

April 11, 2005

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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APRIL 11, 2005

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
MICHAEL REIS  
KATHLEEN LOCEY  
KIMBERLY GANN

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

ABSENT: LEN MCDONALD  
STEPHEN RIVERA

REGULAR MEETING

MR. KANE: I'd like to call to order the April 11, 2005 meeting of the New Windsor Zoning Board.

APPROVAL OF MINUTES DATED 3/14/05 & 3/28/05

MR. KANE: We'll postpone the motion to accept the minutes of March 14 and March 28 because we didn't get the mail yet so we couldn't have read them so we'll postpone that until the next meeting.

PRELIMINARY MEETINGS

KENNETH BATES (05-09)

MR. KANE: Preliminary meetings, first up Kenneth Bates. Requests interpretation of single family dwelling with two kitchens at 1137 Route 94.

Mr. Kenneth Bates appeared before the board for this proposal.

MR. KANE: Just tell us what you want to do, speak loud enough so that young lady over there can hear you. Just to let you know, in New Windsor we hold a preliminary meeting so that we can get an idea of what you want to do and you can get an idea of what we need. Some towns you go in cold so we're going to do this and figure it out and we do everything by law in public after everything else is done. Okay?

MR. BATES: Yes, my name is Kenneth Bates and I just recently retired, both me and my wife are retired and our house has been in our family for over 50 years and I just recently sold my house to my son and his and to my daughter-in-law and we my wife and I moved into a smaller part of the house and everything. And what we would like to do is to make our house a single family with two kitchens.

MR. KANE: There's not going to be, you're going to have one set of meters in the home, gas and electric, one meter for both kitchens?

MR. BATES: Yes.

MR. KANE: Is there going to be separate entrances for both portions?

MR. BATES: Yes.

MR. KANE: Will you have an unlocked way to get from one portion of the house to the other portion of the house?

MR. BATES: Yes.

MR. KANE: What we try to do is the building department brings them to us so that we can straighten it out and we try not to have any illegal two family homes in here. At least I'm old enough to remember when you used to have the summer kitchen and basements and that kind of stuff, so we want to make sure that it's all done right, that's why you're here.

MR. KREIGER: You're not changing the outside appearance of the house, right?

MR. BATES: No.

MR. KREIGER: And you intend for the house to be a single-family house?

MR. BATES: Yes.

MR. KREIGER: And this won't be a rental unit?

MR. BATES: No, just me and my wife will be living there.

MR. KANE: Any future sales of the home it will be listed as a single-family home and you'll state that under oath here at the public hearing?

MR. BATES: Yes, I will.

MR. KANE: Any other questions?

MS. GANN: No.

MS. LOCEY: No, sir, no, I'm fine.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I'll make a motion we set up Kenneth Bates for the interpretation of a single family dwelling at 1137 Route 94 in an NC zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. KANE: Follow the directions right on this, tells you exactly what you have to do. As soon as you get that done, come back, we'll set you up for a public hearing. Wow, that's fast.

MS. MASON: You don't have to read that paper at all.

MR. KANE: Thank you. Have a good evening.

ANTHONY ALBANESE (05-15)

Mr. Anthony Albanese appeared before the board for this proposal.

MR. KANE: Request for 5 ft. fence which exceeds maximum permitted height and will project between house and road on a corner lot at 2301 Pioneer Trail.

MR. KANE: Hi, Mr. Albanese, you heard the whole speech before?

MR. ALBANESE: I did.

MR. KANE: Tell us what you want to do, Anthony.

MR. ALBANESE: My name is Anthony Albanese, I reside at 2301 Pioneer Trail, it's a corner lot and what I'd like to do is put a fence, a five foot fence so I can maximize my side yard.

MR. KANE: Fence itself, what's the construction of it going to be, vinyl?

MR. ALBANESE: Vinyl picket, 2 1/2 inch spaces.

MR. KANE: When the fence itself is up is it going to inhibit the view for any traffic coming around those corners?

