

TOWN OF NEW WINDSOR

ZONING BOARD

June 10, 2013

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

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

JENNIFER GALLAGHER
BUILDING INSPECTOR/ZONING BOARD
SECRETARY

ABSENT: PATRICK TORPEY

MEETING AGENDA:

1. Michael & Elaine Veneziali
2. John O'Malley
3. John Spignardo

REGULAR MEETING:

MR. KANE: Town of New Windsor Zoning Board of Appeals regular session I'd like to call to order for June 10, 2013. No preliminary meetings tonight so we go right to the public hearings.

PUBLIC HEARINGS:

MICHAEL & ELAINE VENEZIALI (13-01)

MR. KANE: First public hearing tonight Michael and Elaine Veneziali if I pronounced that correctly. Proposed new rear deck eight by eight will exceed the maximum developmental coverage. The permitted developmental coverage is 3,031 square feet, the proposed is 2,907 square feet. A variance of 531 square feet is required. The rear yard setback is 40'. They have 31', a variance of 9' is required for the rear yard. Located at 233 Wall Place in an R-4 zone. That doesn't add up.

MR. CHANIN: A hundred twenty-four square feet is the difference.

MR. KANE: They need a 531 square foot variance so it's going to be permitted is 3,031 and they're asking for 3,562 the rear yard setback, the 40 feet they have 31 feet, a variance of nine foot is required for the rear yard located at 233 Wall Place in an R-4 zone. Come on up, same as the previous meeting, state your name, address, tell us in your own words exactly what you want to do. Speak loud enough for the young lady over there to hear you.

MR. VENEZIALI: Mike Veneziali, 233 Wall Place, New Windsor. I just want to make my deck a little bigger, want to make my deck a little bigger. Right now it's probably a four by four size that's basically it

MR. KANE: Basic questions have to ask people. Cutting down trees, substantial vegetation in the building of the deck?

MR. VENEZIALI: No.

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

MR. VENEZIALI: No.

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

MR. VENEZIALI: No, it's a lot smaller.

MR. KANE: That's an answer. Do you plan on having

stairs coming off the deck?

MR. VENEZIALI: Yes.

MR. KANE: Where are they headed to?

MR. VENEZIALI: They're gonna go between the garage and the--

MR. KANE: In this picture they'd be going down this way?

MR. VENEZIALI: It would go this way right down here.

MR. KANE: Towards that fence right over there?

MR. VENEZIALI: Yes.

MR. KANE: So he's going to bring that that way and stairs are going to come down this way.

MR. CHANIN: And the stairs, where do they land when you step off the bottom step, where are you standing?

MR. VENEZIALI: I'm standing right between the garage and the shed.

MR. CHANIN: Front lawn, back lawn?

MR. VENEZIALI: Back.

MR. CHANIN: Thank you.

MR. KANE: So it's going to head down this way towards the fencing right there. You got that, guys? It's going to head down towards that fence.

MR. SCHEIBLE: Towards the, we were just discussing that, that's the other side so it won't inhibit any God forbid emergency entrance?

MR. VENEZIALI: Oh, no, no.

MR. KANE: And you need the nine foot variance for the rear yard setback because you're bringing the deck out eight feet?

MR. VENEZIALI: Yes, it's only at, one's four foot this way it's going to be another four.

MR. KANE: Okay.

MR. SCHEIBLE: Just to go back to the steps with what we were just discussing, and a picture you can't really see it, sometimes the steps come right down to where that white picket fence is behind there or the steps going up to this?

MR. VENEZIALI: The steps are going to go, can I come over here and show you?

MR. SCHEIBLE: Sure, of course.

MR. VENEZIALI: The steps are going this way.

MR. SCHEIBLE: See, you can't see it in the picture.

MR. CHANIN: Pardon me, we have to talk so the stenographer can record what you're saying.

MR. VENEZIALI: Between the garage and the shed.

MR. SCHEIBLE: Okay, so the steps will come down behind the garage area?

MR. VENEZIALI: Right.

MR. SCHEIBLE: It doesn't impede any emergency that's my original question?

MR. VENEZIALI: No, it doesn't.

MR. SCHEIBLE: Okay.

