

TOWN OF NEW WINDSOR

ZONING BOARD

July 23, 2012

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
 PATRICK TORPEY
 FRANCIS BEDETTI
 RICHARD HAMEL
 HENRY SCHEIBLE

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

JENNIFER GALLAGHER
BUILDING INSPECTOR

MEETING AGENDA:

1. Hudson Valley SPCA
2. Saxton Sign Corp. for First Niagara Bank
3. Mark Wicher
4. Trade Automotive
5. Mohamed Elabbadi
6. Happy Internet Cafe
7. Eric Mason
8. Michael Evangelista

REGULAR MEETING:

MR. KANE: I'd like to call the regular session for July 23, 2012 meeting of the Town of New Windsor Zoning Board of Appeals to order.

TABLED FROM THE LAST MEETING:

HUDSON VALLEY SPCA (12-21)

MR. KANE: Tabled from our last meeting Hudson Valley SPCA, proposed three lot subdivision and site plan. Lot #1 does not meet minimum lot width, side yard setback and total side yard setbacks. Lot #2 and #3 do meet the code bulk requirements located at 940 Little Britain Road, Route 207 in an NC zone. Yes, sir, okay, so you have more information for us? Can you just state your name for the record?

MR. EWALD: Travis Ewald from Pietrzak & Pfau. With me is Mr. Thomas DiCarado for the Hudson Valley SPCA. At the previous zoning board meeting, we were requested to indicate the approximate area of pet burial which is outlined on the subdivision plans in this area. It spans portions of proposed lot three, proposed lot two and extends up into the little portion of lot one. We have also indicated the area of the proposed pet memorial which is a slightly darker dashed line. In response to the letter which was submitted to this board, it's my understanding that the, that this property and Hudson Valley SPCA is not listed as a cemetery, correct?

MR. DI CARADO: Okay, let me--

MR. KANE: For it to be a cemetery, you would have had to be listed as one unless I was confused?

MR. DI CARADO: The cemetery was located before my involvement created in the 1950s and maybe like 1954 there was no listing with the state. At that time, the requirements were having it surveyed, there was a number of requirements, they weren't met but it was used by the public to bury pets. Half of it was used by a veterinarian, Dr. Thomas, who passed away 35 years ago. He used it to bury some of his clients' pets, birds, mice, those kinds of things without any designation. There's no stones, we don't know where anything is. It's just in about in I'd say a good acre of land is just that. There are no records at all of what is buried in that area and as I said there are no headstones. Others were buried over I'd say the rest of the burials I'm guessing but I'll say in the 50s was about 80 percent of them in the 60s another 10 percent so and we're talking pretty far back, the 70s probably brought you up to 98 percent and there were a few after

that.

MR. KANE: Anything on record with those particular ones?

MR. DI CARADO: Back in June of 2008, George Green and I approached the current board at that time and I presented a business plan, George validated me, you know, because they didn't know who I was. Long story short, they elected me president of the board and I handed them a resolution which would move them to an advisory capacity so I could bring in a board and that's what we did. Because the SPCA at that time was fairly inactive, it had no peace officers, it was not fulfilling its mandate so George and I felt this was a time where we could do something, do something for the county, do something for New Windsor.

MR. TORPEY: What does it have to do with disturbing the cemetery?

MR. DI CARADO: At that time, it was a high kill facility, pretty much anything that went in there didn't come out. We immediately made it a no kill. The difference between those two entities is a lot of money, a lot of volunteers, a lot of time. We don't have, in these four years we've been constantly running on a treadmill trying to keep ahead of, I personally out of my own pocket have met many payrolls because we had to, and my wife and I and a lot of the other board members put in large sums, Joanie Kay who's our current president she puts in even more than most of us do. We can't keep doing that in perpetuity. So we have to find a way to create an endowment to help do the basics, do the basic payroll, do the basic rescues and that's what we're doing. In order to do that, we need to create the lots that you see there. This area that was designated for pet burials is that area. Any other area on the property is not going to be, not really going to be salable. It's going to be hard enough to sell this in this environment but if anything and we have a donor, Wayne Courtz, who's doing all the work, he's paying Pietrzak and he's, all of his equipment will be used. So we have an opportunity, we have an opportunity to keep this alive indefinite and without it, you know, we can't, we're so close to the edge that anything goes wrong, we're out. So we need to create the endowment, the endowment creation is predicated on this development. I did call, I called the Attorney General's office, put me off to the Charities Bureau,

they looked, we're not listed anywhere. I went and Googled pet cemeteries in Orange County, there's a long list, we're not on it.