MR. ALBANESE: I do not think so, it's 30 feet or 29 feet from the curb in, from the pictures, I'm trying to just maximize the side road.

MR. BABCOCK: My office did a calculation of the 30 feet each way and it appears that he exceeds that, he would not be limiting any distance as far as sight distance.

MR. KANE: Okay, that's the important factor.

MR. ALBANESE: Thank you.

MR. KANE: Cutting down any trees, removing substantial vegetation with the building of the fence?

MR. ALBANESE: No.

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

MR. ALBANESE: No.

MR. KANE: Fence will be similar to other fences in your particular neighborhood?

MR. ALBANESE: Yes.

MR. REIS: Anthony, is the fence going to be in the front of the house as well?

MR. ALBANESE: Yes, it's going to be in the front and two sides, the only place there will not be a fence will be in the border of my property, the back of my property where it borders the New Windsor Sports Complex.

MR. KANE: So with the fence projecting closer to the house than the road we take this as a separate?

MR. BABCOCK: It's two issues, yeah.

MR. KANE: Because it's out in front so it's really two issues. You guys get that, you see that how the fence comes out in the front of the house?

MR. REIS: Yes.

MR. KANE: Do you have young children?

MR. ALBANESE: Yes.

MR. KANE: So you would consider the fence part of the safety for your home?

MR. ALBANESE: Absolutely, that's the reason why I'm doing it.

MR. KANE: I have no further questions. Pictures are in there. Anybody else?

MR. REIS: If this was a four foot fence, we wouldn't need this except in the front yard?

MR. BABCOCK: That's correct.

MS. GANN: Just curious why you're going for five?

MR. ALBANESE: I just have little kids, you know, baseball, I don't know, it just really I wanted some privacy but yet it's, I didn't want to box it in either like with a solid fence, that's why we chose the picket, we tried to maneuver. I don't know, it was really about privacy.

MR. REIS: I'm going to add to this question that this shall be closer to the front?

MR. KANE: It's already in there, just wanted you to know that there are two separate things there, one is the, has to deal with the height, the other has to deal with between the road and the home.

MR. REIS: Oh, very good. Accept a motion?

MR. KANE: Yes. Kathy, you okay?

MS. LOCEY: Yes.

MR. REIS: Make a motion that we set up Mr. Anthony Albanese for his requested variance for a five foot fence which exceeds to the front of the house corner lot of 2301 Pioneer Trail for a five foot fence in excess of the maximum requirement.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. KANE	AYE

MICHAEL MIELE (05-16)

MR. KANE: Request for 44,411 s. f. minimum lot area, 22 ft and 8 ft. side yard setback, 75 ft. lot width, 30 ft. total side yard for proposed single-family home at 46 Riley Road.

Mr. Michael Miele appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. MIELE: Yes, I'm Mike Miele with Hudson Valley Engineering, I happen to be the son of my father who owns the lot next to me. I live right next door at 40 Riley Road. It was a lot previously approved in 1999 and my dad's getting older and wants to be with his grandkids or at least closer to them so it's been four years since his only change so the previous non-conforming lot now requires variances, so he pretty much has the house he wants picked out, it's not too big, you know, it doesn't overpower the lot, fits in with everything else on Riley Road and that's why we're here.

MR. KANE: House is going to be similar in size to other homes that are in your neighborhood?

MR. MIELE: Yeah, I have a duplex that I own right next door, this is going to be a center hall colonial 44 x 26, not overwhelmingly big, I think next door on the other side is a bi-level probably of similar size that's actually talking to my wife over it we can end, we'll probably split the difference with how my house is facing the road and how the next house is set back to kind of keep them semi in line.

MR. KANE: Cutting down any trees or substantial vegetation with the building of the home?

MR. MIELE: There's trees there so we're going to have to cut down trees to put the lot.

MR. KANE: Not a substantial amount?

MR. MIELE: I live next door and I have a big back yard that's open so we're going to keep as many trees as we can, minimal trees that won't be within too close a distance for falling down or anything on the house so nothing abnormal.

MR. KANE: Creating any water hazards or runoffs?

