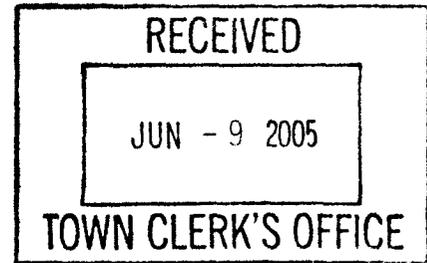




**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
Regular Session  
Date: JUNE 13, 2005

**AGENDA**



7:30 p.m. – Roll Call

Motion to accept minutes of May 23, 2005 meetings as written.

**PRELIMINARY MEETINGS:**

1. **STEVE KUPRYCH (for Frank Carlone) (05-29)** Request for 11 feet Rear Yard Setback for proposed addition at 350 Nina Street in an R-4 Zone **(73-2-8)**
2. **JEFFREY BOUSCHE' (05-30)** Request for 5 foot side yard setback for proposed 12 ft X 20 ft. side deck at 64 Hudson Drive in an R-4 Zone **(25-3-10)**
3. **FRANCIS NICOLOSI (05-31)** Request for 13 feet Rear Yard Setback for proposed deck at 330 Nina Street in an R-4 Zone **(73-2-19)**
4. **JOSEPH MILANO (05-32)** Request for 21 ft. 3inches Rear Yard Setback for proposed 12' X 24' rear addition on a corner lot in an R-4 Zone **(23-2-5)**
5. **ANTHONY VENCE (05-33)** Request for interpretation of single-family house with two kitchens or two-family house at 1002 Pine View in an R-3 Zone **(89-3-25)**

**PUBLIC HEARINGS:**

6. **SANDRA WELCH for C&R Enterprises of Washingtonville LLC (05-24)** Request for 25.3 ft and 11.5 ft. side yard setbacks and 36.8 total side yard setback at 455 Mt. Airy Road in an R-3 Zone **(65-1-1.2)**
7. **ANTHONY CIERO (05-25)** Request for 13 ft. Rear Yard Setback (R-1,G-5) for proposed attached deck at 606 Twin Arch Road in an R-1 Zone **(55-1-127) – CANCELLED BY APPLICANT**
8. **ROBERT SCHULZE JR. (05-26)** Request for 14 ft.Side Yard Setback for proposed deck (300-10 F-6) at 17 Clarkview Road in an R-4 Zone **(6-3-16)**

**FORMAL DECISIONS:**

FRED FAYO, III (05-08)  
PETER GASPARINI (05-11)  
QUALITY HOMES (05-07B)  
MIRA BLYTHE RUMSEY (05-07)  
GLOEDE SIGNS (05-04)

JOHN JAKOBS (05-05)  
WILLIAM PFEUFFER, JR. (05-06)  
ANTHONY CICCONE (05-03)  
APPLIED BLDRS. (05-01)  
DENNIS GUINEY (05-02)

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

JUNE 13, 2005

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

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 the June 13 Town of New Windsor Zoning Board of Appeals regular session to order.

APPROVAL OF MINUTES DATED MAY 23, 2005

MR. KANE: Everybody receive the minutes in the mail under separate copy? I'd like a motion to accept the

minutes as written.

MS. LOCEY: Yes, I will.

MR. BROWN: Second it.

ROLL CALL

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

PRELIMINARY MEETINGS:

STEVE KUPRYCH (05-29)

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

MR. KANE: Request for 11 feet rear yard setback for proposed addition at 350 Nina Street.

So everybody knows what New Windsor does is they hold a two stage meeting, one's a preliminary hearing so we can get an idea of what you want to do and if you're missing something. What we need by law everything has to be done in a public hearing, so we have to get all of the stuff out of the way now and then we have to redo it all at the public hearing. So speak up loud enough so that young lady over there can hear you, tell us what you want to do.

MR. KUPRYCH: We're going to, we're proposed to put an addition one level on the right side of this home, we could orientate the addition so the property line is like this but basically it would end up being ugly so we're looking for 11 feet on the rear lot.