MR. KANE: So your intention is then to make a proposed pet memorial?

MR. DI CARADO: Yes, we have put, I talked to as many people, I'd say there's eight people that actually come to the cemetery right now. For instance, there's a Mrs. Landry and her son, Michael, they come, they put flowers, they have a small stone. I spoke to her, they have a dog in front of the stone, they planted a bush and they have a dog on the other side of the bush. Now I talked to them about it and they understood perfectly. They said well, obviously, we don't want you to cease operations. Here's what our ideas are, we'd take your plat, move it to the Rainbow Bridge Memorial, it's going to be, I showed her the area and I said we have the Eagle Scouts making benches for us, we'll have it landscaped, we're going to do what we can to respect these people who have their pets there. They buried her two dogs, one in 1960 and one in 1962.

MR. TORPEY: That's funny cause I've got a graveyard on my property upstate, it's got to be from the 1700s and it's still on my property and it cannot be touched and it's not zoned for a graveyard, it's just whoever owned the farm that's their graveyard. I can't touch it. It's fenced in. I'd love to move it.

MR. CHANIN: Keep in mind that the rules that apply to human cemeteries are different.

MR. TORPEY: I know, I was just reading that law thing you had.

MR. KANE: Since they were never certified, what's your feeling?

MR. CHANIN: My feeling is that the board, this board is free to direct, judge the application on its merits and whatever other conditions or circumstances the board wants to take into account it can. I have spoken to Mr. DiCarado about this problem both before I became the attorney for this board and subsequently and I think as Mr. Torpey correctly said, you know, the law is, just so everybody knows that when cemeteries become abandoned and we're talking about human cemeteries now by law automatically it becomes a responsibility of the

town. So keep in mind when there's a fund or people taking care of it they're doing the town a favor because that means the taxpayers don't have to pay for it. So I don't think there's a state rule or regulations that's standing in the way of this board approving or disapproving the applications on the merits.

MR. KANE: Okay then, we can get back to regular business, questions gentlemen? Could you talk more about the entrance going in, the entrance is going to be a single entrance from a road to all three properties, proposed properties?

MR. EWALD: Correct, it will enable us to do away with the existing entrance to the Hudson Valley SPCA buildings which doesn't have exactly desirable sight distance and it will allow us to locate the entrance which will serve, both serve all three lots, it will straddle the lot line between lots two and three and extend back into the two lots and proposed lot one and it will allow us to align our entrance directly across from the existing one that's on the opposite side of Little Britain Road which is located at the high point of Little Britain Road. And it allows us to have adequate sight distance looking in both directions. And it's, we definitely would prefer an entrance onto that road. The proposed variances we're requesting would only affect the lots that we're proposing to create which would be lot two, that's where the, where we have, we're not meeting the side yard setback at that point and anyone who would be looking to purchase that lot would obviously be aware of the separation between their lot line and the existing SPCA building.

MR. KANE: So the roadway coming from the driveway, can you show me again is that going to be an easement of right-of-way access for people to use the other two?

MR. EWALD: From here.

MR. KANE: Yeah, how are you handling that?

MR. EWALD: I would assume they're developing these as individual lots but there would be an access road coming through here would branch off on the other side to serve them and then the access to the rear lot.

MR. KANE: So that would fall under the planning board.

MR. EWALD: Yeah, for this proceeding with any sort of retail or commercial site plan it would all have to go before the planning board.

MR. KANE: Further questions from the board?

