

April 26, 2010

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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
APRIL 26, 2010

MEMBERS PRESENT: JAMES DITTBRENNER, ACTING CHAIRMAN  
FRANCIS BEDETTI, JR.  
PAT TORPEY  
RICHARD HAMEL

ALSO PRESENT: ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

NICOLE JULIAN  
ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE, CHAIRMAN  
LEN MCDONALD

REGULAR MEETING

MR. DITTBRENNER: I'd like to call to order the April 26, 2010 meeting of the New Windsor Zoning Board of Appeals.

APPROVAL OF MINUTES DATED APRIL 12, 2010

MR. DITTBRENNER: I'll accept a motion to approve the minutes of our meeting from April 12, 2010 as submitted.

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

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ROLL CALL

|                 |     |
|-----------------|-----|
| MR. BEDETTI     | AYE |
| MR. HAMEL       | AYE |
| MR. TORPEY      | AYE |
| MR. DITTBRENNER | AYE |

PRELIMINARY MEETINGS:

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BRYAN TALBOT (10-11)

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MR. DITTBRENNER: First is the application of Bryan Talbot, single family dwelling proposed 10 foot by 16 foot shed which requires a rear lot line and side lot line variance as well as a proposed pool deck requiring a side lot line variance at 8 Judd Circle in an R-4 zone. Is anybody here for this preliminary? Mr. Talbot?

Mr. Bryan Talbot appeared before the board for this proposal.

MR. DITTBRENNER: State your name for the stenographer.

MR. TALBOT: Bryan Talbot.

MR. DITTBRENNER: And your address?

MR. TALBOT: 8 Judd Circle, New Windsor, New York.

MR. DITTBRENNER: We're just going to have you describe what your application is for, tell us what you want to do.

MR. TALBOT: I want to get a 10 foot by 16 foot storage shed in the back yard and I was trying to get a variance because the yard is kind of small and I staked it out without a variance and with a variance and it makes a big difference in the usable space in the property. And I also want to get another variance at the same time for a small pool deck which is 8 foot by 12 foot to be able to put a couple chairs around the pool so that we can watch the kids while they're swimming a little easier.

MR. DITTBRENNER: Let's start with the shed. Is there anything that relates to the property in its topography

that would prohibit you from putting the shed in a location that would comply with the zoning code?

MR. TALBOT: No.

MR. DITTBRENNER: With the building of the shed will there be the removal of any trees or substantial vegetation?

MR. TALBOT: No.

MR. DITTBRENNER: Where you would be building the shed would this interfere with easements or right-of-ways not limited to water, sewer or electrical easements?

MR. TALBOT: No.

MR. DITTBRENNER: Will the shed be similar in size and nature to other sheds that are in the neighborhood?

MR. TALBOT: Yes.

MR. DITTBRENNER: Have there been any complaints either formally or informally as it relates to your proposal to put the shed in the back yard?

MR. TALBOT: No, nobody knows.

MR. DITTBRENNER: We'll ask you similar questions that relate to the pool deck, kind of redundant. Is there any reason why this deck could not be installed somewhere on the property that would allow for you to be in compliance with the code?

MR. TALBOT: It would interfere with the usable space of the yard, I have small kids and a small yard so I'm just trying to get the most bang for our buck.

MR. DITTBRENNER: The removal of any substantial vegetation or trees in the installation of the deck?

MR. TALBOT: No.

MR. DITTBRENNER: Will you be building this deck on top of any easements, right-of-ways including but not limited to water, sewer, electrical easements?

MR. TALBOT: No.

MR. DITTBRENNER: Have there been any complaints formally or informally as it relates to your proposition to install a deck?

MR. TALBOT: No.

MR. DITTBRENNER: Will the deck be similar in size and shape as other decks potentially in the neighborhood?

MR. TALBOT: Yes.

MR. DITTBRENNER: Would this deck be adjacent to any entranceway or exitway of your home, without this deck would there be any perceived safety issues for persons entering or exiting the pool?

MR. TALBOT: Well, it would be faster if the kids are in the pool and something happens you jump right in as opposed to climbing up and down a ladder so safety wise it would be safer.

MR. DITTBRENNER: Any questions from the board?

MR. BEDETTI: Yeah. I see you have privacy fences there?

MR. TALBOT: Yes.

MR. BEDETTI: Like a wood one and lattice on the other and the sides that you're looking for the variances what's immediately on the other side? Is there a

neighbor, 6 Judd?

MR. TALBOT: Six Judd Circle immediately has sheds right on the property line.

MR. BEDETTI: Now, the one that shows Oakwood in the back, what's immediately over that fence there?