MR. MIELE: No.

MR. KANE: Going to be on a well?

MR. MIELE: Yes, new well, new, actually, new water, I have, I'm sorry, I have a well but both will be water and sewer, I'm sorry.

MR. KANE: Good, makes a big difference.

MR. MIELE: No, I'm on a well, that's the only reason I said that but since then they brought the water up Riley Road so anything new now will connect to water and sewer.

MR. KANE: Town tendency on undersized lots you'll see everyone within five miles coming in if you're going to drill a well.

MR. MIELE: It's definitely water and sewer, you caught me off guard.

MR. KANE: Is this particular property here sloped towards the road or back?

MR. MIELE: Relatively flat.

MR. KANE: You're not going to create any water runoff?

MR. MIELE: Everything will be graded to the back like it is with my house now everything in the back is flatter so everything will grade down that way and right up here it jumps up where the old railroad bed was and it all kind of sits back there, pretty much how every house is on Riley Road.

MR. KANE: This is just going to be a single-family

home for your dad?

MR. MIELE: For my father, yup, and my mother, I don't want to leave her out.

MR. KANE: For the public hearing, if you would, could you bring some pictures of the lot, give us a point from the street out and from the back looking out to the front?

MR. MIELE: Absolutely.

MR. KANE: I have no further questions at this point.

MR. REIS: Did you discuss easements and things like that?

MR. KANE: No, I didn't see any on the map and since they were going with the town water and sewer but do you know if there are any easements on that property?

MR. MIELE: No.

MR. KANE: Not seeing any.

MR. MIELE: I live next door so I don't know of any.

MS. GANN: Accept a motion, Mr. Chairman?

MR. KANE: How long has this lot been in your family, for a couple years?

MR. MIELE: Yeah, my grandfather passed away probably ten years ago where my father got the three lots, I took two of them, built my house but my grandfather owned it for the last probably 30 years so--

MR. KANE: It's been in the family that long all three lots as separate lots?

MR. MIELE: Originally my grandfather's until ten years ago he had a house and farm and then when he passed away, my father subdivided it and it just sat there and then I took two of the lots, built my house on it and this third lot has sat there.

MR. KANE: Subdivision was ten years ago?

MR. MIELE: '99.

MR. KANE: Under those circumstances back then with ten years ago, three years ago you would have fit right into the lot without having to worry about it.

MR. MIELE: If I could have done it within the three years I would have been okay.

MR. KANE: Basically it's changed.

MR. MIELE: But he wasn't ready to build yet so.

MR. KANE: You can't push dad.

MR. MIELE: I try but--

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

MS. GANN: I'd like to offer a motion that we set up Michael Miele for a public hearing for proposed single family home at 46 Riley Road in the R-3 zone.

MR. REIS: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. KANE	AYE

RUSSELL & MARGARET KAVANA (05-18)

MR. KANE: Request to permit 6 ft. fence to be located between the house and the street at 7 Provost Drive.

Mr. and Mrs. Russell Kavana appeared before the board for this proposal.

MR. KANE: Hi, tell us what you want to do.

MR. KAVANA: I live on 7 Provost Drive, we'd like to put up a 6 foot fence, we just erected a new pool now I've got three young boys and just like to enclose the back yard for privacy, safety, you know, no other kids coming in.

MR. KANE: You're on a corner lot where the fence is going to be, it's not going to block the view of any traffic?

MR. KAVANA: No.

MR. KANE: And you consider putting up a fence a safety issue with your pool and your children?

MR. KAVANA: Yes.

MR. KANE: And the construction of the fence, sir?

MR. KAVANA: Cedar, just wood six foot dog-eared.

MR. KANE: Just take the pictures?

MR. KAVANA: Yes.

MR. KANE: New pool last year?

MR. KAVANA: Yeah, put it up in October.

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

MR. KAVANA: No.

MR. KANE: Creating any water hazards or runoffs?

MR. KAVANA: No.

MR. KANE: Fence similar in nature to other fences in your neighborhood?

MR. KAVANA: Yes.

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

MR. REIS: Make a motion that we set up Russell and Margaret Kavana for their requested variance at 7 Provost Drive.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. KANE	AYE

EXXON MOBIL (04-17)

Mr. Brian J. Shortino, P.E. and Mr. Greg Meese appeared before the board for this proposal.

MR. KANE: Request for variance of 29 ft. front yard (canopy - Route 32), 31 ft. front yard (building - Route 94), 18 ft. side yard (car wash) and 6 ft. maximum building height (car wash).

MR. REIS: Where is this happening?

MR. KANE: Mobil on the corner at Vails Gate at Five Corners, so you might, you'd be the only one that would remember, Mike, there was a bunch of variances when that particular thing was built, none of those variances apply to this particular building, none of them count, it's a whole different configuration, so the way we're going is that since none of them apply we're just going to ignore them and go with whatever variances they're requesting right now. Okay?

MR. REIS: In the agenda there's no address, you got that marked down someplace?

MR. MEESE: 1001 Route 94 is the site address.

MR. KANE: Tell us what you want to do.

MR. MEESE: Well, what Exxon's proposing to do is to remove, Exxon Mobil, excuse me, is to remove all the existing improvements and to reintroduce the same items to the site. Right now, there's currently a small convenient store underneath the canopy, there's a car wash in the back, there's the fuel dispensers underneath the canopy, it's all kind of old and compact. What they're looking to do is spread it out a little bit, make for a convenient store that's much more user friendly, more open and an open floor plan like the On The Run you may have seen some around the Mobil On The Run convenient stores to put the car wash off to the side and to leave the canopy and the dispensers up front but have it unobstructed. With the footprint of the car wash currently you have the convenient store kind of interfering with the traffic

flow in the middle of the site, kind of pushing that to the back of the site so the cars go in and out of the front unimpeded by the convenient store so it's really a full improvement to the site.

MS. GANN: So where is the car wash going, I'm sorry?

MR. MEESE: Car wash will be going on the side next to the McDonald's and you would access that from the back of the convenient store, go through the car wash then you'd come out towards the front of the site. We're not doing anything with the road cuts or anything like that, the curb cuts are all staying, staying the same, all of the underground tanks will be removed and replaced so in terms of the site improvements there will be a lot of work but the curb cuts would stay the same.

MR. KANE: Mike, I need to pick your brain just so I don't want to take anything off we have some existing variances too on minimum lot width and all that they are going to stay as existing, right?

MR. BABCOCK: Yes.

MR. REIS: Gentlemen, the main building, the convenient store, how much is that going to be in excess square foot of the existing building?

MR. KANE: You can see right inside of it, Mike, the car wash is inside the new building.

MR. SHORTINO: I think he's looking for the change in floor plan area from existing building to proposed.

MR. KANE: If you look down here this is the existing building right here, do you see this right here, there's your pumps and this dotted line is your canopy so this in here is the existing store. Okay, not going to be cutting down any trees or substantial vegetation in the building?

MR. MEESE: No.

MR. KANE: Creating any water hazards or runoffs?

MR. MEESE: No.

MR. KANE: Any easements that we have to worry about?

MR. MEESE: There's an existing sanitary sewer easement that we're discussing with the Town relocation of it, it's over on the side of the plan by the McDonald's.

MR. SHORTINO: Point it out here, see these two lines the easement goes right through there, it's the sanitary sewer.

MR. KANE: Because the corner of the building is going to kick right over that.

MR. SHORTINO: We've talked to John Kehoe, this is already a year that we talked to him and what we're proposing we're just going to reroute the sanitary sewer, take it through between both buildings and reconnect within the site so that easement will be shifted and the sanitary sewer will be relocated just through the site.

MR. KANE: Okay, haven't hit that one yet, so I have to talk to the lawyer, how do we handle that after the public if they don't have that, do we do conditional on the easement being changed?

MR. KREIGER: Yes. No building permit will be issued.

MR. KANE: Right, until all that, okay. Lighting, any extra lighting around that we need to know about?