MR. KANE: With the addition does the home remain similar in size to other homes in the neighborhood?

MR. KUPRYCH: Yes, matter of fact next door to the left of these people, there's an addition almost the same size in the same fashion.

MR. KANE: Creating any water hazards on runoffs?

MR. KUPRYCH: No.

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

MR. KUPRYCH: No.

MR. KANE: Is that home on Town water and sewer?

MR. KUPRYCH: Yes.

MR. KANE: So no easements through that area?

MR. KUPRYCH: No.

MR. KANE: Steve, what's the size of the addition that's going on there?

MR. KUPRYCH: We have it's approximately 24 x 25, about that.

MR. KANE: How many square feet is it in the home, is it adding to the home?

MR. KUPRYCH: Drawings are showing 27 feet but that's with the fireplace but in reality it's 25 x 24 and that's it, it's just one floor.

MR. KANE: Is it one floor?

MR. KUPRYCH: That's all it is.

MR. KANE: That's good enough That's the extent of my questions. Any further questions? Mike?

MR. REIS: Motion?

MR. KANE: I will.

MR. REIS: I make a recommendation that we pass Steve Kuprych through to a public hearing for his requested 11 foot rear yard setback for proposed additional at 350 Nina Street.

ROLL CALL

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

MS. MASON: Just read that, tells you what to do.

MR. KUPRYCH: Thank you.

JEFFREY BOUSCHE' (05-30)

Mr. Jeffrey Bousche' appeared before the board for this proposal.

MR. KANE: Request for 5 foot side yard setback for proposed 12 ft. x 20 ft. side deck at 64 Hudson Drive. How you doing, sir, tell us what you want to do.

MR. BOUSCHE': There's driveway on the side of the house, there's, I have a driveway going down and there's nothing on that side of the house so we just want to put a deck for entertaining.

MR. KANE: Deck itself is going to be similar in size to other decks in your neighborhood?

MR. BOUSCHE': Yes.

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

MR. BOUSCHE': No.

MR. KANE: Cutting down any trees, substantial vegetation?

MR. BOUSCHE': No.

MR. KANE: If you walk out the side door and you drop 4 feet, do you consider that a safety hazard?

MR. BOUSCHE': I do.

MR. KANE: Is the house on Town sewer and water?

MR. BOUSCHE': Yes, there's a water easement under my driveway, there's a natural runoff.

MR. KANE: But the deck is not going to be anywhere

near that?

MR. BOUSCHE': No.

MS. LOCEY: Will that door that's on the side lead out to the deck?

MR. BOUSCHE': Yes.

MS. GANN: So it will be further up?

MR. BOUSCHE': Yes, maybe six inches.

MR. KANE: How long has the door been there?

MR. BOUSCHE': Thirteen, fourteen years.

MR. KANE: Was there another deck?

MR. BOUSCHE': No.

MR. KANE: Just a door to nowhere?

MR. BOUSCHE': Yes.

MR. KANE: I have no further questions.

MS. GANN: Nothing.

MR. KANE: Accept a motion.

MS. GANN: Make a motion that we set up Jeffrey Bousche' for a public hearing for his request for five foot side yard setback for proposed 12 foot by 20 foot side deck at 64 Hudson Drive in an R-4 zone.

MR. REIS: Second it.

ROLL CALL

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

MR. KANE: Just follow the directions.

FRANCIS NICOLOSI (05-31)

MR. KANE: Request for 13 feet rear yard setback for proposed deck at 330 Nina Street.

Mr. Francis Nicolosi appeared before the board for this proposal.

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

MR. NICOLOSI: There's an existing deck that's in need of repair, I'm going to replace it same size 27 x 14, one change I'm going to make stairway right now goes underneath, I'm going to have the stairway run right alongside of the house in one straight row.

MR. KANE: When you come for the public hearing, can you take some pictures of the area where the deck is going to go for us?

MR. NICOLOSI: Yes.

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

MR. NICOLOSI: No.

MR. KANE: Was the old deck existing when you purchased the house?