MR. KANE: Any further questions at the moment? Seeing as there's not, we'll open the meeting up to the public, ask if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion and bring it back to you, Jenn, and ask how many mailings we had?

MRS. GALLAGHER: Forty-nine mailings.

MR. KANE: No responses?

MRS. GALLAGHER: No responses.

MR. KANE: We'll bring it back to the board for further questions. No questions, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant to Michael and Elaine Veneziali the variance for a maximum coverage of 531 square feet as well as a nine foot variance for rear yard violation located at 233 Wall Place in an R-4 zone.

MR. HAMEL: I'll second it.

ROLL CALL

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

MR. VENEZIALI: Thank you.

MR. KANE: Your next steps, it never ends. Take care, have a good evening.

JOHN O'MALLEY) (13-08)

MR. KANE: Next is John O'Malley, an area variance for proposed 8 by 16 second story deck will not meet the 40' side yard setback. A variance of 26' is requested at 1425 Little Britain Road in an OLI zone. Hi, how you doing? Same as before, just speak loud enough for the young lady over there to hear you, tell us in your own words exactly what you want to do.

MR. O'MALLEY: John O'Malley from 1425 Little Britain Road. I have a two-family house and the second story apartment had an entrance that came in off the driveway, went up the old back stairs of the kitchen. So I took out two windows and put in some french doors and the deck will provide their access to that apartment in and out. In addition, it will allow fire escape from the third floor to that deck so that the people on the top can get all the way out too.

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

MR. O'MALLEY: No.

MR. KANE: Creating any water hazards or runoff?

MR. O'MALLEY: No.

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

MR. O'MALLEY: Smaller.

MR. KANE: Okay, and your home is zoned as a multi-family home?

MR. O'MALLEY: Yes, it was separated prior to the code I think in '62 here, separated in the '50s.

MR. KANE: Okay. Questions from the board?

MR. BEDETTI: Just something that you said there, you have a fire escape that will be going from the second level I guess to the deck, is that correct?

MR. O'MALLEY: Yes, that's my plan, it's actually the third floor which is a finished attic and it's part of that apartment upstairs so they have a set of stairs that go to the north side of the building, these

windows on the south side and it will allow them egress.

MR. BEDETTI: Now the fire escape is a metal fire escape?

MR. O'MALLEY: I haven't figured that out yet, I haven't bought it yet.

MR. BEDETTI: Just thinking about metal fire escape going to a wooden landing.

MR. O'MALLEY: I may give it one of those rope ladders, I don't know.

MR. KANE: I'm sure the building department will have whatever their standards are.

MRS. GALLAGHER: Absolutely.

MR. BEDETTI: That was my only real question about that.

MR. CHANIN: I think it's safe to say that the building department which is intimately familiar with state fire and safety codes will ensure not only that the appropriate fire escape measures are installed but also that they're made of the correct materials and able to withstand the use that they might possibly be required to serve.

MR. BEDETTI: I certainly hope so.

MR. CHANIN: Is that fair?

MRS. GALLAGHER: Yes.

MR. KANE: We'll open it up to the public, ask if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion and bring it back to Jenn, ask any many mailings.

MRS. GALLAGHER: There was 13 mailings with no responses.

MR. KANE: We'll bring it back to the board for any further questions.

MR. HAMEL: I have a question. How high is the deck anyway, where is it going to go, right along here?

MR. O'MALLEY: Right above that door so the bottom of it would be eight feet from the top of that sidewalk.

MR. HAMEL: So these windows are going to be coming out?

MR. O'MALLEY: These windows came out so now there's a double door that goes here.

MR. HAMEL: Got it. I didn't see the latest drawings, okay, and then the stairs are going to run parallel to the driveway?

MR. O'MALLEY: Yes.

MR. HAMEL: Okay.

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

MR. HAMEL: I'll make a motion that we grant John O'Malley the variance as requested for the 26 feet.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. SCHEIBLE AYE

MR. BEDETTI AYE

MR. HAMEL AYE

MR. KANE AYE

MR. KANE: You're all set, sir, next steps.

MR. O'MALLEY: Thank you.

MR. KANE: Take care.

