

TOWN OF NEW WINDSOR

ZONING BOARD

APRIL 13, 2015

MEMBERS PRESENT: HENRY SCHEIBLE, ACTING CHAIRMAN
FRANCIS BEDETTI
PATRICK TORPEY
RICHARD HAMEL
GREGORY BIASOTTI

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
ZONING BOARD ATTORNEY

CAMMY AMMIRATI
ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE, CHAIRMAN

MEETING AGENDA:

1. Jose Lugo
2. Randacciu

REGULAR MEETING:

MR. SCHEIBLE: Good evening, ladies and gentlemen, I'd like to welcome you to the Town of New Windsor Zoning Board meeting of April 13, 2015.

PRELIMINARY MEETINGS:

JOSE LUGO (15-03)

MR. SCHEIBLE: What is your intentions?

MR. CHANIN: Hold on. First of all, stand in the middle, speak so that that young lady can hear you and everyone in the room can hear you. First, state your name.

MR. LUGO: Jose Lugo.

MR. CHANIN: Tell us why you're here.

MR. LUGO: I'm here to ask permission for a second kitchen in the house that I just purchased in October.

MR. CHANIN: Now, is it the case that you've lived, is that your house?

MR. LUGO: Yes, it is.

MR. CHANIN: You live there?

MR. LUGO: I live there now, yes.

MR. CHANIN: How long have you owned the house?

MR. LUGO: I bought it in October of 2014.

MR. CHANIN: Okay, and when you bought it, did it have a second kitchen?

MR. LUGO: No.

MR. CHANIN: And you're proposing to put a second kitchen in?

MR. LUGO: Correct.

MR. CHANIN: Where do you propose to put the second kitchen?

MR. LUGO: What happened, we re-modeled the whole house, we converted the two car garage into a separate living space so that's where the second kitchen will go.

MR. CHANIN: Now, you know what the big issue is going

to be, do you not?

MR. LUGO: What is that?

MR. CHANIN: The big issue is going to be that this is a single-family dwelling and your improvement including by putting in a second kitchen suggests the possibility that it could become a two-family dwelling. How do you want to respond to that possibility?

MR. LUGO: Well, the apartment that we, separate apartment we put down there is for my son, he's 22, he's 23 years old, he's still in college, he's going for his Master's. And he has a very serious girlfriend so he's looking to get married within a year or two. So I'm guessing that that would probably help them by living there so they can stay there, if they stay there two or three years that would be idea for them to be able to save some money then get their own place.

MR. CHANIN: What part of the house did you remodel to make this new living space, the garage?

MR. LUGO: Yes, it was a two car garage, we actually remodeled the whole house.

MR. CHANIN: And does the garage, will that have a separate entrance?

MR. LUGO: Yes.

MR. CHANIN: Will it have separate utility lines to provide energy just to that new part of the house?

MR. LUGO: No.

MR. CHANIN: So it will have a separate entrance but it won't have separate utilities?

MR. LUGO: No.

MR. CHANIN: Other than your son and his girlfriend or wife, would you intend to rent it out or to allow another family after them to use it?

MR. LUGO: Oh, no, absolutely not. I have a daughter right behind him that will probably follow in his footsteps.

MR. SCHEIBLE: So his intention is this, your intention

is to rent it out to a family member?

MR. LUGO: Correct.

MR. SCHEIBLE: Which could pass on to another family member?

MR. LUGO: Correct, yes. If you want to say rent, you know, do kids pay rent?

MR. SCHEIBLE: They're going to pay you rent, I'm sure of that.

MR. LUGO: Hopefully, they'll do something, yeah.

MR. CHANIN: Are they going to have a lease?

MR. LUGO: Oh, no.

MR. CHANIN: So if they don't pay you, you'll tell them hey, you better pay me but you're not going to evict them?

MR. LUGO: No, absolutely not, it's family.

MR. SCHEIBLE: Maybe you already mentioned it, it's not a two story home, did you mention that earlier?

MR. LUGO: It's a ranch basement with a first floor.

MR. SCHEIBLE: And down, correct?

MR. LUGO: Yes, correct.

MR. SCHEIBLE: So this kitchen is already there?

MR. LUGO: Well, what happened was when we remodeled--

MR. SCHEIBLE: That's, maybe I missed it, maybe everybody else heard it, is the kitchen already there or not?

MR. LUGO: The second kitchen that I'm proposing is already there in place, okay.

MR. SCHEIBLE: It's not a proposal anymore, it's already in place?