MR. HAMEL: Yeah, so what you're saying is that you have no idea how many graves are there?

MR. DI CARADO: We have, I'd say we have about 40 or 50 stones.

MR. HAMEL: That are marked.

MR. DI CARADO: That are marked. Now one of the things we did was I put in two newspapers for eight weeks a legal notice stating, I have it here if you'd like to see it, basically stating what we're doing, we'd be moving and so on. We did get about eight people, no, I take that back, we got 10 people that responded. I have spoken to all 10. The only ones that want anything proactive done are the Landrys, very nice woman, very pleased to do it for her. The others just said well, you know, been there since 1971, it's been there since 1954, you know, they know there's nothing left, you know, and these are not in vessels, they're just buried in the ground. So for the Landrys I did tell her we're not going to find anything when we get down. I said what we'll do is I'll go down a depth and I'll take a couple cubic feet, put it in a plastic container for each one and she wants us to deliver these to another cemetery, Abington Hill and she gave me the person's name to call. I said I'll even deliver the headstone if you'd like. Oh, that would be great. So she's very happy, she's got other animals buried there and that's really the only person that said like you to do something, some of these people had no headstones at all and they said well, we know approximately where the grave is and I said well, you know, again, I explained we're moving the headstones but if they'd like to create a plaque, a headstone, whatever, bring it to the shelter and we'll incorporate it cause we're going to have--

MR. KANE: In the memorial?

MR. DI CARADO: I want to make a nice area there. This is going to be well kept and basically for reflection. I mean, I lost my chocolate lab last week, very, very sympathetic to how people feel. He was my partner and

losing him, what can I say.

MR. KANE: It's hard. Further questions? If not, I'll accept a motion.

MR. BEDETTI: This has to go to public hearing.

MR. KANE: Yes, that's correct. No, this is the public, this is tabled, right.

MR. EWALD: We closed the public hearing last meeting.

MR. HAMEL: I'll make a motion that we grant the Hudson Valley SPCA these variances as requested.

MR. TORPEY: I'll second that.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	NO
MR. TORPEY	NO
MR. KANE	AYE

MR. KANE: You're approved three to two. Next stop is--

MRS. GALLAGHER: Travis, call Nicole and she'll set you up.

PRELIMINARY MEETINGS:

SAXTON SIGN CORP. FOR FIRST NIAGARA BANK (12-24)

MR. KANE: Tonight's first preliminary meeting Saxton Sign Corp. for first Niagara Bank. The First Niagara Bank Wall signs will exceed the maximum number of wall signs by two additional signs. The property will have a total of three wall signs on the building located at 115 Temple Hill Road. For those of you here for the preliminary meeting what New Windsor does is we hold two meetings. Other towns do one. This way we can get a general idea of what you want to do and we can get the right information from you to make the correct decision. So what we do here is going to be similar, by law we have to set everything up at a public hearing so we'll set you up for a public hearing after that. Speak loud enough for this young lady over here to hear you, name, address, tell us what you want to do.

MR. MEISSNER: My name is Terry Meissner from Saxton Sign Corporation and I represent First Niagara. And right now they have one building sign and they'd like to have a two additional signs, one facing north, one facing south so you can see it going down Temple Hill Road in both directions. Should be sign four, three and four. I have a site plan, put arrows on them so you can see them, it's just the first page.

MR. TORPEY: It's a lot of pages.

MR. KANE: The sign's illuminated in any way, internally?

MR. SAXTON: Yes.

MR. KANE: Non-flashing, flashing?

MR. SAXTON: Non-flashing, channel letters.

MR. SCHEIBLE: You said you want to be able to catch the people going up and down Temple Hill Road?

MR. SAXTON: Yes.

MR. SCHEIBLE: What's this a larger sign in front freestanding sign?

MR. SAXTON: That's their pylon.

MR. SCHEIBLE: If they can't see that they're not going to be looking for more signs.

MR. SAXTON: Well, they want to get more advertisement out there the bank does.

