

July 12, 2004

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
JULY 12, 2004

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
MICHAEL REIS
STEPHEN RIVERA
JOSEPH MINUTA
KATHLEEN LOCEY

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: LEN MCDONALD

REGULAR MEETING:

MR. KANE: I'd like to call to order the July 12, 2004 meeting of the New Windsor Planning Board.

APPROVAL OF MINUTES DATED JUNE 14, 2004

MR. KANE: Motion to accept the minutes of June 14, 2004 as written.

MR. REIS: So moved.

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MR. MINUTA: Second it.

ROLL CALL

MR. MINUTA	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

PRELIMINARY MEETINGS:

ADAM HELLMAN (04-56)

Ms. Lisa Hellman appeared before the board for this proposal.

MR. KANE: Request for 9 ft. 4 inch side yard setback and 9 ft. 4 inch rear yard setback for existing shed at 320 Oak Drive in an R-4 zone.

MR. REIS: Mr. Chairman, I'm involved with the Hellman's sale of this property so I have to recuse myself from this.

MR. KANE: You're out. Okay, tell us what you want to do, obviously you're not Adam.

MS. HELLMAN: I'm his wife, Lisa, Lisa Hellman. This shed was existing when we bought the house 6 years ago and in my efforts to clear up everything before we sold the house we realized there was no C.O. for it. So I'm hoping that we can have that because it is a very large shed and I don't know that it's actually possible to move it without breaking it. And the second point would be if you moved it 10 foot in each direction you'd wind up in the middle of our property in the back yard.

MR. KANE: The shed was existing when you purchased the home?

MS. HELLMAN: Yes.

MR. KANE: Any permits that were outstanding on that shed?

MR. BABCOCK: No.

MR. KANE: Is the shed similar in size and nature as to

other sheds in your neighborhood?

MS. HELLMAN: Yes.

MR. KANE: Any complaints formally or informally about the shed?

MS. HELLMAN: No.

MR. KANE: You may not know this but in any case any cutting down of trees or substantial vegetation with the placement of the shed?

MS. HELLMAN: Doesn't seem that way.

MR. KANE: Create water hazards on runoffs back there?

MS. HELLMAN: No.

MR. KANE: Is the shed located on any easements?

MS. HELLMAN: No, not that I'm aware of.

MR. KANE: What I want to do, gentlemen, if you take a look at the map right here--

MR. KRIEGER: Municipal sewer and water?

MS. HELLMAN: Yes, I do.

MR. KRIEGER: Where does it come in the house?

MS. HELLMAN: Excuse me, not water.

MR. KRIEGER: Where is the well?

MS. HELLMAN: In the front.

MR. KANE: Take a look at the map, you'll note that on the back left-hand portion as you look at it the

property abuts to Willow Avenue, so technically she has two front yards for the purpose of this, since the shed is basically 50 feet off of the road at that point I'm just going to look at this as this property with that facing right there and no rear front yard. Okay? Is that all right with you guys? Understand, Steve what I'm doing?

MR. RIVERA: Yes.

MR. KANE: Okay cause it's not right up there, so it shouldn't be called into play.

MR. MINUTA: With respect to the tax map where is the shed?

MR. KANE: Lower right-hand corner.

MR. BABCOCK: It's on lot 5, well, see the small number 5, 5, 6, 7, it's on that lot all the way to the back corner.

MR. MINUTA: Thank you, okay.

MR. KANE: See technically right here so you know what we're talking about is there and this is actually considered the front yard too.

MS. HELLMAN: The elevation is so much higher.

MR. KANE: Some you want to bring it up and over because it's more than 40 feet which would be what it would need to be for a front yard considering that so we're just going to bypass that.

MS. HELLMAN: Okay.

MR. KANE: Any other questions, guys?

MR. MINUTA: Only thing I would suggest that we take a

look and see if there are any easements just to make sure. Other than that--

MR. KRIEGER: Considering the placement of the well and the sewer doesn't seem likely unless there's an electrical easement.

MR. KANE: Is the shed itself on a cement pad?

MS. HELLMAN: I'm not sure, I don't think so, I think it's sitting right on the ground.

MR. KANE: So it would be a financial hardship to move that shed?

MS. HELLMAN: Yes, yes.

MR. KANE: And even if you're approved, you understand that the shed itself has to come up to any standards that the building department has?

MS. HELLMAN: Absolutely.

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will.

MR. MINUTA: I move that we grant Adam Hellman the requested 9 foot four inch side yard setback and 9 ft. 4 inch rear yard setback for the existing shed at 20 Oak Drive in a R-4 zone to be moved to a public hearing.

MR. KANE: That's 320 Oak Drive.

MS. LOCEY: Second it.

ROLL CALL

MR. MINUTA AYE

MS. LOCEY	AYE
MR. REIS	ABSTAIN
MR. RIVERA	AYE
MR. KANE	AYE

MR. KANE: So you understand and anybody else that's here for a preliminary hearing tonight the way the Town of New Windsor does it is that there's a preliminary meeting so that we can get an idea of what you want to do and give you an idea of what we need to get done. A lot of towns you walk in cold and if you don't have the right information you lose. So what we do is have this preliminary hearing so we can get everything on the table and get an understanding of what's going on then by law everything has to be done at a public hearing so as soon as you finish everything that's right up on this we'll set you up for a public hearing and we'll do it all over again.

MS. HELLMAN: Thank you very much.

MR. KANE: Thank you.

RICHARD GORGLIONE (04-57)

Mr. Richard Gorglione appeared before the board for this proposal.

MR. KANE: Request for 18 ft. rear yard setback for proposed 16 ft. x 20 ft. rear deck at 331 Sycamore Drive in an R-4 zone. Tell us what you want to do.

MR. GORGLIONE: Put a deck on the back of the house, the rear of the building line is 40 feet, 42 feet from the property line, New Windsor requires 40 feet, the deck would extend out to 18 feet above the required.

MR. KANE: This is your lot right here on the corner?

MR. GORGLIONE: Correct.

MR. KANE: Show me where the deck is going to be.

MR. BABCOCK: I can help you Mr. Chairman, it's right here.

MR. KANE: So it has nothing to do with the streets?

MR. BABCOCK: No.

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

MR. GORGLIONE: No.

MR. KANE: Create any water hazards or runoffs?

MR. GORGLIONE: No.

MR. KANE: The deck, the size of the deck itself is similar to other deck sizes in your neighborhood?

MR. GORGLIONE: Yes.

MR. KANE: You don't feel the 16 x 20 deck is overly big?

MR. GORGLIONE: No.

MR. KANE: Any easements in the area where you're locating the deck?

MR. GORGLIONE: None whatsoever.

MR. KANE: Creating any water hazards or runoffs with the building of the deck?

MR. GORGLIONE: No.

MR. KANE: How high off the ground is the deck going to be?

MR. GORGLIONE: Door is about a little over five foot, the window line, the floor line is about five foot.

MR. KANE: Is there an existing door there now?

MR. GORGLIONE: Yes.

MR. KANE: If you walk out the door, you need something there?

MR. GORGLIONE: No, not right now.