MR. NICOLOSI: I added it later on, I don't know how many years ago.

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

MR. NICOLOSI: No.

MR. KANE: Deck similar in size and nature to other decks?

MR. NICOLOSI: Yes.

MR. KANE: Old deck didn't have a permit, I gather?

MR. NICOLOSI: No.

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

MR. NICOLOSI: No.

MR. KANE: Any questions?

MS. LOCEY: No.

MS. GANN: No.

MR. KANE: Is the home on Town sewer and water?

MR. NICOLOSI: Yes.

MR. KANE: No easements in the area where the deck was?

MR. NICOLOSI: No.

MR. KANE: I have no further questions, just the pictures for the public hearing.

MR. NICOLOSI: I have already taken them, just got to get them out of the camera.

MR. KANE: Mike, Howard, any questions?

MR. REIS: No.

MR. KANE: Accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Francis Nicolosi for his

requested 13 foot rear yard setback for a proposed deck at 330 Nina Street in an R-4 zone.

MS. GANN: Second the motion.

ROLL CALL

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

JOSEPH MILANO (05-32)

MR. KANE: Request for 21 ft. 3 inches rear yard setback for proposed 12' x 24' rear addition on a corner lot.

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

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

MR. MILANO: I'd like to build a three season room on the back of my house where the house and the garage form an L, not quite as far as the garage that's already there and the variance to build that.

MR. KANE: Is he here cause it's a corner lot? Looks like they're--

MR. BABCOCK: He's here for a rear yard variance actually, it's for the rear yard, Mr. Chairman.

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

MR. MILANO: No.

MR. KANE: Create any water hazards or runoffs?

MR. MILANO: No.

MR. KANE: And without the deck there, you would consider it a safety hazard to go out the door on the back of your house?

MR. MILANO: Correct.

MR. KANE: Home on Town water and sewer?

MR. MILANO: Yes.

MR. KANE: So no easements in the area?

MR. MILANO: No.

MR. KANE: What's the approximate size of that, sir?

MR. MILANO: 12 x 24.

MR. KANE: Do you consider that normal size for a deck or an addition in your neighborhood?

MR. MILANO: Yes.

MR. KANE: Not overly big?

MR. MILANO: No.

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

MS. LOCEY: We don't have the correct address on the agenda.

MR. MILANO: It's, it came to my house at 8 Ellison Drive, it says for to discuss a variance at 7 Ellison Drive in the bottom of the letter so the address is wrong.

MS. MASON: Should be 8.

MR. KANE: So it's right on the application so we're okay there.

MS. MASON: Should be 8 Ellison Drive.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I'll make a motion that we set Mr. Milano up

for a public hearing for a request for 21 foot 3 inch rear yard setback for proposed 12 x 24 rear addition on corner lot in an R-4 zone.

MS. GANN: Second the motion.

ROLL CALL

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

ANTHONY VENCE (05-33)

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

MR. KANE: Request for interpretation of single-family house with two kitchens or two-family house at 1002 Pine View.

MR. VENCE: Basically just put a second kitchen in the basement, it's, my parents are handicapped, so I want to make it easy so there's also there's a pool in the back, makes it easier to get to, just going to be a microwave and convection oven.

MR. KANE: Is it existing now?

MR. VENCE: Yes, it is.

MR. KANE: In your home do you have one set of utilities coming into the home as far as gas and electric? So there's no separate electric?

MR. VENCE: No.

MR. KANE: No intention for you to put that in?

MR. VENCE: No intention.

MR. KANE: Is there an unlockable easy access door down to this particular area?

MR. VENCE: Yes, just a regular door.

MR. KANE: Not going to be a whole separate apartment, just a separate kitchen like the old summer kitchens?

MR. VENCE: Yes.

MR. KANE: We do this in the building department,

brings you guys in to do this just so that we try to keep a little control on the illegal two-family homes, so this way we get you right here and make you promise.

MR. VENCE: Okay.

MR. KANE: I don't have any further questions on this.

MS. GANN: Nothing.

MS. LOCEY: No.