MR. SCHEIBLE: Well, I always said there was another guy in here with signs and my, you know, thought there was if the product can't sell without being completely decorated by signs there's no sense moving into town. That's my concept. And I'm looking at this sign in front of the building which is visible for a long distance. I personally I think that's enough of a sign that we need.

MR. KANE: Yeah, it's a highly, I know the location too, it's a highly visible location coming up. For the public hearing, if you would, can you take some pictures showing us street views of the bank coming south and north so we can see what that looks like?

MR. SAXTON: I could.

MR. KANE: You need to.

MR. SAXTON: I have some pictures here.

MR. KANE: You don't need to do them today, for the public hearing. That's why we hold a preliminary so we have everything to see.

MR. SAXTON: I stopped there before I got here and to let you know what's happening from the mall if you're coming from the mall back out it's kind of hard to see that a little bit.

MR. TORPEY: Isn't there big trees there in the front?

MR. SAXTON: No, I don't remember.

MR. KANE: A little further down the road.

MR. TORPEY: You don't see the bank really.

MR. KANE: That's why I asked for pictures from the street.

MR. SAXTON: There's a pylon from the mall, if you're coming from the other direction, there's a mall sign that's in the way.

MR. TORPEY: Something always blocking that area.

MR. KANE: That's why I said pictures from the mall view would be perfect.

MR. SAXTON: From this direction you can see the pylon.

MR. HAMEL: That's a lot of signs, that's for sure.

MR. KANE: Further questions from the board? I'll accept a motion to set up for a public hearing.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Saxton Sign Corporation for First Niagara Bank for two additional wall signs, facade signs located at 115 Temple Hill Road in a C zone.

MR. TORPEY: I'll second that.

ROLL CALL

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

MRS. GALLAGHER: Here's your next steps.

MR. SAXTON: Okay, thank you.

MARK WICHER (12-27)

MR. KANE: Tonight's next preliminary meeting Mark Wicher, excuse me if I butcher your name, variance for proposed attached rear pool deck which will need a variance of 25 feet. The required rear yard setback is 50 feet, located at 19 Samantha Court in an R-4 zone. State your name, address, speak loud enough for this young lady over here to hear you.

MR. WICHER: Mark Wicher, 19 Samantha Court. I'm here tonight because I put in a pool about a month ago and not knowing that I had to get a variance to go from my house to the deck, I mean to my pool, I've been waiting all summer with a tore up back yard waiting to come to do this hearing so I can get a variance to get my deck. I have an existing 12 by 12 deck, I need another 4 feet to get to the pool and what I'm looking and what I didn't realize is I needed a 50 foot variance. Couple years ago I was thinking about putting an addition on the house and it was going to be on the side and I was told I needed 20 feet. I didn't know the back yard was different than the side yard and really got me all in a whirl here but anyways what I'd like to do is I got a nice Trex deck I'd like to put in. We have the pool with a staircase so I can come from the driveway up and into the deck and I put in a, I got a permit and put in a 16 by 24 pool that's sitting there right now, oval pool that I'd just like to come out of my first story and go straight into the pool. The deck will be the same height as the pool.

MR. KANE: You understand even if the deck is approved you have to meet all the building department's requirements as far as the deck and the pool?

MR. WICHER: I pretty much have that all submitted already and the building plan has been submitted already.

MR. KANE: And you have a, I mean, let the record show you have a very unusual lot.

MR. WICHER: It's very unusual and the neighbor behind me put in a six foot white solid stockade fence so I can't see anyways, that was just put in since I lived here and which I never got any notice of a variance for. But that kind of blocked me, I can't see him anyways and so he wouldn't even be able to see my deck unless he was on his second story deck looking back at

me.

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

MR. WICHER: Absolutely not.

MR. KANE: Creating water hazards or runoffs?

MR. WICHER: No, cause there won't be anything required for the deck.

MR. KANE: Any easements going through the area where the proposed deck is?

