that prompted that discussion because I'm supposed to be the person who writes up the decisions. And it is I think a service to the applicant when the decision is specific because that way there's no questions later about what permission you did or didn't get for each specific variance. So if my notes are correct we finally came to the conclusion just to be specific and to be inclusive as a service to the applicant.

MR. CONKLIN: Sure.

MR. CHANIN: So what we were really asking for here were five variances.

MR. CONKLIN: Yes.

MR. CHANIN: If I'm still correct about that.

MR. CONKLIN: Yes.

MR. CHANIN: And I just wanted to recapitulate that conversation from two weeks ago so that the record is clear and my decision which is subject to the approval of the Board would also be clear as a service to the applicant.

MR. CONKLIN: Yes.

MR. CHANIN: You understand?

MR. CONKLIN: You're correct. I understand you completely.

MR. KANE: And you understand, sir?

MR. SILVERII: Yes, I do.

MR. KANE: We just want to make sure everything is cleared up, that there's no little thing that may come back to haunt anybody. Further questions from the Board at this time?

MR. BEDETTI: I have a question, the additional parking spaces, you were looking to eliminate that need for those four additional parking spaces, is that correct?

MR. KANE: That's correct.

MR. BEDETTI: I wasn't quite clear.

MR. KANE: It changed or whatever, it went from 52 spaces to 56, so they needed four because a previous variance had brought it down to 50 spaces.

MR. BEDETTI: Got it, thank you.

MR. KANE: You're welcome. Further questions?

MR. BIASOTTI: The only question I have is with the coverage, the development coverage if it's going on the same pad why is there an additional one percent?

MR. KANE: We thought in our conversation the last time that came up that it should have been, I don't know whether they counted it or not, but we felt since that's already an impermeable, if I'm saying that correctly, surface it should have been included in any previous. So what we're going to do here is we're going to cover that to make sure that that's done legal, no problems, no question marks about it.

MR. BIASOTTI: Okay, but that impervious surface would have been included in the 85 percent, now it's 86? So it's something being expanded somehow?

MR. KANE: What we think -- what I think, personally think is I don't think that that one percent on it was included in the first portion of it.

MR. CHANIN: I think that's correct.

MR. KANE: And that's where I'm coming up.

MR. CHANIN: Again, you correct us if we're wrong, but I think what happened was is that where the original approval was granted it should have been 86 --

MR. CONKLIN: I think so.

MR. CHANIN: -- and it was only 85, and now more precise calculations indicate that we might as well clear up that glitch now.

MR. CONKLIN: When we came up with the areas the numbers weren't matching what was previously approved. So we don't know if the calculation was wrong the first time or rounding error, you know. I mean nothing is being improved, the building is not being enlarged.

MR. KANE: It was just with it already being quote unquote covered under another variance I wasn't sure where that was, so I'd rather just make sure the whole thing is nice and in a clean package going out, okay?

At this point I'll open it up to the public and ask if there's anybody here and in the public?

We will close the public portion of the meeting, seeing as no one's here, and ask Cam how many mailings we had.

MS. AMMIRATI: On the 15th day of July 2014 I compared 12 addressed envelopes containing the public hearing notice with no responses.

MR. KANE: And I'll open it up back to the Board for any further questions? If no further questions I will accept a motion.

MR. BIASOTTI: I'll make a motion that we grant the variances requested for Pat Moroney, 833 Union Avenue in an HC zone.

MR. KANE: I need a second.

MR. BEDETTI: I'll second.

ROLL CALL

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

MR. KANE: You are going back to the Planning Board. Good luck to you.

**FORMAL DECISIONS:**

SAAED MOSLEM (14-12)

MR. KANE: We have one formal decision to vote on, gentlemen, I will accept a motion on that.

MR. BEDETTI: I'll make a motion that we accept the formal decision.

MR. CHANIN: You voted against this. The decision of the Board on this particular application that you've voting on now was to deny the application by a vote of one to four, I just want to make that clear. So by accepting the decision you're validating that the application was denied.

MR. BEDETTI: I'll make the motion that we accept the formal decision for Saaed Moslem identified as 14-12 as written and distributed by e-mail.

MR. KANE: Need a second.

MR. SCHEIBLE: Second.

ROLL CALL

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

Respectfully Submitted by:

  
Roberta O'Rourke  
Stenographer