MR. REIS: Mr. Vence, you're not making any adjustments at all to the existing premises?

MR. VENCE: No, just a kitchen area.

MR. REIS: Accept a motion?

MR. KANE: Yes.

MR. REIS: I make a motion that we set up Mr. Vence for a public hearing for interpretation of single-family house with two kitchens at 1002 Pine View in an R-3 zone.

MS. GANN: Second the motion.

ROLL CALL

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

PUBLIC HEARINGS:

SANDRA WELCH FOR C & R ENTERPRISES OF WASHINGTONVILLE  
LLC (05-24)

Mr. Sandy Welch appeared before the board for this proposal.

MR. KANE: Request for 25.3 ft. and 11.5 ft. side yard setbacks and 36.8 total side yard setback at 455 Mt. Airy Road. Hi, same as the preliminary, you want to tell us what you're doing? Speak up loud enough for that young lady to hear you.

MR. WELCH: In building the house I tried to keep the house as far to the left as possible to maintain the hemlocks and everything as a divider buffer. In doing so, the house, rear corner, left corner was three inches off of the 15 foot, the front left corner is 15 foot 7, so I'm just off three inches on the back left-hand corner by three inches on the left side and I was trying to keep the pine trees between the new house and the existing house to keep privacy, I guess I'll never do that again.

MR. BABCOCK: Mr. Chairman, maybe I can help this out just a little bit, he was here for a variance for the lot, he got a lot area variance, lot width variance and a side yard variance and when he built the house he's correct if what he said there's some evergreens there that they wanted to save for privacy from neighbors and the house wound up being 14 foot 7 just like he said or 14' 6" I guess it is, no, 14' 7" instead of the 15 feet when we wrote up the new variance, now the new laws are in effect so--

MR. KANE: We've got to change it all.

MR. BABCOCK: So today when he got the first variance the requirements were 20, today they're 40, so that's

what makes the numbers look so bad, the house didn't move.

MR. WELCH: You scared me there for a minute, Mike.

MR. KANE: I was wondering where the difference is.

MR. BABCOCK: So you really need a variance of 25 feet because the rules have changed.

MR. KANE: 25.3 feet.

MR. BABCOCK: When you got first variance the requirements were 20 feet, you want to be 15, you got a five foot variance, today the rules are 40 feet.

MR. WELCH: That's why it looks so bad.

MR. BABCOCK: That's why it looks so bad but the house is only off three inches from what the board he had requested from this board last time.

MR. KANE: From the original?

MR. BABCOCK: Right, you can't even tell in the field, there's no way of even seeing the three inches.

MR. KANE: I would hope not, three inches. So basically all your other variances were approved, when was that done, Mike, do you know?

MR. BABCOCK: March.

MR. KANE: 3/22/04.

MR. BABCOCK: Right, that's the public hearing.

MR. KANE: All right so we'll have to repeat a couple of things that we did. Creating any water hazards or runoffs?

MR. WELCH: No, sir.

MR. KANE: Cut down any substantial vegetation in the building of that home?

MR. WELCH: No, that's why I'm here on the three inches.

MR. KRIEGER: So you didn't cut down the evergreens?

MR. WELCH: No because they were a nice buffer.

MR. KRIEGER: You were able to save them?

MR. WELCH: Right.

MR. KANE: Home isn't going over any easements?

MR. WELCH: No.

MR. KANE: At this point, sir, do you have something to say? Please step up, state your name and your address.

MR. DORING: My name is Don Doring, I live at 466 Mt. Airy Road, which is across from this property. I have never been to this meeting before, just to give you some idea, my father was a constable in this Town back in the '50s and so, you know, I have roots in this Town, my godfather was Harold Sloan, who is the former councilman so I have roots in this Town. But I'm concerned about the overbuilding and so forth. I talked to this gentleman the other day on the phone and I really didn't, I couldn't quite understand when you're talking about three inches if it's 14'7" that's actually five inches short of 15 feet, there's 12 inches in a foot.

MR. BABCOCK: Not in the survey, it's in tenths.