MR. LUGO: Well, the main kitchen is not there, we don't have a kitchen upstairs.

MR. CHANIN: I thought you said the house was remodeled?

MR. LUGO: That's why I'm saying the whole thing was, everything is brand new inside, so the kitchen that's upstairs, the main kitchen is not there.

MR. CHANIN: Let me ask you this question. Is it your intention that the new kitchen you're going to put in the former garage is going to be the kitchen for the whole garage?

MR. LUGO: No, no, no, the second kitchen that I'm proposing will be just for the downstairs.

MR. CHANIN: So you're going to replace the kitchen that used to be in the main part of the house?

MR. LUGO: Correct.

MR. CHANIN: So eventually, this is going to be a single-family house with two kitchens?

MR. LUGO: Correct.

MR. CHANIN: Now let me explain something to you.

MR. LUGO: Okay.

MR. CHANIN: This house is located in an R-4 zone, an R-4 zone is a single-family zone, so residential properties in an R-4 zone are restricted to be used only by one family.

MR. LUGO: Correct.

MR. CHANIN: They can't be used for one family to live in one part of the house and then a second family to live in a second part of the house or, for example, you and your family couldn't live in one part of the house and rent out the other part to strangers for monthly rent.

MR. LUGO: Yeah, I'm aware of that, yes.

MR. CHANIN: This is what I need to explain to you. What you're asking this board to give you is permission to put a second kitchen in cause you're going to restore the first one. So eventually the house is

going to have two kitchens?

MR. LUGO: Yes.

MR. CHANIN: What you're asking this board to give you is an opinion that says that you're still in compliance with the zoning board, the code, even if the house winds up having two kitchens because you agree that this will remain a one-family house and at no point in the future will it be used for two families, is that correct?

MR. LUGO: Yes.

MR. CHANIN: Okay.

MR. SCHEIBLE: You have one meter on the house presently?

MR. LUGO: Correct.

MR. SCHEIBLE: Electric meter, do you have any intention of putting another meter in to cover this area?

MR. LUGO: No.

MR. SCHEIBLE: You're not doing anything to enlarge the outside of the house, no additions that would enlarge the present size of the house?

MR. LUGO: No. Now I must say that in the plans it was, when I went to remodel the house we did have an addition planned for the house but we're not going to do that.

MR. CHANIN: Okay, in terms of the work that you've already done and in terms of the further work that you intend to do, are you going to cut down any vegetation?

MR. LUGO: We did get rid of some trees that, you know, old trees, one in the back that was--

MR. TORPEY: Not to put the kitchen in.

MR. LUGO: No, no.

MR. CHANIN: In connection with this work, are you going to cut out any vegetation?

MR. LUGO: No.

MR. CHANIN: In connection with this work, are you going to cause any erosion, runoff, ponding or some problems like that?

MR. LUGO: No.

MR. CHANIN: In connection with this work, is it possible that you might transgress over any easements or right-of-ways?

MR. LUGO: No.

MR. CHANIN: Further questions from the board?

MR. TORPEY: Whose kitchen is it?

MR. LUGO: Well, it's going to be my son's kitchen. Will he ever use it, I guess when he gets married his wife will probably use it.

MR. TORPEY: You're not allowed to touch it.

MR. LUGO: Am I allowed to touch it? It's my house.

MR. HAMEL: So right now this is the upstairs, correct?

MR. LUGO: Correct, yes.

MR. HAMEL: In the progress of rebuilding I see new walls up and high hats, okay.

MR. CHANIN: Now, we're going to ask you all these questions again if the board decides to schedule a public hearing in this matter, it means you're going to come back and you're going to have to repeat everything you just said.

MR. LUGO: Absolutely.

MR. CHANIN: But you're not going to object if the records of the Town of New Windsor show that this is a one-family dwelling and it's got to remain a one-family dwelling and at no time in the future will you or any person you sell the house to be tempted to declare that this is now a two-family dwelling?

MR. LUGO: I won't object to that, no.

MR. BEDETTI: Yeah, I have a question. Does this remodel have a plumbing, another bathroom downstairs, is there a bathroom upstairs, bathroom upstairs?

MR. LUGO: Yes, it has another bathroom downstairs.

MR. BEDETTI: Is there access between, is there free access from the lower apartment to upstairs living?

MR. LUGO: Oh, yes, yes, you can walk in the front door and walk down the stairs, the family room is on the right and to the left where the two car garage was there's still, I mean, open doorway there to go into the kitchen area/bedroom living space.