MR. TALBOT: Oakwood's garbage dumpster, that's Oakwood's garbage, that's their shed for their garbage dumpster.

MR. BEDETTI: Okay, just want to get a feel for what's on the lines that will border that.

MR. TALBOT: That one that's a shed.

MR. BEDETTI: Right, I understand that's 6 Judd so there's a neighbor on that side on the back side is essentially Oakwood's and on 10 Judd is on the other side.

MR. TALBOT: That's just trees, that's, those are trees.

MR. BEDETTI: So you have a neighbor at 10 Judd?

MR. TALBOT: Yes.

MR. BEDETTI: Thank you, okay, I've got an idea.

MR. DITTBRENNER: You currently have stairs that come out of the pool they're on the opposite side?

MR. TALBOT: That's just stored there for the winter, that's all.

MR. DITTBRENNER: Okay, any other questions?

MR. TORPEY: No, I'm good.

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MR. DITTBRENNER: I'll accept a motion.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Bryan Talbot for variances for both side yard and rear yard setbacks for both the shed and the pool deck at 8 Judd Circle in an R-4 zone.

MR. TORPEY: I'll second that.

ROLL CALL

|                 |     |
|-----------------|-----|
| MR. BEDETTI     | AYE |
| MR. HAMEL       | AYE |
| MR. TORPEY      | AYE |
| MR. DITTBRENNER | AYE |

PUBLIC HEARINGS:

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GARY & JANET VANVOORHIS, DARRELL GOLDSMITH (10-09)

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MR. DITTBRENNER: First public hearing is the application of Gary and Janet VanVoorhis and Darrell Goldsmith relating to bulk area variances required as per the tonight's agenda. I see Mr. Doce is here.

MR. DOCE: My name is Vince Doce and I have an engineering and surveying business located at 1613 Route 300 in the Town of Newburgh. I'm here this evening to represent Gary VanVoorhis and Janet VanVoorhis and Darrell Goldsmith, Darrell and Gary are sitting here with me this evening. We're here for a--anybody here trying to see this?

MR. DITTBRENNER: Possibly.

MR. DOCE: We're here this evening to request a couple of variances for a two lot subdivision that has been designed for property on Steele Road right where it takes a right-hand turn and goes to the south. The property is located on the south side of Steele Road as it comes in from Route 207 and it's bounded by Gerisa (phonetic), Carbone, Chrison (phonetic), Macheralla (phonetic), Davis, Van Curtis and Caughlin as I have just circumscribed it. It's a 2.23 acre parcel of property and upon this property there's an existing house that has been there for since I can remember back in the late '50s. That house is oriented towards Steele Road facing sort of in a northerly direction and Mr. Goldsmith lives in that house at present and will continue to do so. Gary VanVoorhis would like to build a house on the subdivided piece of property which is going to be just about 8/10 of an acre in size. The existing house will occupy a parcel that's about 1.4 acres in size. And the reason we're here tonight is we need a variance for a couple unusual things. This piece of property fronts on Steele Road and has some

frontage along Steele Road about 50 feet I believe and the zoning regulations call for the frontage along a road to be 125 feet. We have plenty of width where the house is built, we meet all the regular, the other zoning regulations but frontage we have 30 when it's required to be 125 at the street line and at the building setback line about 45 feet back from the road it also requires frontage and at that point we still only have 30 feet because like I said, we're on a throat coming back whereas across the front of the lot we have a couple hundred feet at the building line. So those two variances are necessitated by the fact that we're on a throat lot. The other parcel of property requires two variances also, one is an area variance, both area variances that we have 8/10 of an acre parcel and the zoning now requires a one acre parcel. We could supply one full acre, we presented a couple of options to the town and the town felt that the configuration we have here would be far superior than just adding another 2/10 on of an acre on this side of the lot just to accommodate the zoning regulations. The other variance is a little unusual in that we have plenty of frontage across the lot, we have plenty of lot width but because the road line has a jog on it where it approaches the cul-de-sac at Steele Road, the town felt it would be better for us to clean up, to do a little housekeeping because the zoning, the lot width at the setback line of 45 feet is 84 feet when it's require to be 125 feet. That's rather meaningless because the house is set back on a portion of the lot that's actually 125 feet in width and across the entire frontage it's in excess of 125 feet. The variances that we're requesting they're rather straightforward, there's going to be little difference in the way the neighborhood will look, there's going to be one additional lot on the subdivided portion of the property.

MR. DITTBRENNER: Mr. Doce, we had kind of a lengthy conversation about the two propositions at the last

meeting, I think you got a sense of both from the planning board as well as from the zoning board what would most likely be the best option. Are you going to state specifically which option?