MR. DORING: My mistake, I'm not here to argue about three inches.

MR. BABCOCK: Just so you understand.

MR. DORING: This house sits at such an angle that I can see from my front window the entire east side of the house. Now I don't know exactly why it was built where it was and I understand he wants to save trees, my opinion he could have trimmed some branches, there's branches brushing against the house right now, he could have trimmed a few branches if it's a question of three inches. There's a lot of trees along the road that were cut down in the construction, I think there were, there were trees there.

MR. WELCH: There were a few saplings.

MR. KANE: Sir, that home is built, those variances were approved, it's three inches off.

MR. DORING: Okay, the other question I have is why if he's coming why didn't he come in for a variance when he knew this was going to be a problem why didn't he get a variance before he built it?

MR. KANE: He had his variances, they built it three inches off.

MR. WELCH: I came to Mike.

MR. KANE: He had original variances from 2004, I'll speak, sir, he had original variances approved for 2004 to build this house, the house was built three inches off which we're trying to rectify it, the only way to rectify it we have the two choices, tear it down or give him a variance for the extra three inches.

MR. DORING: I think he should of come in before if he knew he was going to do this. The other problem I have

my understanding from the building department there's an ordinance in Town that prevents people from working on houses after certain times at night, 7 o'clock they can't work on Sundays, yesterday five, six hours people hammering and sawing over on this property, when I left tonight to come over here heavy equipment operating after 7 p.m. on this property. There's dozens of nights when people are working on the house until 8 o'clock or after, I couldn't watch the ball game and there's compressors going, heavy equipment operating, you know, the Town tells me to call the police or call the fire inspector, to call the fire inspector, there's no, there's an answering machine, no one calls back, I called the police one time I got so tired of it, the police came and talked to him. After the police left, he kept working.

MR. KANE: Unfortunately, none of that has anything to do with the zoning board.

MR. DORING: It does, though, you're the Town, you have the ability to enforce the laws of this Town, he's flaunting the law every day by working on this house in violation of ordinances, he's coming in here for dispensation from the Town, a variance and he wants some leeway from the Town but he's breaking the Town ordinances every day that he works on the house and he shouldn't be given a variance until he's in compliance with these other ordinances. It just isn't fair to the residents. Who's supposed to protect us if I can't come here and be protected by this board? Who is going to protect me?

MR. KANE: If you have a complaint, you need to file it with the police, sir, this is not in the realm of this board to handle those kind of public complaints. I understand and it's duly noted that you're against it, I'm gathering that from what you're saying.

MR. DORING: He's in violation of the law and yet he's

coming here and asking for special privileges.

MR. KANE: It has nothing to do with this particular board, very simply, if you have a complaint about noise or building on off hours you need to take that up with the police and file a complaint.

MR. DORING: I don't want to call the police and bother them for something like this.

MR. KANE: I have no power to do anything about it, it's not what this board does, sir.

MR. DORING: But you know the situation yet you're saying we're going to ignore it and give him a variance.

MR. KANE: I'm not saying I'm ignoring anything, I'm saying I don't have the power to do anything about what you're talking about.

MR. DORING: I understand you can't, what I ask until he's in compliance with these other things and until this house, until that's rectified and he doesn't violate these hours to hold back his variance and also to go over the, this building inspector go over this place with a fine tooth comb to see if anything else is not in compliance because if he's off by this, there could be other things.

MR. WELCH: Can I say something on this?

MR. KANE: Are you finished?

MR. DORING: I don't think it's fair to give him what he wants so he can proceed to sell the house and get his money.

MR. KANE: Starting to be a little repetitive, we've got that from you.

MR. DORING: Sorry but this again this is about making money, this isn't a man that's going to move into this house, he bought this lot with a purpose of making money.

MR. KANE: That has nothing to do with anything right now.

MR. DORING: I think it does, the builders are coming into this Town and buying up all the property they can and building a building, who's going to protect us if you don't?

MR. KANE: Sir, he has a right to build on his property. Okay? Thank you. I'm not going to sit here and debate it about whether he should be building on his property, he has existing variances that have been approved over a year ago, he's requesting three inches because it was built three inches off.