MR. TORPEY: Wherever it smells better you're going to go.

MR. LUGO: I'm sorry?

MR. TORPEY: Up or down.

MR. CHANIN: When you smell the food you're going to know where to go.

MR. LUGO: I'm going to stay upstairs, my wife's a good cook.

MR. BEDETTI: There's free access to the whole house for both yourself and your son?

MR. LUGO: Yes, yes.

MR. BEDETTI: That's all, I'm good.

MR. LUGO: I'm sure he'll probably eat upstairs too.

MR. CHANIN: Mr. Biasotti, any questions?

MR. BIASOTTI: Only there will not be a door at the bottom of the steps separating the apartment?

MR. LUGO: Well, there's going to be a door there but it's, you know, it doesn't have like a lock or anything like that.

MR. BEDETTI: Nothing further.

MR. TORPEY: No.

MR. HAMEL: Nothing.

MR. SCHEIBLE: Nothing presently.

MR. CHANIN: Then what we need is a motion if you're willing to schedule a public hearing.

MR. HAMEL: I'll make a motion that we schedule a public hearing for Jose Lugo for the variance as requested.

MR. BEDETTI: I'll second it.

ROLL CALL

MR. BIASOTTI	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. TORPEY	AYE
MR. SCHEIBLE	AYE

MR. CHANIN: Those are your next steps.

MR. LUGO: We're done?

MR. CHANIN: For tonight. Read that, call the office and when you're done doing all those things, we can reschedule you. We'll hold a public hearing but we can't give you a date because we don't know when you're going to finish those things.

MR. LUGO: Thank you very much.

PUBLIC HEARINGS:

ANTHONY & JENNIFER RANDACCIU (15-02)

MR. SCHEIBLE: We'll move on to a public hearing, Anthony and Jennifer Randacciu seeking an area variance of 24.6 inches requested for a side yard setback for a proposed attached garage addition. Located at 12 Clarkview Road in an R-4 zone. Sir?

MR. CHANIN: Mr. Randacciu, good evening, you remember you were here on March 23?

MR. RANDACCIU: Yes.

MR. CHANIN: And at that time, this public hearing for tonight was scheduled?

MR. RANDACCIU: Yes, it was.

MR. CHANIN: Would you please briefly tell the board again what you told the board on March 23?

MR. RANDACCIU: Yes, I'd like to add an attached garage to the side of my house.

MR. CHANIN: Now, you told us on March 23 that there was a pre-existing garage?

MR. RANDACCIU: At one point, there was not when I owned the house.

MR. CHANIN: When did you acquire the house?

MR. RANDACCIU: 2008.

MR. CHANIN: The pre-existing garage was gone by the time you got there?

MR. RANDACCIU: Yes, it was my downstairs rec room is made larger.

MR. CHANIN: And where did you park your car?

MR. RANDACCIU: In the driveway.

MR. CHANIN: And now what you want to do is you want to put a new garage addition in there?

MR. RANDACCIU: Yes.

MR. CHANIN: And is the new garage addition as planned going to change the footprint of the house?

MR. RANDACCIU: As far as?

MR. CHANIN: Well, there used to be a garage there, it's gone now.

MR. SCHEIBLE: I don't want to interrupt, when he's saying the garage, earlier, right, that was part of the house?

MR. RANDACCIU: Yes, you drove into the house.

MR. SCHEIBLE: That was not a structural garage outside of the house area?

MR. RANDACCIU: No, that was part of the house.

MR. CHANIN: Is the new garage going to be in the same spot as the old garage?

MR. RANDACCIU: Part of it, it's going to be perpendicular to it.

MR. CHANIN: So you're changing the footprint of the house, it's not the same footprint that it used to be?

MR. RANDACCIU: The house, now I'm attaching it to the house.

MR. CHANIN: Ma'am, you can come up if you want.

MRS. RANDACCIU: We're building a new garage attached to the house.

MR. CHANIN: But it's not going to be in exactly the same place as the old garage?

MRS. RANDACCIU: No, because the old garage is in the house which is now a rec room.

MR. SCHEIBLE: That's the rec room which most people did in that whole area.

MR. CHANIN: So you're changing the footprint of the house?

MRS. RANDACCIU: Yes.

MR. CHANIN: Now, in changing the footprint of the house, are you going to cut down any vegetation?

MR. RANDACCIU: No.