MR. DOCE: Yes, it's the option on the board here.

MR. DITTBRENNER: Option 2?

MR. DOCE: Option 2 and my client has no problem with that whatsoever.

MR. DITTBRENNER: In creating these lot lines accordingly, are you aware of or is there any affect on or interference with easements, right-of-ways not limited to water, sewer and electrical?

MR. DOCE: No, we're not interfacing or encroaching upon any right-of-way.

MR. DITTBRENNER: And the lot frontage requirement as it exists now is really something that is historic, this is something that previously existed?

MR. DOCE: Right.

MR. DITTBRENNER: Particularly with lot 1.

MR. DOCE: Right.

MR. DITTBRENNER: Any questions from the board?

MR. BEDETTI: If I recall, you said that throated section up on the top that's existing, you're not creating that?

MR. DOCE: No, everything on this map is existing as far as frontage or lot widths.

MR. BEDETTI: Did you have, the other drawing, the one

that showed the other proposal for the sake of the public, I mean, I'm not sure exactly how this went out to the public but--

MR. DOCE: Yes, you can see the yellow portion is lot 1, the red outlined portion is lot 2. Other alternative which would eliminate the necessity for the variance would have produced a lot that was not in either board's eye as being something that was reasonable looking. Our lot on the lower map here is configured like such. If we were to get the full one acre of zoning we would add a little appendage on the side and the lot would be of that configuration as opposed to that configuration and it was more for show than blow because that area back here is really of no, doesn't add to the efficacy of lot number 2 in any way so it was just a matter of going for the variance to eliminate the need for that appendage on the side.

MR. BEDETTI: It's true that the planning board preferred the, not that approach but the other one the second one.

MR. DOCE: Right, the planning board recommended that we go with this approach if it was agreeable to the zoning board.

MR. BEDETTI: That kind of makes sense. I'm good.

MR. DITTBRENNER: Just a couple of routine things unless Mr. Hamel or Mr. Torpey have anything?

MR. HAMEL: No.

MR. TORPEY: What's surrounding the new lot, residents or--

MR. DOCE: Yeah, this is a residential neighborhood, there's residents on every side.

MR. KRIEGER: What size?

MR. DOCE: A number of these would be the two largest parcels in the neighborhood, most of the other lots are less than 40,000, 30,000.

MR. DITTBRENNER: Couple of basic questions, may seem silly but will there be removal of any trees or substantial vegetation?

MR. DOCE: No, not really at all.

MR. DITTBRENNER: Will these changes create ponding or collection of water, divert water flows for drainage?

MR. DOCE: No.

MR. DITTBRENNER: Have there been any complaints formally or informally about this proposition?

MR. DOCE: No, I've heard of nobody that's even questioned it.

MR. DITTBRENNER: With the development of the house, we kind of asked that question previously, will this be in similar size and nature to other homes and properties in the neighborhood?

MR. DOCE: Yes, essentially.

MR. DITTBRENNER: The lots would actually be larger than anything that's existing?

MR. DOCE: Anything else and Mr. VanVoorhis lives across the street now he's just going to move across the road into the new house.

MR. DITTBRENNER: I'll open it up to the public. Is there anybody here from the public that would like to come up and comment? Give your name to the

stenographer.

MS. RECINE: Julie Recine, R-E-C-I-N-E. And my question is exactly what type of home dwelling is going to be built on that parcel?

MR. DOCE: Okay, Mr. VanVoorhis can answer that but I believe it's a standard bi-level they're planning.

MS. RECINE: It's not going to be a multi-family dwelling with renting or anything like that?

MR. VANVOORHIS: No.

MS. RECINE: I did hear a rumor to that effect, I want to make sure, I have a lot of little kids, I don't want some kind of monstrosity with apartments so that's why we're here. We just want to know exacting what's going in there.

MR. VANVOORHIS: The master plan, the intention is I have two sons and we bought Mrs. Steele's house for son number one who's living there and son number two we'd like to build a house for him there but he has no interest in it. So my wife in her wisdom wants us to downsize and we'll sell our existing home and move into a smaller ranch.

MS. RECINE: That's all, I just wanted to know what was going to go in there.

MR. VANVOORHIS: No, there's no--

MS. RECINE: I heard something in the wind so I just wanted to just doublecheck.

MR. VANVOORHIS: We couldn't build a multi-family house there anyway.

MR. DITTBRENNER: Not legally.

MS. RECINE: Just wanted to check.

MR. DOCE: You know, I've had four ZBAs similar to this in the past year and every single one the rumor circulated that it was going to be a multi residence.