MR. DORING: I don't care about the three inches.

MR. KANE: That's all this meeting is about.

MR. DORING: If that's all it is, I mean, I don't know.

MR. KANE: That's all the meeting is about is to rectify the building being built three inches off of where it was supposed to be, that's all we have the power to handle here.

MR. DORING: Who was the one that measured this?

MR. WELCH: I did.

MR. DORING: How do we know it's accurate?

MR. WELCH: I brought it to the Town's attention, nobody came to me, I came to the Town and the building

department was out already on a preliminary.

MR. BABCOCK: Certified survey.

MR. KANE: If you'd like to take it up with your neighbor at a different point, that's fine, has nothing to do with what this meeting is about. The meeting is about the three inches, if you have complaints, you need to take it to the police department.

MR. DORING: Well, I don't want to be nasty like that and go to the police, I think someone should tell him he can't do this.

MR. KANE: This is not the time and place, this is about the 3 inches that he's off. Your other complaints you have to take up with your neighbor, not here in front of the board. We don't have the power to rectify what you want, unfortunately, there's nothing we can do, we're powerless with that, it's not what we're here for.

MR. DORING: It's like you have blinders on or something.

MS. LOCEY: If you had let's say cancer, you would go to an oncologist, you wouldn't go to a podiatrist and that in effect is what you're doing here, this is the zoning board of appeals that hears claims or applications of people whose building doesn't quite conform to the zoning so they need to get a variance. And that's what we're here to listen to, not noise and construction and after hours, it's totally out of the realm of this board and it's not a question of being mean, you need to deal with it in a proper manner and this is not it.

MR. DORING: Well, I appreciate your time.

MR. KANE: Your comments are noted.

MR. DORING: He's heard my comments, I want this situation stopped, I don't want to be disturbed when I'm watching T.V.

MR. KANE: I'm not going to waste time here doing this with you, I'm sorry it's not what we're here for. Have a good evening. Anybody else in the audience for this particular hearing? At this point, we'll close it to the public and bring it back to the board.

MR. REIS: For the record, keep saying three inches, it's 3/10 of a foot, is it not?

MR. BABCOCK: Yes.

MR. REIS: Thank you. Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion--

MR. BABCOCK: Mr. Chairman, before you go there, that's from the old zoning, today he needs 25.3 only because of the new zoning.

MR. KANE: Right.

MR. REIS: Make a motion we grant Sandra and Sandy Welch their requested 25.3 foot and 11.5 foot side yard setbacks and 36.8 total side yard setback at 45 Mt. Airy Road in an R-3 zone.

MS. LOCEY: I will second that motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE

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MR. REIS  
MR. KANE

AYE  
AYE

ANTHONY CIERO (05-25)

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

MR. KANE: Request for 13 ft. rear yard setback for proposed attached deck at 606 Twin Arch Road. Okay, sir, tell us what you want to do.

MR. CIERO: I'm building a deck and it's 13 feet over my 50 foot yard line for my neighbor's property, the deck is just, it's not going to be big enough for what I want to do on it so I'm going to get it over the foot line.

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

MR. CIERO: No.

MR. KANE: Cutting down any trees, substantial vegetation?

MR. CIERO: No.

MR. KANE: Is the home on Town water and sewer?

MR. CIERO: No.

MR. KANE: Are you going over any easements with the deck?

MR. CIERO: No.

MR. KANE: Deck itself similar in size to other decks that are in your neighborhood?

MR. CIERO: Yes, it is.

MR. KANE: At this point, any other questions?

MS. GANN: No.

MS. LOCEY: No.

MR. REIS: No.

MR. KANE: I'll ask if there's anybody in the audience for this particular hearing that would like to speak? Nobody here wants to talk so we'll close the public portion of the hearing, bring it back to the board.

MS. GANN: Accept a motion?

MR. KANE: Yes, I will.