MR. KANE: But if you open the door you would need something there?

MR. GORGLIONE: Correct.

MR. KANE: So it would be a safety feature too?

MR. GORGLIONE: Yes.

MR. KANE: Questions? Mike, Steve, you okay?

MR. BABCOCK: Mr. Chairman, I wanted to show you one more thing while he's here, I don't know if this is still here, maybe we should ask.

MR. KANE: You still have the metal shed?

MR. GORGLIONE: It's a sheet, it's not metal, it's been refurbished.

MR. KANE: As long as you're here and it's not going to cost you anymore money. Do you want to take the measurements on this because it looks like it's a little tight?

MR. BABCOCK: Plus it's in the front yard.

MR. KANE: Technically, it's in the front yard because you've got two streets, so as long as you're here we can clear it up in one shot, if you went to go sell or refinance, you're going to be back here.

MR. GORGLIONE: I didn't want to open a can of worms.

MR. KANE: No offense but you opened a can of worms when you walked in the door.

MR. BABCOCK: What you need is to give me this measurement from the property line and then there's also a section that says can't project closer than the principle building.

MR. KANE: With your permission we'll we add that to the paperwork.

MR. GORGLIONE: Yes.

MR. KANE: There's a deck back there, we're going to add that to the denial.

MR. KRIEGER: That by the way is an example of what the chairman was taking about about preliminary hearings, you see the convenience of having it.

MR. KANE: We want to get you all cleared up.

MR. GORGLIONE: One won't impact the other?

MR. KANE: Same impact for both, not going to cause you any extra money and it's all clean this way also no problems and you don't have to spend some more money.

MR. GORGLIONE: Okay.

MR. REIS: It's a front yard?

MR. KANE: Yes.

MR. BABCOCK: Possible rear yard, we're calling that the rear yard, Mr. Chairman.

MR. KANE: For the sake of this possible rear yard variance.

MR. BABCOCK: And a front yard.

MR. KANE: And a variance to have a shed projecting closer to the street than the principle building.

MR. GORGLIONE: I appreciate that, thanks, makes sense.

MR. KANE: Accept a motion? Let's cover the shed first, sorry, how long has the shed been existing?

MR. GORGLIONE: Ten years.

MR. KANE: Any complaints formally or informally about the shed?

MR. GORBLIONE: None whatsoever.

MR. KANE: Create water hazards and runoffs in the building of this?

MR. GORGLIONE: No.

MR. KANE: Cut down any trees or substantial vegetation?

MR. GORGLIONE: No.

MR. KANE: Any easements in the area where the shed is?

MR. GORGLIONE: No.

MR. KANE: It doesn't block any traffic view whatsoever?

MR. GORGLIONE: No, it's set back.

MR. KANE: If you can for the public portion can you just bring a picture of that area so we have that for the record?

MR. GORGLIONE: Sure.

MR. KANE: Anything else?

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will.

MR. MINUTA: I make a motion that we forward Mr. Richard Gorglione for the requested 18 foot rear yard setback for the proposed 16 foot by 20 foot rear deck as well as the existing metal shed for a--

MR. KANE: Existing shed.

MR. MINUTA: --existing shed for a possible rear yard and front yard projection variance referring to a public hearing.

MR. REIS: Second it.

ROLL CALL

MR. MINUTA	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. BABCOCK: It's just that he has to bring those measurements to my office to Frank so that we can do the paperwork and send it to this board.

MR. KANE: So you do that before the public hearing, the measurements, call the building department with those measurements.

MR. GORGLIONE: About a month?

MR. KANE: Depends on how fast you give all the information.

MR. GORGLIONE: I'll have it by Friday.

MR. BABCOCK: Just so you get them in we'll get the paperwork going.

MR. GORGLIONE: Thank you.

JAMES PERREGO (04-58)

Mr. and Mrs. James Perrego appeared before the board for this proposal.

MR. KANE: Request for variance for proposed garage to project closer to the road than existing house at 44 Steele Road in an R-4 zone. Tell us what you want to do.

MR. PERREGO: We want to build a garage to the right side of the house facing it and the garage is in front of the house towards the road.

MRS. PERREGO: Our property is up a fairly steep embankment and the driveway goes up and round to the right and we'd like to put the garage at the end of that driveway.

MR. KANE: Will the garage be visible from the street?

MRS. PERREGO: Not very visible because of the incline and the vegetation, it's heavily wood there, for instance, this is from the street and if you see our son he's about 4 1/2 foot tall but you can barely see him and also no vegetation that we'd be cutting down to put the garage.

MR. KANE: So you won't be cutting down a substantial amount of vegetation?

MR. PERREGO: No.

MR. KANE: Won't be creating any water hazards on runoffs?

MRS. PERREGO: No.

MR. KANE: Is this going to be a single car garage or two car?

MR. PERREGO: Two car.

MR. KANE: No easements in the area where you're going to be bidding the garage?

MRS. PERREGO: No, none whatsoever.

MR. KANE: Garage is going to be similar in size to other garages that are in your neighborhood.

MR. PERREGO: I think so.

MR. KANE: Not overly big? What's the measurements on the garage?

MR. PERREGO: 24 x 32.

MR. BABCOCK: Mr. Chairman, the application is for a 28 x 36, have those numbers changed?

MRS. PERREGO: It's scaled down and I wasn't sure when we filled the original paperwork out.

MR. BABCOCK: That's okay, just want to straighten it out.

MR. KANE: Make sure all the numbers are right.

MR. BABCOCK: What were the numbers?

MRS. PERREGO: 24 x 32.

MR. KANE: Height of the garage going to be a peaked roof?

MR. PERREGO: Yes.

MR. KANE: At the highest point?

MRS. PERREGO: About 12 foot but--

MR. KANE: Is that in your plans?

MR. BABCOCK: They're allowed 15 foot maximum.

MR. KANE: And you understand that if it's approved by the board that you have to pass all the requirements of the building department?

MRS. PERREGO: Yes.

MR. KANE: Gentlemen, do you have any other questions and lady?

MR. MINUTA: Will the garage be attached?

MR. PERREGO: No.

MR. KANE: Going to be heated?

MR. PERREGO: No.

MR. KANE: Electric?

MR. PERREGO: Yes.

MR. BABCOCK: Maybe I could ask the proposal you're going to be driving into your existing driveway, go through in front of your house into this garage?

MR. PERREGO: Yes.

MR. BABCOCK: Okay.

MR. REIS: Will there be any other utilities in the garage besides electric?

MR. PERREGO: No.

MR. KANE: That's the way it's shown right there, Mike, you have the little drawing?

MR. BABCOCK: Yes, okay.

MR. REIS: Accept a motion?

MR. KANE: Michael, we're going to do projected to the road than the existing house, do we need to have specific numbers for that?

MR. BABCOCK: No, it says that's exactly what the code says it cannot project so it's actually the number.

MR. KANE: As long as we give them approval to project closer.

MR. BABCOCK: We're giving him relief of Section 300-11-A-3 which says that it cannot project closer to the street than the principle building.

MR. KANE: What about the side yard, it looks like they have 12 foot there, is that okay?