MR. SHORTINO: Well, it will be a new configuration of lighting similar to what's there.

MR. KANE: Everything you need for a variance for this particular project is here?

MR. MEESE: Yes.

MR. KANE: No signage variances?

MR. MEESE: Yes, there's signage, there was an addendum

to the application that lists the sign variances.

MR. KANE: Do you have anything Mike?

MR. BABCOCK: No.

MR. KANE: Follow up on that because that's not on the agenda, that's why I asked, it's a big project, you'll want to get that handled by the time we get to the public on this, so that we have that information, what you want, that kind of stuff.

MR. MEESE: It should have been submitted with the application form. On the application there was an addendum, three page addendum.

MR. BABCOCK: Two different areas, the sign variances will be done strictly by the building department, the stuff that's here tonight was referred by the planning board, that's what the confusion is.

MR. KANE: So they're going to come here under a separate thing for the signs?

MR. BABCOCK: There should have been two referrals, what they did is I just see it now, there's two pages of signs what they're saying but they don't have a referral from the building department saying that they are here for that which we can do that.

MR. MEESE: On the bottom of the, on the referral it does say signs as per plan, the last sentence there.

MR. KANE: We'll need that because that information has to be in the paper ten days before our public hearing so we can make sure we get all that straightened out, okay?

MS. MASON: So we're just including them now?

MR. KANE: We might as well talk about it in preliminary now, makes no sense to delay it.

MR. REIS: Excuse me, Mike, Mike Babcock, did you have to or looks to me like it might be kind of close

developmental coverage?

MR. BABCOCK: That should have been checked by Mark from the planning board, I would assume that that's what it is.

MR. SHORTINO: We have that total down here if you want to see the number, it's on the first page what's permitted is 85 and we actually went down to what's existing now we're at 75.8 now it's 74.7.

MR. MEESE: I thought that was the referral on the signs the last sentence there signs as noted on the plan.

MR. KANE: Okay but we need you to bring that in for the public hearing.

MS. MASON: So we can organize the public hearing.

MR. BABCOCK: You need a referral, Mr. Chairman, all this has to be calculated, I mean, unless you want to take the applicant's word as far as what size the signs are.

MR. KANE: No offense but no, I don't.

MR. BABCOCK: So that all has to be done and how much variance does he need, that's not on here, it just says what size the signs are.

MR. KANE: We'll put the signs off.

MR. BABCOCK: I'll have it ready for the next meeting.

MR. KANE: We don't know how far they're going to be off, correct?

MR. BABCOCK: What they're saying--

MR. KANE: One freestanding sign.

MR. BABCOCK: No, they're actually asking for 22.23 feet, they're asking for a freestanding sign, they're allowed 64 square feet, they're asking for 75.20 on

each side so that's got to be calculated is what I'm saying.

MR. KANE: What's the square footage they're asking for? We need that for the paper.

MR. BABCOCK: I can do that.

MS. MASON: We can advertise it however he gives me the referral.

MR. BABCOCK: If you want to set them up I'll do it tomorrow or possibly the next day and we'll set it up this way they don't have to come back here.

MR. KANE: Feel comfortable?

MR. BABCOCK: This is no problem, it just hasn't been calculated.

MR. KANE: Okay.

MR. REIS: You fellas with us?

MR. MEESE: Yes.

MR. REIS: Do you want to have it that quickly?

MR. MEESE: That's fine.

MR. KANE: Signs illuminated, right?

MR. SHORTINO: Yes.

MR. KANE: Any neon?

MR. MEESE: No neon.

MR. KANE: Just non-flashing illumination?

MR. MEESE: Most of them are the internally lit.

MR. KREIGER: Internally steady internal illumination?

MR. MEESE: Correct.

MR. KANE: Do you know cause I'm a pain in the butt with the signs, do you know the existing height of the freestanding sign they have out there now?

MR. SHORTINO: Yes.

MR. KANE: And that is?

MR. SHORTINO: Let me just check, 13.2.

MR. KANE: Okay, I have a problem with 22 feet, we, I think they should try to bring that down a little bit, okay, if we can, I mean, I'm willing to compromise on it myself, I don't know how the other board members feel, but we've lived with 13 feet at the corner, I don't want to start raising it up to 22 feet, double doesn't make a lot of sense, okay, just on that particular one. Then you're looking at two feet 11 and three quarters and the wash 10 and 9, On The Run buildings you're going to have the Wash and Run, is that going to be on the car wash?

MR. SHORTINO: Right.

MR. KANE: On which side, how many sides are you going to have one on that building?

MR. SHORTINO: This side here on the car wash will say Wash and Run, it's actually proposed Wash and Run, you have the right page, this is the signed plan, so signed plan, so this shows where all the signs are, this gives all the signage and if you look at the building elevations you'll see what the signage looks like things like that but this is, yeah, this is just a specific sign plan and I--

MR. KANE: Mike, what are we, 2 x 10?

MR. BABCOCK: 2 1/2 by 10, yeah, you're going to have to clarify some of this unless I'm misunderstanding it I'm not sure it says you're proposing three signs, two of them facing Route 32, one facing Route 94, two on the canopy, one facing each roadway and two signs on the car wash, one facing each roadway, well, if you're

only allowed one you're proposing three but you're showing like five or six, that's got to be clarified.

MR. KANE: Let me ask you this, if the car wash is a separate, it's not a separate business, it's the same business so that's not a separate building as far as signs?

MR. BABCOCK: No, it's a separate business.

MR. KANE: So they are allowed one on that so they'll need a variance for another one.

MR. BABCOCK: If they had a tenant running the car wash and a tenant running On The Run, they would be allowed signs on both buildings, I don't have a problem with that, what they need to do is to put a chart together that shows what they're allowed to have on each building sign 1, 2, 3, 4 and 5 and then what they're proposing and what the variances are.

MR. KANE: That's usually what we get, makes it real easy to see it. On the four foot six inch by ten foot On The Run sign on the Route 94 side you're not that far off of 94, can we see if we can just shrink that down a little bit as far as the height cause you're almost double on the height from what we allow so if you can shrink it down, make a little compromise on that on the 94 side, number one, right, that's a 4, it's close to 94, shouldn't be any reason for that to be that big, I can understand on the front of the building looking through the canopies and the road from 32, I don't have a problem with that. Now on here for clarification you have existing building logo signs contains 12, are those signs going away?

MR. SHORTINO: Yeah, they're going away.

MR. KANE: So we're not considering any of the old signs and they're gone?

MR. MEESE: Yes.

MR. KANE: The canopy sign, okay, existing two pole freestanding sign proposed single pole freestanding

sign so you're going to put that and this is where the existing canopy sign is, okay, so the freestanding is going in the same place it is now?

MR. SHORTINO: Correct. Mobil here, this is the canopy sign right here.

MR. MEESE: Yes.

MR. KANE: That's going to be on the outside?

MR. SHORTINO: One here and one there.

MR. KANE: Okay, all right, anybody else have anything else they want to look at?

MR. REIS: Off the record.

(Discussion was held off the record)

MR. KANE: To me the 22 feet is way too high and the other sign that's closer to 94. I have no further questions. Anybody else at this point?

MR. REIS: Accept a motion?

MR. KANE: I will. Kathy, okay?

MS. LOCEY: Yes.

MR. REIS: Make the motion that we address Exxon Mobil to a public hearing, this is Route 94, Route 32, 300 intersection for the requested sign variances to be determined, the 29 foot front yard, 31 foot front yard, 18 foot side yard and 6 foot maximum building height.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. KANE	AYE

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MR. KANE: We'll set you up for a public, you'll need to get the sign information to Mike as fast as you can because this has to be ten days beforehand in the paper so that's why we need that public hearing.

PUBLIC HEARINGS

PETER GASPARINI (05-11)

MR. KANE: Request variance for 10 feet side yard and 10 feet rear yard setback for existing 10 ft. x 10 ft. shed at 300 Walnut Avenue.