MS. RECINE: Just wanted to know.

MR. VANVOORHIS: Yeah, sure.

MS. RECINE: Good luck to you, hope it all works out.

MR. DITTBRENNER: Anybody else?

MS. PAULIN: April Paulin, P-A-U-L-I-N, I live at 75 Steele Road next door to Mr. VanVoorhis. My question is this, where would the driveway enter? I presume there has to be a new driveway built onto Steele Road, how would that impact us or is there not going to be a new driveway?

MR. DOCE: There will be one driveway on Steele Road, the planning board thought the best place to put it would be at this point on the cul-de-sac to keep it far from neighbors' houses as possible and that's the point that it would be at, as far remote as possible.

MS. PAULIN: Where would 75 Steele Road be? Can you point that out?

MR. DOCE: You're here.

MS. PAULIN: April Paulin, and where would that driveway now be? There's a dirt driveway that comes out there.

MR. DOCE: That drive there is somebody else's, has nothing, that dirt drive.

MS. PAULIN: It does come out onto Steele Road.

MR. DOCE: We're not involved with that driveway, we have a driveway up near the cul-de-sac at the point that's furthest away from the street line.

MS. PAULIN: It would be exactly where?

MR. DOCE: Right here.

MS. PAULIN: It would come out onto Steele Road where?

MR. DOCE: Right there.

MS. PAULIN: Okay, when do you plan on construction if this is passed?

MR. VANVOORHIS: Couple years, hopefully.

MS. PAULIN: Yeah, how far back from that road may I ask would be the house that's proposed? How far back from Steele Road?

MR. DOCE: From Steele Road it will be 100 feet back from the right-of-way from the actual, let's say the center line of pavement it would be 125 feet back.

MS. PAULIN: Okay, thank you.

MR. DITTBRENNER: Any other questions from the public?

MS. DAVIS: Lavern Davis, 72 Steele Road I would like to ask if the other end of Steele Road will be open close to--

MR. DOCE: Your property's here?

MS. DAVIS: So there's another entrance that's closed now that can lead you to Clearview.

MR. DOCE: This being Clearview over on this side?

MS. DAVIS: Yeah.

MR. DOCE: The road won't be extended, we're doing nothing to the road at all.

MS. DAVIS: Okay, thank you.

MR. DITTBRENNER: Anyone else from the public? Any other questions? Hearing none, I will close the public portion of the meeting and ask Nicole how many mailings went out.

MS. JULIAN: On April 14, 2010, I mailed out 14 addressed envelopes with no written response.

MR. DITTBRENNER: Okay, any final questions or comments from the board? Hearing none, I'll accept a motion.

MR. BEDETTI: I just want to ask a question relative now the proposal is for option 2?

MR. DOCE: Yes.

MR. BEDETTI: Okay, that was it.

MR. DITTBRENNER: Okay, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant the variance to Gary and Janet VanVoorhis as proposed in option 2 for the variance on minimum lot width requirements and the required frontage variances as requested at 54 Steele Road in an R-4 zone.

MR. DITTBRENNER: I would ask that you modify that to include the minimum lot area required on lot 2.

MR. BEDETTI: Oh, yes, sorry and also for the minimum lot area gross area of 89.1.

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MR. DITTBRENNER: Second it?

MR. HAMEL: Yes, second it.

ROLL CALL

|                 |     |
|-----------------|-----|
| MR. BEDETTI     | AYE |
| MR. HAMEL       | AYE |
| MR. TORPEY      | AYE |
| MR. DITTBRENNER | AYE |

ANTHONY\_BECKER\_(SKIN\_CITY\_TATTOO)(1-07)

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MR. DITTBRENNER: Our second and last public hearing this evening is request from Anthony Becker Skin City Tattoo request for two facade signs at 356 Windsor Highway in a C zone.

MR. BECKER: Hi, Anthony Becker, Skin City Tattoos, 356 Windsor Highway.

MR. DITTBRENNER: Tell us again what you want to do.

MR. BECKER: I'm requesting two facade signs 3 x 15 foot, they're pre-existing for quite a number of years just repainted and the additional one at 6 inches by 5 foot.

MR. KRIEGER: Is that three altogether?

MS. JULIAN: Two.

MR. DITTBRENNER: Will the signs interfere with the safe operation of motor vehicles on the adjacent roadway?

MR. BECKER: Absolutely not.

MR. DITTBRENNER: Will you be building on top of any easements?

MR. BECKER: No.

MR. DITTBRENNER: Will the construction of the signs require the removal of any trees or substantial vegetation?

MR. BECKER: No.