MR. WICHER: No, and I'm pretty sure of that because I bought some property behind me, 15 more feet so I could get that or the lot between me and the adjoining neighbor, Park Hill, and I bought that and it took me, it took forever to go back to the 1800s to get all the information and whatnot. So I'm pretty sure that I have no easements on that property in that area.

MR. KANE: The deck itself is similar to, will be similar to other decks in your neighborhood as far as size and nature? It's not going to be overly big for your neighborhood?

MR. WICHER: There's people that have the same size deck if not bigger in the area and a lot of them are on a second story. Mine will be on the first story so you wouldn't be able to see it the same way I can see, there's, I really only have one visible neighbor, I have no neighbors on the sides. Mr. McPhillips is on the one side, he's got a fairly large yard and the other side I have small woods so really one neighbor that can actually even see my yard if he wanted to and I--

MR. KANE: Okay, and you have an existing deck there now that you're replacing?

MR. WICHER: Yes, 12 by 12, it was there when we bought the house in 2001.

MR. KANE: The deck with the sliding glass door, the deck is considered a necessity?

MR. WICHER: Yes.

MR. BEDETTI: Is this an extension to an existing deck or totally new deck?

MR. WICHER: I'm going to use the existing underneath part, I'm going to take out, put new floors and new rails, that's 11 years old that existing deck, I'm going to put a new Trex deck in.

MR. KANE: Further questions from the board? If not, I'll accept a motion to set up for a public hearing.

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

MR. TORPEY: I'll second that.

ROLL CALL

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

MR. WICHER: Thank you, gentlemen, thank you, ma'am.

MRS. GALLAGHER: This is your next steps, if you can get in tomorrow to see us.

MR. KANE: Have a good evening.

MR. WICHER: Thank you very much.

TRADE AUTOMOTIVE - ART GLYNN (12-28)

MR. KANE: Tonight's next preliminary meeting Trade Automotive, Art Glynn. The maximum size for a fence to project closer to the road than the existing building is four feet. A variance is needed for an existing six foot chain link fence. The variance will be a two foot difference in height located at 221 Walsh Avenue in a P zone. No show, okay we'll go on to the public hearings.

PUBLIC HEARINGS:

MOHAMED ELABBADI (12-23)

MR. KANE: Tonight's first technically first public hearing Mohamed Elabbadi, excuse me. Proposed attached 16 by 24 deck will not meet the minimum rear yard setback of 50 feet. A variance of 35 feet is requested at 1 Stonecrest Drive, a corner lot in an R-4 zone. Same as the preliminary, state your name, address, speak loud enough for this young lady to hear you.

MR. ELABBADI: Mohamed Elabbadi, 1 Stonecrest Drive, New Windsor, New York. I'm looking to put a 16 by 24 deck on the back of the house and I was looking for a variance of 35 feet to meet the setback.

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

MR. ELABBADI: No.

MR. KANE: Creating water hazards or runoff?

MR. ELABBADI: No.

MR. KANE: Any easements going through the area where the proposed deck is?

MR. ELABBADI: No.

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

MR. ELABBADI: Yes.

MR. KANE: It's 16 by 24, 16 feet coming out?

MR. ELABBADI: Yes.

MR. KANE: And 24 in length?

MR. ELABBADI: Correct.

MR. KANE: So 16 feet is not an oversized deck coming out as far as the width in your opinion?

MR. ELABBADI: No.

MR. KANE: Any further questions from the board at this

time?

MR. BEDETTI: That's a ground level deck, yeah, it's not an elevated deck?

MR. ELABBADI: No, it will be ground about 18 inches from the ground.

MR. KANE: Further questions at this time? If not--

MR. HAMEL: I was just wondering the pine tree in the back, is that staying or cut down?

MR. ELABBADI: No, it's staying.

MR. KANE: At this point, I'll open it up to the public and ask if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting and come back and ask Jennifer how many mailings she had?

MRS. GALLAGHER: We had 36 addressed envelopes and she mailed them out on July 10th, no responses.

MR. KANE: Back to the board for any further questions? If there are no further questions?