Mr. Peter Garparini appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. GASPARINI: Shed is less than the ten feet required by the Town, that's about it, for storage.

MR. KANE: How long has the shed been up?

MR. GASPARINI: About four years.

MR. KANE: Any complaints formally or informally?

MR. GASPARINI: None that I know of.

MR. KANE: Cut down any trees, remove substantial vegetation in the building of the shed?

MR. GASPARINI: No.

MR. KANE: Create any water hazards or runoffs with the building of the shed?

MR. GASPARINI: No.

MR. KANE: You can't move the shed because the back of your property slopes up, there's really no other place on your property?

MR. GASPARINI: Right behind the detached garage.

MR. KANE: Similar in size and nature to other sheds in your neighborhood?

MR. GASPARINI: Yes.

MR. KANE: Mike, Kim anything else?

MS. LOCEY: No, nothing.

MR. KANE: At this point, I will open it up and ask if anybody is in the audience for this particular meeting? Yes? Please come on up and state your name and address so that the young lady over here can get it.

MR. WILLIAMS: My name is Doug Williams, 363 Oak Drive, I own the vacant lot that he's looking to move his shed towards, now the thing is that the shed is on the property line now, the shed is on the property line now.

MR. GASPARINI: I thought it was about six inches off.

MR. WILLIAMS: He wants to move it ten feet?

MR. KANE: He doesn't want to move it at all.

MR. WILLIAMS: My only next problem is the stuff that winds up behind the shed there's a trailer back there and there's another small shed and that winds up behind the big shed.

MR. GASPARINI: The small shed is movable but I thought about 10 years ago, 20 years ago you told me I can do anything I want, don't worry about it, I wasn't building anything.

MR. WILLIAMS: I don't remember saying anything.

MR. GASPARINI: Well, if it poses a problem--

MR. KANE: If he gets all that cleaned up?

MR. WILLIAMS: I've got no problem with the shed being there, the shed does not bother me, it's stuff that winds up behind the shed.

MR. GASPARINI: Wire mesh is bothering you that's there?

MR. WILLIAMS: There's an old trailer there.

MR. GASPARINI: Right, I kept the trailer there, right, the trailer, you want the trailer moved?

MR. WILLIAMS: Yes.

MR. GASPARINI: I mean I also cleaned up a little back there.

MR. BABCOCK: Mr. Chairman, just to let you know they're not arguing here, it's very simple, if his shed is on the property line, anything behind it has got to be on this man's property, it all has to be moved, you should move it all.

MR. GASPARINI: I understand but he never said nothing to me before.

MR. KANE: So he'll take care of it.

MR. GASPARINI: I got no arguments with that.

MR. WILLIAMS: No, the shed doesn't bother me a bit. Thank you very much.

MR. KANE: Anybody else? At this point we'll close the public hearing and ask Myra how many mailings.

MS. MASON: On the 28th of March, I mailed out 62 addressed envelopes and had no response.

MR. KANE: All right, I have nothing further except you'll clean up behind the shed?

MR. GASPARINI: Without a doubt. All he had to do is come and talk to me.

MR. KREIGER: Everything that's there?

MR. GASPARINI: It's only two pieces.

MR. KREIGER: Whatever it is it's all got to go.

MR. GASPARINI: No problem.

MS. GANN: Accept a motion?

MR. KANE: I will.

MS. GANN: That we grant Peter Gasparini his request for variance for a ten foot side yard and ten feet rear yard setback for an existing 10 x 10 shed at 300 Walnut Avenue in an R-4 zone and he will also clean up anything else that's behind the shed.

MS. LOCEY: Second it.

MR. GASPARINI: No problem.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. GASPARINI: Does this carry with the house so if I was to upgrade that shed and redo it like if it fell apart I'd have to come for a permit right but I mean I wouldn't have to change the variance?

MR. KANE: No, if you have a permit on that shed and if you tell me if I'm wrong, Mike, if you replace the shed that's the same amount, same size in that spot you should be fine. If you go bigger then you need a permit and you're going to be back here.