JOHN SPIGNARDO (13-09)

MR. KANE: Last public hearing John Spignardo. A variance is required for a four foot six inch by 12 foot front porch with a roof that doesn't meet the minimum front yard setback of see 40'. A variance of 25' is requested at 51 Clancy Avenue in an R-4 zone. Same thing, speak loud enough for this young lady to hear you and tell us in your own words what you want to do.

MR. SPIGNARDO: I'd like to keep it just the way it is, it's been that way for 50 years, over 50 years. If I can, I'd like to keep it the same way my family built the house new.

MR. KANE: So the deck out front that's been that way for 50 odd years?

MR. SPIGNARDO: Correct.

MR. KANE: And then you have a ramp, a wheelchair ramp coming off that too?

MR. SPIGNARDO: I think that's very appropriate if you're coming up in the wheelchair if it's raining or anything that's really the only function of that.

MR. KANE: To your knowledge, was there a cutting down of any substantial trees or vegetation in the building of this?

MR. SPIGNARDO: No.

MR. KANE: Create any water hazards or runoffs with that?

MR. SPIGNARDO: No.

MR. KANE: Any easements running through that particular area?

MR. SPIGNARDO: No.

MR. KANE: Has there been any complaints to you formally or informally over the last X number of years?

MR. SPIGNARDO: The neighbor has a very similar roof.

MR. KANE: The front of your home if we're looking down

the street where other homes are, does it extend closer to the road than the other homes on that block? Are you pretty much even?

MR. SPIGNARDO: No, it's pretty much an old, it's an old area and that house was purchased from Clancy, they call it Clancy. I looked at the deeds, that's how old the house is.

MR. KANE: Questions from the board?

MR. BEDETTI: I have one question. I rode through that area and looked and there's a number of homes there that, you know, were built years ago that are much closer than that 40 feet setback. How close is the house itself without the deck?

MR. SPIGNARDO: I think that lot is only like 50 feet deep, you know, and that seems to be average, that's the way Clancy, I was again looking at the deeds and I think that's how he subdivided it. Seems like almost every house, there's only one house older, two houses Clancy's house and Duda's house is probably a little older.

MR. KANE: The lot's 50 by 125.

MR. SCHEIBLE: What's the reason behind looking for this variance right now, are you going to sell?

MR. SPIGNARDO: Well, because no, everything else seemed to have a building permit except for that, that's why we had to get the variance. I even got a building permit when I did the deck, I mean the ramp and I wasn't aware, like I said, I lived there over 50 years ago and that roof was there then. So I don't know when it was, I really don't know to be honest with you. I can only, I'm 67 and like I say I haven't lived there in over, yeah, over 50 years, '48, this house was built, they built it new in '48, I don't know when they did that roof. Like I said, my dad always got building permits for everything. I'm surprised he didn't for that, it had to be a slip because he sent me for a building permit for the ramp.

MR. KANE: At this point, we'll open it up to the public, ask if there's anybody in the audience that would wish to speak? Do you want to speak?

MR. SPIGNARDO: That's my granddaughter.

MR. KANE: Seeing as there's not, we'll close the public portion of the meeting, bring it back to Jenn, ask her how many mailings.

MRS. GALLAGHER: Sixty-four envelopes with no responses.

MR. KANE: Sixty-four is up, they used to be certified mail.

MR. SPIGNARDO: I know, a lot of them still live there and they were asking me that and I said you got me, I said, you know, it's always been there, like I said, he never got a building permit.

MR. KANE: Cleaning it up, that's a good thing. Any questions, gentlemen? No questions, we'll accept a motion.

MR. BEDETTI: I'll make a motion we grant the variance of 25 feet for a front yard setback variance to John Spignardo at 51 Clancy Avenue in an R-4 zone.

MR. HAMEL: Second it.

ROLL CALL

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

MR. KANE: Next steps.

MR. SPIGNARDO: Thank you.

MR. KANE: Careful home. That's it, nothing else to vote on. Next meeting is June 24. Motion to adjourn?

MR. HAMEL: So moved.

MR. BEDETTI: Second it.

ROLL CALL

MR. SCHEIBLE AYE
MR. BEDETTI AYE
MR. HAMEL AYE

June 10, 2013

12

MR. KANE

AYE

Respectfully Submitted By:

Frances Roth