MR. CHANIN: Are you going to create a situation where there's a problem because water collects in ponds or there's an erosion problem or a soil erosion problem or anything like that?

MR. RANDACCIU: No.

MRS. RANDACCIU: No.

MR. CHANIN: Are you going to transgress over any easements or right-of-ways belonging to other people?

MR. RANDACCIU: No.

MRS. RANDACCIU: No.

MR. CHANIN: Is the proposed garage addition similar to other garages and other garage additions in the neighborhood?

MR. RANDACCIU: Yes.

MR. CHANIN: Tell us how it's similar.

MR. RANDACCIU: Two houses, one house over from me are exactly the same, one has a garage addition shorter, another one has a, looks like a large rec room similar looking without a garage door obviously but very similar appearance.

MR. SCHEIBLE: There are about approximately three or four homes that have done it over the years exactly what you're discussing here tonight.

MR. RANDACCIU: Correct.

MR. SCHEIBLE: There's one up the hill, I live around that neighborhood also and pretty familiar and then there's another one that was right down the street coming in off 207 that put a garage on many moons ago.

MR. RANDACCIU: Yes.

MR. SCHEIBLE: And then there's another one up top of

the hill and another one on the other side so there's about three that did what you're doing. There are a lot of homes in this area that did put a second story on their homes.

MR. RANDACCIU: Yeah, I noticed that.

MR. CHANIN: If this is approved, will it significantly change your access from the street to your house by using your driveway, will that change in any way?

MR. RANDACCIU: No, we usually use the back door, we'll just use our front door more often.

MR. CHANIN: This new change won't require you to reroute the driveway?

MR. RANDACCIU: I'm going to widen it.

MR. CHANIN: But you're not going to change the route from the street to the house?

MR. RANDACCIU: No.

MR. CHANIN: Will it significantly change the appearance of the house that somebody can see from the public roadway?

MR. RANDACCIU: I believe so, yes, in a positive manner.

MR. CHANIN: Okay, that's an answer.

MR. SCHEIBLE: But do you know exactly from where that garage would end to the neighbor's house, not the property but to the neighbor's house, how many feet will be in between there?

MR. RANDACCIU: My existing side yard from my house to my property line is 29'7" right now and I would say there's got to be another eight to ten feet between that and another house, I tried to get her to come here, she can't wait for me to start because privacy for her pool, she's very excited.

MR. CHANIN: Now, this is, the code requires a side yard of 30 feet, this is going to come within 5'6"?

MR. RANDACCIU: Correct.

MR. CHANIN: How do you think that's going to impact your neighbor's property?

MR. RANDACCIU: Not at all.

MRS. RANDACCIU: I don't think it will at all.

MR. CHANIN: Won't affect your neighbor that your structure's that much closer to the boundary line?

MR. RANDACCIU: No, in fact, we've been talking about this for the past couple years and like I just told you, she's very excited, she doesn't care one bit.

MRS. RANDACCIU: For privacy.

MR. SCHEIBLE: My only problem that I have with that is yes, you have a nice neighbor evidently living right next to you, that's going towards 207, correct?

MR. RANDACCIU: Sure, yes.

MR. SCHEIBLE: That's, you have a good relationship with her right now, all of a sudden she decides to sell that house, right, and all of a sudden somebody comes along and puts a fence up to separate the two lots and that would only leave like a five foot emergency passage to reach, God forbid a fire should happen that would only be a five foot passageway to get through that. Just thinking of the future things that could happen.

MR. RANDACCIU: No, I understand.

MR. HAMEL: Is this your house now?

MR. RANDACCIU: Yes.

MR. HAMEL: Okay.

MR. RANDACCIU: That little road that's where the garage was.

MR. HAMEL: And that's a playroom, it was an old garage?

MR. RANDACCIU: Correct.

MR. HAMEL: And this is--

MRS. RANDACCIU: Our neighbor.

MR. RANDACCIU: That's my driveway.

MR. HAMEL: So what's the width of the garage, 24 feet?

MR. RANDACCIU: Correct.

MR. CHANIN: Just to clarify something for the record, I don't think it's in dispute but you're in an R-4 zone, single-family zone, you have no intention to use the property other than as a single-family home, is that correct?

MR. RANDACCIU: Yes, I don't think we could fit another family in there.

MR. SCHEIBLE: Looks like you have to put another room on.

MR. RANDACCIU: Pretty much, yeah.

MR. CHANIN: Mr. Torpey, any questions?