MR. KANE: You need a permit no matter what size if you're going to replace it.

MR. KANE: But the variance still would stay in effect.

MR. GASPARINI: That's what I was concerned about.

MR. KREIGER: He'd be allowed to replace it but you have to go and pay the Town some money to get a building permit to do it.

MR. GASPARINI: All right, no problem, I just wanted to know if the variance stayed because the shed may last

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my time here but if somebody else comes and buys the house.

MR. KANE: Thank you.

FREDERICK FAYO, III (05-08)

MR. KANE: Request for variance of 73 ft. minimum lot width, 17 ft. side yard setback, 14 ft. side yard setback and 31 ft. total side yard for proposed single-family house at 252 Bull Road.

Mr. Anthony Fayo appeared before the board for this proposal.

MR. FAYO: Fred can't make it, I'm standing in for Fred, we both own the lot. We had a variance once for the road frontage, I filed for a permit, wasn't a proper time to build a house, now is a better time and I also not only do I need the road frontage but I guess I need the side lot because that has changed also.

MR. KRIEGER: You also need a lot area, is that correct because it's not on the agenda?

MR. BABCOCK: Not lot area.

MR. KANE: Lot width which he had a previous variance for but basically that's gone.

MR. KREIGER: Just want to make sure that the agenda included everything.

MR. FAYO: This is high property, this is where the house is going right here.

MR. KANE: Right next to his.

MR. FAYO: Yes, this is a common driveway, this is, this would be my driveway.

MR. KANE: So you're going to have a common drive coming down and kicking over here?

MR. FAYO: Correct.

MR. KANE: Septic and well?

MR. FAYO: Septic and well, yes, all been engineered.

MR. KANE: Cutting down a lot of trees and substantial vegetation in the building of the house?

MR. FAYO: No, nothing except for normal stuff.

MR. KANE: Creating any water hazards or runoffs?

MR. FAYO: No.

MR. REIS: Mr. Chairman, I feel I should recuse myself from this hearing, I'm involved with the sale of his property.

MR. KANE: Any easements running through the property?

MR. FAYO: Not to my knowledge, just the railroad in the back but that's--

MR. KANE: Can you bring me a couple pictures?

MR. FAYO: I brought some pictures for you, there's the road and there's from the, this is the driveway installed to the actual house off the neighbor's driveway.

MR. KANE: At this point then I'll open it up to the public and ask if there's anybody here for this particular hearing. Seeing as there's nobody here, I'll close it immediately and ask Myra how many mailings we had.

MS. MASON: On March 28th, I mailed out 14 envelopes and had no response.

MR. BABCOCK: I just want to say one thing, the lot area of this lot just for clarification is 4.8 acres.

MR. KANE: It's a lot bigger.

MR. BABCOCK: It's only 102 feet wide, that's the problem.

MR. KANE: I just once want to get in a room with a guy that designed these lots.

MR. FAYO: They're all like that.

MR. KANE: I know, it's crazy. Okay, to the members anything else? Any other questions?

MS. GANN: No.

MS. LOCEY: I assume Erinthal (phonetic) is the applicant?

MR. FAYO: He's the current, he's the buyer of the lot in question.

MS. LOCEY: Because on the agenda it's in the name of Fred Fay, I just wanted to make sure I understood that correctly.

MR. KANE: Anything else?

MS. LOCEY: No.

MR. KREIGER: He's the contract vendee but it's still in their name.

MR. BABCOCK: Until he gets this variance.

MS. LOCEY: I'll offer a motion to grant the variances to Frederick Fay for 73 ft. minimum lot width, 17 ft. side yard setback, 14 ft. side yard setback and 31 ft. total side yard for proposed single-family house at 252 Bull Road in an R-1 zone.

MS. GANN: Second the motion.

ROLL CALL

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

MR. FAYO: Thank you very much.

MR. KANE: Motion to adjourn?

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MR. REIS: So moved.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. KANE	AYE

Respectfully Submitted by:



Frances Roth  
Stenographer

4/26/05