MR. BABCOCK: This is fine, 10 foot is for an accessory structure.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we pass James Perrego to a public hearing for his requested variance for proposed garage to project closer to the road than existing house at 44 Steele Road.

MR. RIVERA: Second it.

ROLL CALL

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MR. MINUTA	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MARY ALVA (MONDOME, INC.) (04-55)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. KANE: Request for 10 ft. side yard setback and variance of Section 300-19 of Town Code which "requires all structures of recreational facilities to be of a permanent nature" and interpretation as to whether an area variance for off-street parking is required and if required an area variance of 104 parking spaces for a proposed 21,830 s.f. seasonal dome for winter indoor soccer use at 380 Mt. Airy Road in an R-1 zone. Tell us what you want to to.

MR. SHAW: Very quickly, Mary Alva owns a 33 acre parcel of land on Mt. Airy Road known as, formally known at The Bellwood Par 3 Golf Course, it's been around for lot of years, at least 30 years that I know of, it's a recreation facility, as I said, it's 33 acres in size and what she's proposing is to construct a new seasonal dome with a little under 22,000 square feet. In order to do that, she needs 2, maybe 3 variances and you touched on them briefly. One, is that the zone requires a side yard setback of 50 feet, we're providing 40 feet, okay, and the reason for that is the constraints of the site that being integrating it into the other aspects of the golf course and the driving range, et cetera. The second variance is for a seasonal structure, your zoning ordinance requires it to be of a permanent nature for a recreational facility, this is not but it is not the first one in New Windsor either, Sportsplex has a bubble which they put up and take down during the winter months for their swimming pool. And finally, we come to parking, according to your zoning ordinance, we need to provide 143 parking spaces, that's based upon 10 spaces for the office area and 133 spaces which is a result of four spaces per acre for recreational use. As I said, this has been around for quite some time. Presently, what

we have on the site is an unimproved area where they park for the golf course about 30 spaces, what we're looking to do is to create a new parking area of 39 permanent spaces that would be on the south side of the dome and also an overflow parking area of 28 spaces and that would be on the easterly side of the dome, substantially more than what we're providing or what's there. And I'd like to point out when this went before the planning board for a referral to this board, they went on the record as stating that they felt if this number of spaces was added to support this facility, it would make no sense to get a variance, go back to the planning board and them disagree that the parking is deficient. They're in concurrence that the parking is correct. It's somewhat unique, we're about 1,100 from Mt. Airy Road so the impact on the adjacent neighbors is going to be minimal. The parcel to the north that we're abutting with respect to the variance for the 10 foot setback is a large agricultural parcel with no structures in that immediate area. So, again, for side yard variance, a variance to allow a seasonal structure but not of a permanent nature and third point first an interpretation as to whether or not we need a parking variance cause with this application we're only improving the number of spaces, the deficiency probably existed 30 years ago when this was created and the parking spaces were determined and then the zoning over time was improved by the Town of New Windsor requiring more and more spaces and now the shortcoming. And if the board determines that we do need a variance then we would ask for the variance of 143 spaces minus 39 spaces that are being provided.

MR. KANE: Greg, how many people do you expect to use this at one shot?

MR. SHAW: John, this is John Alva, Mary Alva's husband, who is going to be the manager of this facility.

MR. KANE: Normal course of business, how many people are there at one time?

MR. ALVA: Normally, there's seven people on a team and if I put let's say two teams within, two other teams will come in, that will be four teams plus their family so 28 would be maximum on people plus their parents, it's for kids so but they'd only use one spot.

MR. KANE: What about employees?

MR. ALVA: Myself or one of the guys and a ref.

MR. KANE: Figure maybe about 30 people?

MR. ALVA: Yeah, give or take 30, 32 maybe.

MR. SHAW: One important point that I wanted to touch on and I didn't is that the use of this dome would not overlap with the golf course, the golf course would run probably from April 1 to October, the soccer season would pick up in November, run through the winter and end in about February so there wouldn't be a dual need for the parking. On the plus side with the creation of this facility there will now be a lot more parking spaces available for people who use the golf course to bring that non-conformancy up.

MR. KANE: Also only 30 people obviously also there's nothing to be 30 cars so I think the parking is fine. The main question I have right now is how does that dome go up and down and how is it built?

MR. SHAW: John can answer that.

MR. ALVA: Similar to the one at Sportsplex, it goes up by air, air holds it up and the foundation actually holds it down instead of a foundation holding it up.

MR. KANE: Cement?

MR. ALVA: I'm building a foundation that would hold a steel structure.

MR. KANE: So the pad will be up to standards to hold basically any building that you want to put there?

MR. ALVA: Yes, not a pad, it's an actual formed foundation, the pad on the inside would be turf, wouldn't be a pad, it would be turf, artificial turf and then it has a propane backup to the electric so if the electric ever goes down, the propane motor automatically kicks in when the pressure goes below a certain, it's pretty modern compared to the way they used to build them, if the electric goes out, the propane kicks in, backup comes on, so that's what holds it up.

MR. KANE: Cutting down any trees or substantial vegetation in the building of this?

MR. SHAW: This site was worked on last year by Mr. Alva before we made application to this board and there has been some site disturbance in the area but again, we're 1,100 feet from Mt. Airy Road, it's 400 and some feet from the rear yard setback.

MR. KANE: Create any water hazards or runoffs?

MR. SHAW: No.

MR. KANE: Within the site prep?

MR. SHAW: No.

MR. KANE: Any easements in that area, although there's nothing showing?

MR. SHAW: No.

MR. REIS: According to the plan shows that 20 parking spaces that's going to be blacktopped?

MR. SHAW: We're going to have 39 permanent spaces, all right, which is going to be situated between the driving range and the dome is that will be macadam surface permanent then on the easterly side there's going to be an overflow parking of a shale surface with an additional 28 spaces.

MR. MINUTA: Will there be any assembling within this building, spectators, et cetera?

MR. SHAW: Just parents watching the soccer matches.

MR. KANE: No stands or anything like that?

MR. ALVA: I may put a bench in, long sports benches, it would be something portable because in case I do something different one day with littler kids, I can move it out of the way.

MR. KANE: So basically, the way this thing gets built so you have your foundation going all the way around it gets tied down and the air pushes it up and that's it.

MR. ALVA: Yeah.

MR. KANE: Gentlemen, do you have any questions for the time being?

MR. MINUTA: Just a clarification, the dome being seasonal that's going to be seasonal use or it would actually be taken down?

MR. SHAW: Taken down.

MR. KANE: During the summertime it's basically going to come down, go back up in the fall?

MR. SHAW: Yeah.

MR. KANE: What will the hours of operation be?

MR. ALVA: It will be mostly afternoons, although, I mean, I'd love to find something in the morning but--

MR. KANE: You don't have any extended evening type of operation going on?

MR. ALVA: Yeah, that would be the afternoon, I said evening, when people get home from work, same as the golf course, it's 5 o'clock.

MR. KANE: What would you think the closing time would be on that?

MR. ALVA: Ten, hopefully 11 but probably 10, but I'd like to see 11.

MR. KANE: Lighting in the parking lot?