MR. DITTBRENNER: Will the placement of the signs create ponding or creation of water that will divert

the flow of water for drainage?

MR. BECKER: No.

MR. DITTBRENNER: And will the signs be illuminated on the interior or exterior and will they flash or strobe?

MR. BECKER: They will not flash, they are not illuminated now but there's existing lights that are there.

MR. DITTBRENNER: Flood lights?

MR. BECKER: Exactly, two flood lights on each sign and I'd like to get them working at one point or another.

MR. DITTBRENNER: Alright, you want to talk a little bit again about what we discussed at the end of the last meeting?

MR. BEDETTI: I want to ask him one question before I proceed on that, your business has two entrances, is that correct?

MR. BECKER: Yes.

MR. BEDETTI: You're using both entrances?

MR. BECKER: Yes, we need to for fire purposes.

MR. BEDETTI: At the last meeting you weren't here and I brought up an issue that based on the code it says that if you have two entrances in the same building, different location that you're permitted an extra sign. So the way this is written it looks like it's saying that you need a variance to have an extra sign and I read the code as 345-2 (c) which said if a permitted business or establishment has more than one main building entrance, one additional full sized facade sign will be permitted. But in no case shall the

additional sign be located on the same building face as the other permitted sign. Your two signs are not on the same face?

MR. BECKER: No, they're not.

MR. BEDETTI: You have two entrances to the one building?

MR. BECKER: Correct.

MR. BEDETTI: My interpretation of the code says that you don't really need an extra variance to have that second sign. However, you do need variances for the size of the sign because they're larger.

MR. BECKER: Right.

MR. BEDETTI: So I brought that up at the last meeting and I believe it went in the record, in fact it was in the record, I read it, and we asked to check with the building department but I don't know that we got a response from them. So based on the way I interpret the code and seems pretty straightforward to me.

MR. TORPEY: Those signs are existing, weren't they existing?

MR. BECKER: Quite a few years.

MR. BEDETTI: We did a little bit of research and it goes back to 2004 when Cooks Kitchen had the same signs, he just painted over them. But they never apparently did not, well, the records do not indicate that they followed through and that there was a resolution to that variance that was required. So I guess therefore now he's here looking for that variance.

MR. BECKER: Right.

MR. BEDETTI: So that's the situation as it exists now and those signs were used by Cooks Kitchen since 2004 so they have been there for some period of time.

MR. DITTBRENNER: Let the record show Mr. Bedetti is vying for the position of counsel to the zoning board. Any other questions? Hearing none, I will open this up to the public. Is there anybody here from the public who wishes to speak about this application? Seeing none except Mr. Shed, I'll close the public portion of the meeting and ask Nicole how many envelopes were mailed out.

MS. JULIAN: On April 13, 2010, I mailed out 51 addressed envelopes with no written responses.

MR. DITTBRENNER: Any other comments or questions? Hearing none, I'll accept a motion.

MR. BEDETTI: Well, I'll make a motion that we grant the request for the variances for the sizes to Mr. Anthony Becker of Skin City I believe it was 5 feet in length and 6 inches, 5 feet in length, 6 inches in width, in height for both of those signs.

MR. TORPEY: Second that.

MR. DITTBRENNER: Stop for a minute. I would ask that you just modify that to include the variance for the additional sign, although we interpret that we may not need it, I think we just should include that so there's no question.

MR. BEDETTI: And I will modify that even though he doesn't need it.

MR. BECKER: Are you talking about the third sign? Just as long as I can keep the two.

MR. BEDETTI: Were you asking for a third sign?

MR. BECKER: No, it was put here, I wasn't really requesting it, that was what the normal sign was supposed to be.

MR. BEDETTI: You're only allowed to have two, you're only allowed to have one normally but the fact that you have two entrances.

MR. BECKER: I'm mistaken with that then just the two that were already there and then I'd like to repaint and keep those.

MR. BEDETTI: If the building department insists that we have a variance on it, I would amend my original request that we include the extra sign in the variance request.

MR. DITTBRENNER: Thank you.

MR. TORPEY: Second it.

ROLL CALL

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| MR. BEDETTI     | AYE |
| MR. HAMEL       | AYE |
| MR. TORPEY      | AYE |
| MR. DITTBRENNER | AYE |

MR. DITTBRENNER: With no further business, I'll accept a motion to adjourn.

MR. TORPEY: So moved.

MR. HAMEL: Second it.

ROLL CALL

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| MR. BEDETTI | AYE |
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| MR. HAMEL       | AYE |
| MR. TORPEY      | AYE |
| MR. DITTBRENNER | AYE |

Respectfully Submitted By:

Frances Roth  
Stenographer