MS. GANN: I'd like to offer a motion to grant Anthony Ciero's request for 13 foot rear yard setback for proposed attached deck at 606 Twin Arch Road in an R-1 zone.

MR. REIS: Second it.

ROLL CALL

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

ROBERT SCHULZE, JR. (05-26)

Mr. Robert Schulze, Jr. appeared before the board for this proposal.

MR. KANE: Request for 14 ft. side yard setback for proposed deck at 17 Clarkview Road.

MR. SCHULZE: I'm looking to put up a deck, I'm on a corner lot looking to put up a 15 x 21 foot deck.

MR. KANE: Is that why we're here, Mike?

MR. BABCOCK: Side yard.

MR. SCHULZE: Side yard, I'm on a corner lot, if there's, there's an existing deck there now but it's basically just a little patio to step out of the side door.

MR. KANE: Just basically not even just a set of steps running out.

MR. SCHULZE: I don't know if the house ever had a deck, I really don't, I'm assuming they did and it wasn't up to code so they ripped it down.

MR. KANE: In the building of the deck going to be cutting down any trees, substantial vegetation?

MR. SCHULZE: No.

MR. KANE: Create any water hazards or runoffs?

MR. SCHULZE: No.

MR. KANE: The proposed deck that you're going to put up with the sliding doors in the back you're going to consider safer than what's existing there right now?

MR. SCHULZE: Oh, yes.

MR. KANE: The size of the deck similar in nature and size to other decks that are in your neighborhood?

MR. SCHULZE: Very similar, yes.

MR. KANE: And Michael, would that be a permit type deck, this is on the back of the house with that picture like a set, set of steps?

MR. BABCOCK: Yes, once it has steps then we get involved.

MR. KANE: No but I'm saying was this there before via permit or part of the house?

MR. BABCOCK: It appears to be, yes.

MR. SCHULZE: It was a violation and I believe they ripped down the deck and they put that up cause they were trying to sell the house.

MR. KANE: So they just went with the minimum.

MR. BABCOCK: You're allowed a 6 x 6 foot deck that can go out into or an entranceway that you can go out into.

MR. KANE: So I go back to the deck that you're proposing is going to be a lot safer than what you have existing?

MR. SCHULZE: Sure.

MR. KANE: At this point, I will note that there's nobody in the audience, we'll open and close the public portion of the hearing, I'll ask Myra how many mailings?

MS. MASON: On May 27, I mailed out 69 envelopes and

had no response.

MR. KANE: Any further questions?

MR. SCHULZE: I got two back.

MS. GANN: No.

MS. LOCEY: No.

MR. REIS: Accept a motion?

MR. KANE: I will.

MR. REIS: I make a motion that we grant Robert Schulze his request for 14 foot side yard setback for proposed deck at 17 Clarkview Road in an R-4 zone.

MS. GANN: I will second it.

ROLL CALL

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

FORMAL DECISIONS:

FRED FAYO, III  
PETER GASPARINI  
QUALITY HOMES  
MIRA BLYTHE RUMSEY  
GLOEDE SIGNS  
JOHN JAKOBS  
WILLIAM PFEUFFER  
ANTHONY CICCONE  
APPLIED BUILDERS  
DENNIS GUINEY

MR. KANE: We have a number of formal decisions, what's your pleasure? Do you want to take them all in one vote?

MS. LOCEY: Yes.

MR. KANE: I'll accept a motion.

MS. LOCEY: I will offer a motion to approve all of the formal decisions as set forth in the agenda of June 13, 2005.

MR. REIS: Second it.

ROLL CALL

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

MR. KANE: Motion to adjourn.

MR. REIS: So moved.

MS. GANN: Second it.

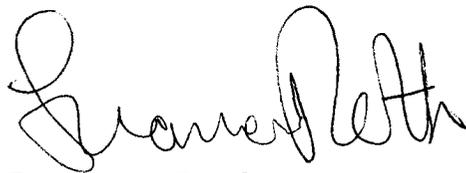
June 13, 2005

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ROLL CALL

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

Respectfully Submitted By:



Frances Roth  
Stenographer

6/22/05