MR. SHAW: Yes.

MR. KANE: And that again to reiterate what you said since the lands around it are mostly farm land that lighting has no affect on any neighbors whatsoever?

MR. SHAW: No.

MR. REIS: Got a question, I'll direct it to the building inspector, Michael, this is going to be a super success, John, and it may become necessary to perhaps make this a more permanent structure rather than seasonal, is there anything that the applicant can do now or would be necessary to avoid coming back?

MR. BABCOCK: I don't think he would have to come back here, if he came to me and said that he wanted to build a building of this size, we'd probably at this point

tell him he'd have to increase the parking and that would be it, he'd have to do that.

MR. KANE: What's the total height of the dome when it's full?

MR. SHAW: The drawings indicate it as 40 feet.

MR. KANE: Is that okay?

MR. BABCOCK: Yes.

MR. SHAW: Fifty feet is allowed.

MR. BABCOCK: Now, if he couldn't meet the parking all the that time and again, he's not really deficient in the park for the dome, it's because of the overall acreage of the property, then he wouldn't have to come back here. I don't know that he's asking, I think that what he's saying today or tonight is that right now he's putting up the dome but he's putting a foundation in to put up a building at some time in the future so whether it's a permanent building or not, I think he's asking for the same relief.

MR. REIS: We're covered?

MR. BABCOCK: Yes.

MR. REIS: That's my concern.

MR. BABCOCK: Is that what you're saying?

MR. SHAW: Yes, thank you.

MR. BABCOCK: The other issue about the parking here is that this is not a situation where you have neighboring properties that somebody would park on. If he has a problem with parking, he's going to have to create it because they're going to park on his road, on his golf

course, on his property, if he was out towards Mt. Airy Road, people may park in other people's driveways or in somebody else's parking lot so he gets to a point where he's got more activities going on here and hopefully I'm sure he hopes that happens, he's going to have to increase the parking.

MR. KANE: You have 39 parking places as provided and that's the blacktopped area, you're not counting the overflow?

MR. SHAW: No, I can't because it does not have any permanent surface to it.

MR. BABCOCK: That's right, that's what we'd ask him to do.

MR. KANE: See on the side they did add an extra 28 parking spaces that we're really not bringing into this at this point.

MR. REIS: Right.

MR. KANE: When you're dealing with kids usually you're talking vans and a couple kids in car and I think the parking probably is ample with that overflow.

MR. REIS: I'm going to recommend that in my opinion as long as we're going through the public hearing situation here that we include to interpret this that he needs this off-street parking as part of his request for a variance.

MR. KANE: Well, we have to decide that at the public hearing, so any other questions for now or anything that you need him to clarify for the public hearing or bring to the public hearing?

MR. MINUTA: No.

MR. REIS: I've got a question. Mike, I don't know if you asked it, are there services, water, sewer in this facility?

MR. SHAW: This building will not have water or sewer services to it.

MR. REIS: Just electric?

MR. SHAW: Just electric, no water hookup to a well, no connection to a sewage disposal system, those facilities are provided in the existing pro shop.

MR. KANE: Okay, so they're provided for in the area?

MR. SHAW: Yes.

MR. REIS: Nothing is required or I guess public--

MR. BABCOCK: No, you're allowed to have the public bathrooms in another facility as long as it's a certain distance within 200 feet which it not a problem.

MR. MINUTA: Current bathrooms meet the occupancy?

MR. BABCOCK: Don't know that.

MR. KANE: We'll check into for the public hearing to make sure. Anything else?

MR. RIVERA: What's the maximum occupancy in these?

MR. SHAW: As far as the number of people that would be in the dome at one time?

MR. KANE: We kind of covered that, we figured about maybe 30 at one shot.

MR. RIVERA: That would be a minimum though.

MR. BABCOCK: No, there's a calculation that tells you how many people can be in that dome, I think that's what, maybe we can get that information from him at the public hearing.

MR. SHAW: Okay.

MR. KANE: Anything else?

MR. MINUTA: That's a great idea.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we set up Mary and John Alva for a public hearing for their requested 10 foot side yard setback for a variance that requires all structures of recreational facilities be of a permanent nature, that we make the interpretation for an area variance for off-street parking for proposed 21,830 square feet seasonal dome at 308 Mt. Airy Road.

MR. MINUTA: Second it.

ROLL CALL

MR. MINUTA	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. BABCOCK: Are we asking the applicant to provide us that information as far as the bathroom and the maximum occupancy?

MR. KANE: Yes.

MR. SHAW: Okay, with respect to the bathrooms, what's

the question at hand, Mike?

MR. BABCOCK: What they're basically asking is that if there's just one toilet bowl in the men's and one in the ladies' room is that sufficient for all this occupancy as far as new York State Code is concerned, New York State code is going to tell you square footage per whatever the square footage is for a person to have this unit and then whatever that is, that's how many people will be able to occupy.

MR. SHAW: I'll get you the occupancy on the zone itself. Thank you.

PUBLIC HEARINGS:

HUDSON VALLEY IMAGING CENTER (04-42)

Mr. Chris Bette appeared before the board for this proposal.

MR. KANE: Request for 3.5 ft. width for proposed facade sign at 575 Hudson Valley Avenue in an AP-1 zone.

MR. BETTE: My name is Chris Bette, I'm with First Columbia. I'm actually representing both items 5 and 6 on the agenda. We're simply requesting two wall mounted signs, one to brand the building as the Medical Center of New Windsor, do you want me to talk about just the Hudson Valley sign or can I do both at the same time?

MR. KANE: Let's do the Hudson Valley first.

MR. BETTE: Okay, we're also having a second sign which would be the Hudson Valley Imaging, which is one of our major tenants that wanted identification on the building for directional purposes. Both signs, or the sign is roughly I think it's 10 inch letters, top of the building which is close to 32 feet high, actually, 32 is too high, 24, 23 feet high.

MR. KANE: Is the sign going to be illuminated?

MR. BETTE: We're proposing ground mounted up-light to illuminate the sign.

MR. KANE: And there won't be any flashing of the sign, it will be steady illumination?

MR. BETTE: It will be steady.

MR. MINUTA: There won't be any, it's going to be

ground mounted, you will obviously comply with FAA Regulations?

MR. BETTE: Yes.

MR. KANE: The sign in size that you're proposing here is similar to other signs that you're seen?

MR. BETTE: Yes.

MR. KANE: On the front of the building, how many feet off the road is it?

MR. BETTE: It's over 150 feet from Route 207.

MR. KANE: And you feel the distance from the road justifies the increase in the height of the sign?

MR. BETTE: Yes, and the sign manufacturers have a calculation that they provide that dictates the size of the lettering for legibility.

MR. KANE: At this point, I will ask once again, open up the public portion of the meeting and ask if there's anybody here for this particular hearing? Seeing as there is not, we'll close the public hearing portion and ask Myra how many mailings.

MS. MASON: On the 22nd of June, I mailed out 6 addressed envelopes and I had no responses.

MR. KANE: Six, that's got to be an all time low. Gentlemen, do you have any further questions?

MR. KANE: Do you have a freestanding sign for this building?