MR. SCHEIBLE: Just one question. What's the total size of your lot? I just want to know.

MR. ELABBADI: It's 100 by 150.

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

MR. HAMEL: I'll make a motion that we grant Mohamed Elabbadi the variances as requested. I'm sorry.

MR. ELABBADI: That's okay.

MR. TORPEY: Second it.

ROLL CALL

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

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MR. KANE: Those are your next steps.

MR. ELABBADI: Thank you very much.

HAPPY INTERNET CAFE (12-15)

MR. KANE: Tonight's next public hearing Happy Internet Cafe, existing wall sign exceeds the maximum length of 10 feet. The existing sign is two foot by 12 feet. A variance of two feet is required at 287 Windsor Highway, Suite 400 in a C zone. How you doing? Same as the preliminary hearing, you want to speak loudly, tell us your name, address and tell us exactly what you want to do.

MS. CHEN: I'm Teresa Chen, 7 DeForrest Avenue in Newburgh. This is Mr. Long, the owner of the Happy Internet Cafe.

MR. KANE: You're looking to?

MS. CHEN: We're looking to seek approval of the sign being too big.

MR. KANE: In the preliminary meeting before we even go down that path we were requesting you to get licenses, yes?

MR. CHANIN: Let the record reflect and the board can inspect these if they wish that I am holding in my hand among other things the building permit from the Town of New Windsor for 287 Windsor Highway, this is a certification in the nature of a receipt, it's the original from the New York State Department of State Division of Corporations and state records showing that the 287 Happy Internet Cafe is incorporated to do business as a domestic business corporation by the State of New York. This also is a original document with the raised Orange County Clerk's seal which is a business certificate for Mr. Long and for Miss DeJang, Mou DeJang, (phonetic) which indicates that there's a business partnership in existence which runs the 287 Internet Cafe. And lastly, I have a photocopy from what looks to be the last page which is signed by, what's a SweepStopia officer signature?

MS. CHEN: It's the company of the cafe, of the computers.

MR. CHANIN: This is the company that provides service to Mr. Long so that he can run the Sweepstakes at the cafe, is that correct?

MS. CHEN: Yes.

MR. CHANIN: This appears to be the last page of a contract with the company that provides Mr. Long with the ability to run the sweepstakes, the implication being that the state is keeping Mr. Long's business under its scrutiny and the assumption being that subject to the satisfaction of the building department the activities going on at this address are presumed to be legal.

MR. KANE: That's all we need to know. The sign is illuminated?

MS. CHEN: Yes.

MR. KANE: Internally?

MS. CHEN: Yes.

MR. KANE: Non-flashing?

MS. CHEN: Yes.

MR. KANE: Further questions from the board right now?

MR. SCHEIBLE: There's also a sign on the highway. Jenn, has that also been approved the one on the highway?

MRS. GALLAGHER: The freestanding sign, yes.

MR. KANE: They're allowed to have one. Okay, at this point, I'm going to open it up to the public, ask if anybody's here for this particular hearing? Seeing as there's not, we'll bring it back to Jenn, ask how many mailings we had?

MRS. GALLAGHER: Fifty-two envelopes went out July 10, 2012 with no responses.

MR. KANE: Back to the board for further questions on the sign? If there no further questions, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant a variance to the Happy Internet Cafe for an existing wall sign that requires a two foot variance in width at Suite 400, 287 Windsor Highway in a C zone.

MR. TORPEY: I'll second it.

ROLL CALL

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

MR. CHANIN: The board has approved the application for the variance, that piece of paper is the instructions of what Mr. Long has to do next.

MRS. GALLAGHER: Teresa, we'll call and tell you when your sign permits are ready.

MS. CHEN: Thank you.

MR. KANE: Have a good evening.

ERIC MASON (12-25)

MR. KANE: Tonight's next public hearing Eric Mason, interpretation for a single family dwelling with two kitchens or a two-family dwelling located at 67 Bethlehem Road in an R-1 zone.

MR. MASON: My name is Eric Mason, I'm here to seek a variance for a second kitchen at the residence at 67 Bethlehem Road.