MR. TORPEY: No, all good.

MR. HAMEL: No, I'm fine.

MR. BEDETTI: No, looks like you probably don't have a whole lot to play with anyway, if you wanted to, you know, provide a little more separation between the property line and you're on, that's what, a 16 foot opening for double garage?

MR. RANDACCIU: I was going to do one door.

MR. BEDETTI: It's going to be double wide?

MR. RANDACCIU: Yes, yes.

MR. BEDETTI: I'm good.

MR. SCHEIBLE: Well, I just brought up the situations that I thought of but I hope that everything will remain as it is right now, you know, between the two properties, your neighbor and yourself, I hope that's a good--

MR. RANDACCIU: I would hope so.

MR. SCHEIBLE: I hope the good relationship continues because I've seen over the years where, you know, it could be, today it could be a great relationship and tomorrow it's all broken apart.

MR. RANDACCIU: Yeah.

MR. SCHEIBLE: Gentlemen, any other questions?

MR. RANDACCIU: If you don't mind, I have a question for you in regards to that aspect going down the line she decides to sell and what could happen, obviously I can't tear my garage down.

MR. CHANIN: I think the legal answer if I understand your question correctly is that once, this is the law of the State of New York, once any board or regulatory body of the local municipal government, the town board, the planning board, the zoning board makes a decision granting a property owner a certain right in that property, such as a variance, that right runs with the land. So if you sell it to somebody, that person you sell it to continues to have the right that you were given. Does that answer your question?

MR. RANDACCIU: Yeah. I just, the way you were presenting it, sir, I just assumed there could be a future issue with selling. This is all new to me.

MR. SCHEIBLE: There could be an issue.

MR. TORPEY: If somebody buys the house they're going to see this is what it is.

MR. CHANIN: They're going to see it there when they buy it.

MR. SCHEIBLE: But I'm just taking into consideration of the emergency, you know, situation, God forbid there's a fire that they have to get around there's only a five foot path going back there.

MR. CHANIN: Any other questions?

MR. BEDETTI: The garage roof is going to be pitched how?

MR. RANDACCIU: Front to back.

MR. BEDETTI: I was considering any runoff you might

get off the roof onto somebody else's property.

MR. RANDACCIU: Okay.

MR. CHANIN: We're going to open up the public hearing, anybody here from the public that wants to be heard on this matter? Hearing nothing, the public hearing is closed and we ask our loyal and most wonderful administrative assistant about the mailings.

MRS. AMMIRATI: On the 27th day of March 2015, I compared 49 addressed envelopes containing the public hearing notice with no responses.

MR. TORPEY: Not one person came in to see you, that's terrible.

MR. CHANIN: Has any of your neighbors made any comments to you, do they know about what your plan is?

MR. RANDACCIU: Yeah, couple have.

MR. CHANIN: And they've told you what they think about it?

MR. RANDACCIU: They're positive about it, the one we talked to, other than that nobody's approached us or anything like that.

MR. SCHEIBLE: Does the rear of your house, is that, I know that whole strip there goes all the way down to Washington Lake Pond, so you go right down?

MR. RANDACCIU: I think I'm the only one with a completely rectangle piece of property, everybody else has a little wedge, mine's completely square.

MR. CHANIN: If there's nothing further, would somebody like to make a motion?

MR. BEDETTI: I'll make a motion that we grant the variance of 24 feet 6 inches side yard setback proposed for on the garage addition located at 12 Clarkview Road in an R-4 zone.

MR. TORPEY: Second it.

ROLL CALL

MR. BIASOTTI AYE

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

MR. RANDACCIU: Thank you very much.

FORMAL DECISIONS

1. Pierre Belle
2. 19 Caesar's Lane, LLC

MR. CHANIN: We have two formal decisions that remain on the agenda for your approval, you can vote collectively unless any one member objects. Would the board care to address both of these decisions collectively?

MR. TORPEY: Yes, I would.

MR. CHANIN: Then we need a motion.

MR. BEDETTI: I'll make a motion that we accept the formal decisions identified as Pierre Belle, 14-27, 14-28, 14-29 and 119 Caesar's Lane LLC identified as 15-01 as written and distributed by e-mail.

MR. TORPEY: Second it.

ROLL CALL

MR. BIASOTTI	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. TORPEY	AYE
MR. SCHEIBLE	AYE

MR. CHANIN: Meeting adjourned 8:00 p.m.

Respectfully Submitted By:

Frances Roth
Stenographer