MR. BETTE: We have a temporary sign out in front of the building now.

MR. KANE: Will it--

MR. BETTE: Along 207.

MR. KANE: Is that going to become a permanent sign?

MR. BETTE: No, no, we're going to take that down.

MR. KANE: Just go with what's on the building?

MR. BETTE: Correct.

MR. REIS: Present tenant occupies how much space?

MR. BETTE: St. Luke's, actually Hudson Valley Imaging takes over 10,000 square feet.

MR. REIS: How much of the building is that?

MR. BETTE: Half of the first floor, which is a quarter of the building, roughly 40, 50,000 square feet.

MR. REIS: Is the whole building occupied at this point?

MR. BETTE: Yes, it is.

MR. REIS: You won't need in the foreseeable future other signage?

MR. BETTE: We have another tenant which is on the, just above Hudson Valley Imaging that may look for some similar identification on the building, they have not to date asked for it, we'd like to allow them to be able to have that kind of identification if they so choose to.

MR. BABCOCK: Mike, each tenant is allowed the 2 1/2 by 10 foot sign, if he comes to me to get a permit for the tenant that's above this and he wants to put a larger

sign he would have to come back.

MR. REIS: I'm trying to anticipate that happening, is there any way we can combine this at this time?

MR. KANE: No, you don't know what the sign's going to look like or what they want.

MR. REIS: Can't help you.

MR. KANE: Any other questions? I'll accept a motion.

MR. RIVERA: Motion that we grant Hudson Valley Imaging Center the requested 3.5 foot width for the proposed facade sign at 575 Hudson Valley Avenue in an AP-1 zone.

MR. MINUTA: Second it.

ROLL CALL

MR. MINUTA	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

FIRST COLUMBIA (04-43)

Mr. Chris Bette appeared before the board for this proposal.

MR. KANE: Request for .83 ft. x 1.5 ft. for proposed facade sign at 575 Hudson Valley Avenue.

MR. BETTE: We're in addition to the Hudson Valley, I'm asking the board to allow a sign that would brand the building as the Medical Center of New Windsor, we have different medical practices, very different affiliations to different hospitals and we thought that we could accommodate all the practices under one umbrella, being a Medical Center of New Windsor for this building so people wouldn't refer to it as the Hudson Valley Imaging building, it would be the Medical Center of New Windsor. More of a branding, give people the ability to identify the building with a location, it's easier.

MR. KANE: Again, the sign, is the sign going to be illuminated?

MR. BETTE: Sign is going to be up lit very similar to the other sign.

MR. KANE: No flashing illumination?

MR. BETTE: Steady illumination.

MR. KANE: I see that you put the, superimposed the sign on the building, is that the way it's going to be above each other like that?

MR. BETTE: Yes.

MR. KANE: Did you see that, Mike, I think that, tell me if that changes things.

MR. BABCOCK: You've got two pictures in your hand there.

MR. BETTE: The multi line text, is that what you're referring to?

MR. BABCOCK: This is a different side of the building than this.

MR. KANE: Right but if we're going for a, is that 11 from the Medical Center and then it says of and then New Windsor, our total height is 11.5 feet from the top to the bottom?

MR. BABCOCK: No, no, no.

MR. BETTE: No, these signs, they'll be 10 inch letters, three rows of 10 inches letters.

MR. BABCOCK: Here it is.

MR. KANE: Are we taking each line?

MR. BABCOCK: No, I'm taking the entire piece here, which is three foot, let's see get the right one out here.

MR. KANE: 3.33 foot.

MR. BABCOCK: He's allowed--

MR. KANE: 2.5.

MR. BABCOCK: He's allowed 2.5 and he's proposing 3.33, it's 40 inches, both signs Medical Center, that entire sign is 40 inches high.

MR. KANE: Okay.

MR. BABCOCK: And he's allowed 2 1/2 foot so he's only

asking for .83 which is just under one foot height.

MR. KANE: Okay, just again it's superimposed, it just looks a lot bigger so I wanted to make sure.

MR. BABCOCK: It just does, yes.

MR. KANE: That's the only question I had.

MR. KRIEGER: The other one it won't project above the building?

MR. BABCOCK: No.

MR. MINUTA: The only question that I have and I'm not sure if it even relates to this but I'm going to bring it to your attention anyway. If we're going to brand the building as Medical Center of New Windsor which I think is a great asset to the Town of New Windsor that the other signs may want to be subservient to that sign.

MR. BETTE: We took that into account, the Hudson Valley Imaging sign is of smaller height, I think it's an 8 inch letter, again, the distance from the road and the readability I think required eight inches and then we made the other one a little larger.

MR. MINUTA: Visually speaking, seeing Hudson Valley on the right and Medical Center on the left from my view higher and possibly these aren't to scale but it would in my opinion the Hudson Valley Imaging would be a much larger presence than the Medical Center of New Windsor so some confusion may be there.

MR. BETTE: I think it's the scale of the drawing.

MR. MINUTA: Very well, thank you.

MR. KRIEGER: As with the other one, you wouldn't have

any freestanding sign in addition to this, this would be it?

MR. BETTE: This would be it.

MR. KRIEGER: And it's also approximately and in excess of 150 feet from the roadway, same building?

MR. BETTE: Correct.

MR. KANE: At this point, I will open it up to the public and ask if there's anybody in the audience for this particular hearing? Seeing as there is not we will close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On June 22nd, I mailed out 5 addressed envelopes and had no responses.

MR. KANE: Any other questions, guys? Accept a motion.

MR. REIS: I'll make the motion that we approve First Columbia's request for a .83 foot by 1 1/2 foot proposed facade sign at 575 Hudson Valley Avenue.

MR. RIVERA: Second it.

ROLL CALL

MR. MINUTA	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

WILLIAM SHERMAN (04-45)

Mr. and Mrs. William Sherman appeared before the board for this proposal.

MR. KANE: Request for 3 ft. side yard setback for proposed 8 ft. x 10 ft. shed at 9 Lakeside Drive in an R-4 zone. Tell us what you want to do just like in the preliminary.

MRS. SHERMAN: We want to put up an 8 x 10 shed on our side property, just wasn't enough so we need a variance.

MR. SHERMAN: We've got the 6 foot between our house and the shed but we don't have the 10 foot between the other side of the shed and the property line.

MR. KANE: Shed is similar to or will be similar to other sheds in your neighborhood?

MR. SHERMAN: Yes.

MR. KANE: Going to be cutting down any trees or substantial vegetation in the building of the shed?

MR. SHERMAN: No.

MR. KANE: Create any water hazards or runoffs?

MR. SHERMAN: No.

MR. KANE: Town water and sewer?

MRS. SHERMAN: We're on Town sewer but we have well water.

MR. KANE: Where is your well?

MR. SHERMAN: Right in the front of the house.

MR. KANE: Any easements running or right-of-ways running through where the shed is going to be on your property?

MR. SHERMAN: No.

MR. KANE: And can you just explain to us why the shed couldn't be placed in the area where you wouldn't need a variance?

MR. SHERMAN: There's no space actually with our property to put something.

MRS. SHERMAN: The back is downsloped, the side is the driveway.

MR. KANE: So this is basically the safest and only place you can put the shed on your property?

MR. SHERMAN: Exactly.

MR. KANE: Guys have any questions right now? Then I'll open it up to the public and ask if there's anybody in the audience for this particular hearing? Seeing as there is not, we will close the public portion and ask Myra how many mailings we had.

MS. MASON: On June 22nd, I mailed out 43 envelopes and had no responses.

MR. KANE: And you understand that if we approve the shed going there that you have to conform to all the standards set by the building department?

MR. SHERMAN: Yes.

MR. KANE: Joe? Mike?

MR. REIS: Folks, are you going to have electric to the

shed?

MR. SHERMAN: No.

MR. RIVERA: Accept a motion?

MR. KANE: Yes, I will.

MR. RIVERA: That we grant William Sherman the requested three foot side yard setback for the proposed 8 foot by 10 foot shed at 9 Lakeside Drive.

MR. MINUTA: Second it.

ROLL CALL

MR. MINUTA	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

HOWARD BROWN (04-44)

Mr. Howard Brown appeared before the board for this proposal.

MR. KANE: Request for 4 ft. rear yard setback for existing 10 ft. x 14 ft. lower deck, 10 ft. rear yard setback for existing 16 ft. x 20 ft. upper deck and 7 ft. rear yard setback for existing 10 ft. x 12 ft. shed all at 120 Glendale Drive. Tell us what you want to do, sir.

MR. BROWN: I want to apply for the variance for the existing structure that I have there and everyone in the neighborhood in the same development has a deck and a shed in basically same area.

MR. KANE: How long has the, I guess we can take them all, the decks and the shed been in existence?

MR. BROWN: The shed has been there about 10, 15 years and the decks are since '98.

MR. KANE: Any complaints formally or informally about any of the three?

MR. BROWN: None that I know of.

MR. KANE: Have you created any water hazards or runoffs with the building of the deck or the placement of the shed?

MR. BROWN: No.

MR. KANE: Cut down any trees or substantial vegetation?

MR. BROWN: No.

MR. KANE: Any easements running through your property?

MR. BROWN: No.

MR. KANE: Do you have Town water and sewer?

MR. BROWN: Yes, I do.

MR. REIS: What brings you to the board after so many years?

MR. BROWN: We're planning to sell our house.

MR. MINUTA: With respect to the tax maps shown, we have shown New Windsor water district has a dashed line running through the properties, is that pertinent to this hearing?

MR. BROWN: There's nothing that goes through our property.

MR. MINUTA: Well, we're showing a New Windsor water district line through here, typically that's indicative of some sort of easement, I would anticipate.

MR. BABCOCK: What are you looking on, Joe?

MR. KANE: It's right on the center property line on his rear property line that line going right across.

MR. BABCOCK: On what piece of paper?

MR. MINUTA: Tax map.

MR. KRIEGER: Could be a boundary line for a water district.

MR. REIS: If it's an easement still not going to be impacting the location of the shed and decks.

MR. KRIEGER: Usually if it's an easement, it would be

two parallel lines describing the strip.

MR. BABCOCK: It's probably a district boundary line, in my mind, on some of the, these houses are in District 5, the other set's in District 6, it's just where they add it to the next district.

MR. MINUTA: Thank you, Mike.

MR. KANE: Yeah, okay.

MR. MINUTA: Nothing further from me.

MR. KANE: At this point, I will open up the public portion of the meeting and ask if there's anybody here for this particular meeting? Seeing as there is not we will close the public portion and ask Myra how many mailings.

MS. MASON: On June 22nd, I mailed out 78 addressed envelopes.

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Any responses?

MR. KANE: No.

MR. MINUTA: Make a motion we grant Mr. Howard Brown his request for a 4 foot rear yard setback for the existing 10 foot by 14 foot lower deck, 10 foot rear yard setback for the existing 16 foot by 20 foot upper deck and 7 foot rear yard setback for the existing 10 foot by 12 foot at 120 Glendale Drive in an R-4 zone.

MR. RIVERA: Second it.

ROLL CALL

July 12, 2004

44

MR. MINUTA	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

ROBERT VASTA (04-46)

Mr. Steve Kuprych appeared before the board for this proposal.

MR. KANE: Request for 11 ft. front yard setback for proposed addition on a corner lot at 300 Stephenson Lane.

MR. MINUTA: I'm familiar with this project but it does not impact my voting on this.

MR. KANE: I thank you for that. Tell us what you want to do, sir.

MR. KUPRYCH: I'm Steve Kuprych, I'm the builder hopefully. We would like to put an addition on the right side of their home, it's 34 deep, 22 feet projecting off the house, two car garage below, bedroom suite above with a small room in the back to access the, that would be the stairwell going up to the master bedroom suite.

MR. KANE: Will you be cutting down any trees or substantial vegetation with the building of this?

MR. KUPRYCH: Cutting down a tree but no substantial vegetation.

MR. KANE: Create any water hazards or runoffs?

MR. KUPRYCH: No.

MR. KANE: Do you have Town water and sewer?

MR. KUPRYCH: Yes.

MR. MINUTA: This is a corner lot?

MR. KUPRYCH: Yes.

MR. MINUTA: Will the proposed addition block the view of a vehicle?

MR. KUPRYCH: No.

MR. KANE: So for the record the building itself is going to be 24 foot off of this street so there won't be any visual impact on the vehicles coming across?

MR. KUPRYCH: Right, it's a 24.4, 24 1/2 feet about.

MR. KANE: Mike, the 11 foot variance request for a front yard that's really their side yard that we're calling a front yard?

MR. BABCOCK: No, actually, that's their actual front yard on Stephenson Lane.

MR. KANE: Okay.

MR. BABCOCK: The other one is, wait one second here, no, it's even with the front of the existing house?

MR. KUPRYCH: Yeah.

MR. BABCOCK: Yeah, so yes, Mr. Chairman, you're correct, I'm sorry, I made a mistake there.

MR. KANE: Just I wanted to make sure we didn't need to do both on this and just so you know we're also looking for 136 square feet developmental coverage should be added to the denial, they have the 30 percent, this will give them the 30 percent developmental coverage, they're permitted 41, 40 and they're looking at 42, 76 so it's not substantial.

MR. MINUTA: That includes the blacktopped areas, et cetera?

MR. KANE: I would assume.

MR. BABCOCK: Yes, it does.

MR. MINUTA: And do we have any requirements as far as the driveway from the corner?

MR. BABCOCK: We have a note here, I'm not sure whether that was passed to the applicant or not but there was a note that I just seen that says we'll need a driveway permit from the highway department, they have been made aware of that Steve to put a new driveway in?

MR. KUPRYCH: I would assume I'd have to do that, yeah.

MR. BABCOCK: It's, Joe, one thing that I guess my guys didn't really look at this, doesn't appear to be a T intersection, it's just a turn in the road so at a T intersection where somebody would be pulling up, actually stopping and trying to creep out to look around something, I think we would have a different outlook on this whole project. Do you see what I'm saying, Joe, it's just a sharp turn.

MR. MINUTA: There's no stop sign here off Stephenson Lane?

MR. BABCOCK: I don't see why there would be quite honestly.

MR. MINUTA: I guess my question just relates to the curb cut and its location in proximity to the corner whether that is acceptable.

MR. BABCOCK: Well, he's got to get a driveway permit before he gets a building permit so he'll have to work that out with the highway department. If they've got any questions--when you pull up to Stephenson Lane, there's no stop sign here?

MR. KUPRYCH: That I don't know. This is gonna turn a bit too.

MR. BABCOCK: Well, okay, so yeah, show Joe that, he's making an effort to make that to address your situation so if anything he will have to turn it more.

MR. MINUTA: We can make it contingent upon that.

MR. BABCOCK: We won't give him a building permit unless he gets a driveway permit first.

MR. KANE: When we did the area calculations on this we took out the old driveway right cause that's going to be removed and seeded, I mean, this looks a little bit bigger than the other one but since we're supposed to give the minimum necessary?

MR. BABCOCK: Yes, we did, we've got a--

MR. KANE: Look at it, I think so.

MR. BABCOCK: We've got a driveway area of 600 square feet and that's just the one double driveway, can't be, it couldn't include both.

MR. KANE: Okay, at this point, I will ask, open it up for the public, ask if there's anybody here for this particular hearing? Seeing as there is not, we'll close the public portion and ask Myra how many mailings.

MS. MASON: On June 22nd, I mailed out 70 addressed envelopes and had no responses.

MR. KANE: Any other questions, guys?

MR. REIS: Accept a motion?

MR. KANE: Yes.

MR. REIS: I make a motion we grant Robert Vasta his requested variance for 11 foot front yard setback for the proposed addition on a corner lot at 300 Stephenson Lane.

MR. RIVERA: Second it.

ROLL CALL

MR. MINUTA	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. KANE: Do we need to put anything about that, you know, contingent on him getting the driveway approved by the highway department?

MR. BABCOCK: I don't really think you do because we're not going to give him a permit unless he does and we're going to have to work that out with him where the highway superintendent approves the driveway.

MR. KANE: Okay, I just wanted to make sure.

MR. BABCOCK: It's not a T intersection to my knowledge, it's not, I don't think it's going to be a question.

MR. KANE: Just wanted to make sure we covered that.

JOSEPH ANTONACCI (04-41)

Mr. Joseph Antonacci appeared before the board for this proposal.

MR. KANE: Request for 5 ft. side yard setback and 5 ft. rear yard setback for proposed pool at 2721 Colonial Drive in an R-3 zone. Tell us what you want to do.

MR. ANTONACCI: Proposed for a 16 x 30 oval shaped kidney shaped pool in the right back portion of the yard, right portion of the yard. The area was 33 feet short.

MR. KANE: Basically cutting down any trees or substantial vegetation in the building of the pool?

MR. ANTONACCI: No, sir.

MR. KANE: Create any water hazards or runoffs?

MR. ANTONACCI: No, sir.

MR. KANE: Town water and sewer?

MR. ANTONACCI: Yes, sir.

MR. KANE: I understand the five foot rear yard because you only have 9 feet to your house that would put the pool too close to the house, as far as moving the pool over from the side point that would place the pool directly coming out your back door?

MR. ANTONACCI: Correct.

MR. KANE: Would you see that as a safety issue?

MR. ANTONACCI: Yes, I would.

MR. MINUTA: Will you be placing a deck or patio around the pool?

MR. ANTONACCI: Patio is going to go around the pool.

MR. KANE: Back yard's going to be, well, you understand that if this is passed, you have to meet all the specifications of the building department in the building of the pool?

MR. ANTONACCI: Understood.

MR. KANE: For the record, your back yard looks like it's already fenced in?

MR. ANTONACCI: It's fenced in already except for the both side pieces, that's going to get put back after we let the trucks in.

MR. KANE: Self-closing, self-latching?

MR. ANTONACCI: Whatever the Town requires, those special locks, pool locks I think they call them.

MR. KANE: Who's installing the pool?

MR. ANTONACCI: George.

MR. KANE: Does a good job. At this point, I will open it to the public, ask if there's anybody here for the public portion of it? Sir, please state your name and address.

MR. DAVIS: My name is Edward Davis, 2618 Liberty Ridge.

MR. KANE: If you can just sign there so we have it for the stenographer. Okay, questions, sir or statement, whatever you have?

MR. DAVIS: Well, since I have a tough time communicating, I wrote something I'd like to read this to the board. While making your decision, I ask the board to consider two of my concerns. First, I am concerned about starting a trend. I believe that this approval would be an invitation to my other neighbors to make similar requests that I would disapprove of given our proximity. Second, I am concerned about backwash and runoff of chlorinated water affecting my neighbor's soil and mine. The affect is indeterminant at this time but is definite. Given a five foot setback their pool water is less likely to be absorbed and will likely flow down hill into other yards including ours. And I have brought some photographs, Mr. Antonacci is uphill from me and his property is 150 feet from my property.

MR. KANE: And his property is the cement with the fence there and which is your house right here directly behind him?

MR. DAVIS: No, I'm down a hill in this photograph, I'm standing in my yard so there's 1 1/2 houses between myself and Mr. Antonacci.

MR. KANE: Approximately 150 feet?

MR. DAVIS: Approximately to the edge of my property.

MR. MINUTA: Mr. Antonacci, in this photograph that you have provided, is that a retaining wall?

MR. KANE: Let's just finish up, do you have anything else that you wanted to say or any questions you wanted to ask, sir?

MR. DAVIS: No.

MR. KANE: Are you for or against this application?

MR. DAVIS: I'm opposed to this application.

MR. KANE: Okay, thank you. Anything else to say? I don't want to rush you.

MR. DAVIS: No.

MR. KANE: Thank you very much.

MR. KANE: Anybody else in the audience for this application? Seeing as there's not, we'll close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On June 22nd, I mailed out 63 envelopes and had no responses.

MR. KANE: So we had 63 mailings?

MS. MASON: Yes.

MR. KANE: Steve, Mike, do you have any other questions?

MR. MINUTA: Just one question. This is a retaining wall and will you be filling the area to the top of the retaining wall?

MR. ANTONACCI: No, there's going to be, the pool is approximately going to be 7 foot off here and there's going to be three foot patio around the pool and the rest is going to be dirt with shrubberies, arborvitae trees being put in, any spillage of water is going to be filtered through dirt, what you see here is probably a little bit less than what's being dug down in the trench of dirt so probably about three or four feet of dirt is going to be put with the arborvitae trees so any water going through to the spilloff will get filtered through the dirt and then go into the seep holes.

MR. MINUTA: My question is pertaining to the height will you be filling to the height of the retaining wall?

MR. ANTONACCI: The dirt, no, stay down about six inches.

MR. MINUTA: So any spill should drop--

MR. ANTONACCI: Hit the wall and drop down.

MR. MINUTA: Retained within your property?

MR. ANTONACCI: Absolutely, yes.

MR. REIS: Sir in the audience, I think that the applicant has answered your concerns about the potential spillage.

MR. DAVIS: I don't think that what he says is going to happen because five feet would put, would allow water to splash over the wall and into the neighboring properties and flow downhill, eventually the rain water, the runoff will carry the chlorinated water downhill to my property. I'm only 150 feet away from the side of his property. I do have some other photographs while it was raining if the board would like to see?

MR. KANE: I have no problem with taking that information for the record and answering, to answer your question, I happen to be in the business, you're not going to see any chlorinated water from splash or running down to your house, it's going to burn off as long as his chlorine is in the proper range which is 1.3 parts per million. Doing it for 20 years.

MR. DAVIS: My other concern is that if the neighbor directly next door to me comes with a similar request I

would think that the board would want--

MR. KANE: Each individual request as you state is taken on its own merits, there are no precedents set by any decision that we make here. They all have to come in and plead their case individually. So we don't set a precedent for your neighbor, just because he got it, they may not depending on their situation and I'm not saying he's going to get it or not get it, I don't know how everybody else is going to vote.

MR. DAVIS: Other people on my block have opted for smaller pools to respect their neighbors and given our proximity we're all very small lots and we're trying to respect each other and be considerate of each others' own property and that's my only concern that the board consider that.

MR. BABCOCK: Mr. Chairman, I don't know whether he was aware of what the question that Mr. Minuta asked is that he asked that the material, his ground level is going to be the same height of his retaining wall and he's made a statement that he's going to keep it down approximately six inches.

MR. DAVIS: Last weekend I watched Mr. Antonacci dig up the wall around his pool and backfill with stone so that when the water flows over the pool, it will wash right through the drain holes on the side of the wall, see all down the side of this wall here, there's drain holes six inch diameter pipes and the water even if you do that it's still gonna wash through the stone and out through the drain pipes.

MR. MINUTA: With respect to the retaining wall that's typically done to prevent any expansive soils from--

MR. DAVIS: I can see that but I don't believe that there's going to be ample soil for, you know, to absorb the chlorine as planned.

MR. KANE: Okay and that part you have already stated, we have that in the record. Okay?

MR. DAVIS: Thank you.

MR. KANE: Thank you. We'll add these photos to the record. Any other questions, gentlemen?

MR. REIS: What size pool?

MR. KANE: 16 x 30, it's kidney shaped.

MR. ANTONACCI: So it will be as you can see the furthest point probably is going to be 7 feet and it goes back in bringing it around back towards the house it gets further and further away from the wall.

MR. KANE: Any other questions for the applicant?

MR. REIS: I have a question, I'm sorry. Why is it not possible to move this over further?

MR. ANTONACCI: If we move it over further 30 feet is going to come very close to the stairs coming out of the house.

MR. REIS: Is this close to scale?

MR. ANTONACCI: Not at all, 30 feet ends up somewhere over here, if I push it back.

MR. REIS: Where is the existing retaining wall?

MR. ANTONACCI: Right here and if I, this, again is probably going to be about 7 feet off the wall, I'm not asking for a five foot variance to start at five foot mark so I can have a patio around it, the variance was asked for because of the width between the house and the retaining wall and I only had 33 feet here so I

needed 3 feet so I can get this pool in there so it's, the furthest point is going to be at 7 feet at one point it curves around, I just drew that in there, I can show you a sketch of the pool itself to scale.

MR. REIS: Do you have that with you?

MR. ANTONACCI: Yeah, sure. This will bump out 7 feet from the wall and this is showing 30 foot, there's a 30 foot envelope that it's in, let's say this is the retaining wall and it's 7 feet this way and closest point to the 7 foot and it starts to curve back in.

MR. REIS: Thank you.

MR. MINUTA: Mr. Antonacci, see that scaled drawing?

MR. ANTONACCI: Sure, absolutely.

MR. MINUTA: As a rough estimate of the location of the pool using the scale of the drawing that's currently there, that's approximately what we're looking at, that's an approximation.

MR. REIS: Nice work, Mr. Architect.

MR. ANTONACCI: Better than mine, that was freehand.

MR. KANE: Any other questions?

MR. REIS: Accept a motion?

MR. KANE: Yes.

MR. REIS: I make a motion that we grant Mr. Joseph Antonacci his requested variance for five foot side yard setback and five foot rear yard setback for a proposed pool at 2721 Colonial Drive.

MR. MINUTA: Second it.

July 12, 2004

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ROLL CALL

MR. MINUTA	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

WOODLAND MONTESORRI SCHOOL (04-40)

Mr. Henry Leyon and Ms. Parinaz Mokhtari appeared before the board for this proposal.

MR. KANE: Request for one additional free-standing sign, 48 square feet, one 6 square foot sign on existing free-standing sign and one 6 square foot sign on existing free-standing sign all at 880 Jackson Avenue. Tell us what you want to do.

MS. MOKHTARI: Well, there's already two signs there, they're about 1 x 6, I have blurred pictures of them, very blurry, which is this is a closeup which is right there and here and then there's another sign that's probably not there that we'd like to put up which will go right next to the existing one that's there.

MR. LEYON: We'd like to put one for the Montesorro so they can have the day school.

MR. KANE: So it's basically a separate business?

MS. MOKHTARI: Right, you can't see it either, ours is totally--

MR. KANE: On the free, say this correctly, on the additional freestanding sign is that going to be illuminated in any way?

MS. MOKHTARI: No.

MR. KANE: And on the existing free-standing sign is that going to be illuminated in any way?

MS. MOKHTARI: No.

MR. KANE: No illumination on the signs whatsoever?

MS. MOKHTARI: No.

MR. KANE: The signs when placed will not block the view of any traffic?

MS. MOKHTARI: No.

MR. LEYON: No.

MR. KANE: So what basically you're going to have an extra one of this and you have one right here?

MS. MOKHTARI: Yes.

MR. LEYON: And the other one is at the corner of Jackson Avenue and 207 because they put--

MR. BABCOCK: Looks identical to this.

MR. KANE: Identical to the one at the bottom.

MR. BABCOCK: These signs here, this was all permitted without this what we have, they have done they added this piece on the bottom just so they have their name in two different locations, this one, this sign here and there and then freestanding sign.

MR. KANE: Nothing is illuminated?

MR. LEYON: No.

MR. KANE: At this point, I will open it up to the public and ask if there's anybody here for it? No, there is not so we'll close and ask Myra how many mailings.

MS. MASON: On June 22nd, I mailed out 27 addressed envelopes and had no response.

MR. KRIEGER: It's not bigger than other signs in the neighborhood?

MR. LEYONS: No.

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will accept a motion.

MR. MINUTA: Make a motion that we grant Woodland Montesorri School their request for the one additional freestanding sign 48 square feet, one 6 square foot sign on existing freestanding sign and one 6 square foot sign on existing freestanding sign.

MR. RIVERA: Second it.

ROLL CALL

MR. MINUTA	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. RIVERA: So moved.

MR. REIS: Second it.

ROLL CALL

MR. MINUTA	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. RIVERA	AYE

July 12, 2004

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MR. KANE

AYE

Respectfully Submitted By:



Frances Roth
Stenographer

7/15/04