MR. CHANIN: Or an interpretation that a variance is not needed?

MR. MASON: Okay, that works.

MR. KANE: So your intent is to have a second kitchen in a single family home?

MR. MASON: Correct.

MR. KANE: And you're going to only have one gas meter and electric meter coming into the home?

MR. MASON: That's correct.

MR. KANE: No way is that going to be considered an apartment?

MR. MASON: No.

MR. KANE: Rentable unit or anything along those lines?

MR. MASON: No.

MR. KANE: You're going to be redoing if I remember correctly?

MR. MASON: Down the road there's a possibility I want to make a two story house there, yeah.

MR. KANE: Further questions from the board?

MR. BEDETTI: Are these two kitchens really just serving one family?

MR. MASON: That's correct.

MR. KANE: I'll ask the public if anybody is here for this particular hearing? Only one left. Seeing as

there's not, bring it back to Jenn and ask how many mailings we had?

MRS. GALLAGHER: Thirteen went out on July 10, 2012 with no responses.

MR. KANE: I'll accept a motion if there's no further questions from the board.

MR. BEDETTI: I'll make a motion that we grant an interpretation to Eric Mason for a single family dwelling with two kitchens not to be rented nor sold as a two-family house nor serving more than one family located at 67 Bethlehem Road in an R-1 zone.

MR. TORPEY: Second that.

ROLL CALL

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

MR. KANE: You're all set.

MR. MASON: Thank you very much.

MR. KANE: Your instructions on how to proceed next. Have a good evening.

MICHAEL EVANGELISTA (12-26)

MR. KANE: Tonight's last public hearing Michael Evangelista. A proposed 16 by 20 attached rear deck will not meet the minimum 30 foot setback. A variance of 16.5 feet is required at 2514 Constitution Way in an R-3 zone. How you doing, Michael.

MR. EVANGELISTA: Good evening, everybody, Michael Evangelista here seeking a variance of 16 1/2 feet for a back yard deck attached to my residence.

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

MR. EVANGELISTA: No, sir.

MR. KANE: Creating any water hazards or runoffs?

MR. EVANGELISTA: No.

MR. KANE: Any easements going through the area where the proposed deck is going to go?

MR. EVANGELISTA: No, sir.

MR. KANE: And the deck is going to take the place of the small set of steps coming out from the door on the back of your house? You'd also consider it a safety thing, you'd also consider the deck part of this a safety thing for that door?

MR. EVANGELISTA: Absolutely.

MR. KANE: The 16 by 20 size, is that 16 feet coming out from the house?

MR. EVANGELISTA: Yes.

MR. KANE: And would you say that size is similar in nature to other homes, other decks in your neighborhood who will all be in front of us sooner or later if they want a deck?

MR. EVANGELISTA: From what I've seen so far, yeah, I just recently moved in, I haven't been there that long.

MR. KANE: Sixteen by 20 isn't an oversized deck in your opinion?

MR. EVANGELISTA: No, I want to go bigger if you'll let me.

MR. KANE: You're big enough.

MR. CHANIN: The board can only address the application which is before it which you submitted.

MR. KANE: Any further questions from the board at this time? Hearing none, I'll open it up to the public and ask if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting and bring it back to Jenn, ask how many mailings we had?

MRS. GALLAGHER: Seventy-seven went out July 10, 2012 and no responses.

MR. KANE: Good timing, used to be certified mail.

MR. CHANIN: And that was expensive.

MR. KANE: Back to the board, any further questions? If no questions, I'll accept a motion.

MR. HAMEL: I'll make a motion that we grant Michael Evangelista the variance as requested.

MR. TORPEY: I'll second that.

ROLL CALL

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

MR. KANE: You're all set.

MR. EVANGELISTA: Thank you guys, appreciate it.

MR. KANE: Next steps. Have a great evening. Motion to adjourn?

MR. BEDETTI: So moved.

MR. TORPEY: Second it.

July 23, 2012

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ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer