

TOWN OF NEW WINDSOR

ZONING BOARD

February 24, 2014

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

ALSO PRESENT:      GEOFFREY CHANIN, ESQ.  
                             ZONING BOARD ATTORNEY

                             CAMMY AMMIRATI  
                             ZONING BOARD SECRETARY

ALTERNATE:      GREGORY BIASOTTI

MEETING AGENDA:

1. Edward & Jo Ann Lekis
2. Michael Marcantonio
3. Inoel & Robyn Guzman

**REGULAR MEETING:**

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals regular session for February 24, 2014 to order.

APPROVAL OF MINUTES DATED 2/10/14

MR. KANE: Motion to accept the minutes of February 10 as written, they were sent via e-mail.

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

February 24, 2014

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

## PRELIMINARY MEETINGS:

EDWARD &amp; JOANN LEKIS (14-03)

MR. KANE: Tonight's first preliminary meeting is Edward and Joann Lekis. Area variance of four foot requested for proposed relocation of a shed that does not meet side and rear yard setbacks and eight foot for proposed deck that does not meet rear yard setbacks. Located at 8 Truex Circle in an R-4 zone. So what we do in New Windsor is we hold two hearings. We hold a preliminary meeting so we can get a general idea of what you want to do and make sure you have the right information. Other towns if you walk in, they don't have a prelim, you don't have the right stuff, you lose, you can't come back for six months. So we prefer to do a two step process, make sure we have all the information on both sides and then by law in New York State all our decisions have to be made in a public forum. What takes place is information finding for us and then we'll set you up for a public hearing and then the same thing will happen at the public hearing as to what we go through tonight except at that point if there's anybody from the public that wants to be involved, they can speak, ask questions, make objections, whatever at that point. Okay? So with that understanding, come on up, state your name and address loud enough for the young lady over there to hear you and tell us in your own words exactly what you want to do.

MR. CHANIN: Why don't you stand in the middle so the people in the audience can hear you as well?

MRS. LEKIS: Joann Lekis.

MR. LEKIS: Edward Lekis.

MRS. LEKIS: What we want to do is put a shed in our back yard but if we follow the guidelines it kind of sits sort of like in the middle of a lawn kind of like silly. So we kind of want to put it nice in the corner of like close to where the edge of our property is.

MR. LEKIS: In the back of the property, we've been there since 1973 when the house was built back, property is vacant, I don't know why but it's commercial but it's vacant, there's a tree line there, we have neighbors on both sides, should not affect them whatsoever. And the deck won't affect them and the

shed won't affect them.

MR. CHANIN: Speak to all of us.

MRS. LEKIS: And also we want to, do you want the whole thing? We want to put a deck in the back of the house because I'm finally getting my dream kitchen and I need, I would like to have a deck that extends the whole length of the kitchen.

MR. KANE: Let's take them one at a time. The first thing the reason you're going to be moving the shed is because you're going to be making the deck a little bigger to handle the kitchen area, there's going to be maybe sliders coming out? You've got to put something there?

MRS. LEKIS: Well, the reason why I want the deck, I mean the shed in the back it's just because if it's got to be I forgot what the footage was.

MR. KANE: Ten feet.

MR. BEDETTI: It's five now.

MRS. LEKIS: It will sort of be sitting like in a weird position in the back yard.

MR. TORPEY: When he goes to bed at night you want to be able to get to it easier.

MRS. LEKIS: I'm one of those people that like everything organized so I kind of like to have it sit just in the back at the edge of the property with the trees behind it and, you know, facing the front, the road in the front of the house.

MR. KANE: Are you willing to give a little leeway on that one foot?

MRS. LEKIS: What kind of leeway?

MR. KANE: Well, you can get, yes or no, putting it one foot from the property line I've got to say personally I'm not for it, it's too close.

MR. LEKIS: Couple feet is fine but when you put 10 feet and then the shed is like seven feet by five you're standing, the thing is in the middle, it doesn't look too well.

MR. KANE: I understand but everything, if it gets approved, it's got to be the minimum that we can approve and one foot to me is a little bit close.

MR. LEKIS: Two feet is fine.

MR. KANE: For the public, we would want to, you know, address that, sometimes we negotiate.

MRS. LEKIS: Okay.

MR. LEKIS: Ten foot from the neighbors that's not an issue just where it is from the back.

MR. KANE: Other basic questions, where you're going to put the shed, are you going to be cutting down substantial vegetation or trees?

MR. LEKIS: Nothing.

MRS. LEKIS: Nothing, it will be right on our grass.

MR. KANE: We have the pictures, certain questions I have to ask even if they're obvious, any easements running through that particular area?

MR. LEKIS: No.

MRS. LEKIS: No.

MR. KANE: And will you be creating water hazards or runoffs?

MR. LEKIS: No, we've had water hazards in the past which McGoey took care of but no.

MR. KANE: The shed itself is similar in size and nature to other sheds that are in your neighborhood?

MRS. LEKIS: Yes.

MR. KANE: Not too big?

MRS. LEKIS: No.

MR. KANE: In the neighborhood, other sheds that are in the back yard, how close are those sheds to the property line?

MR. LEKIS: They're in violation, every one of them, okay, I'm just using an example. You asked, I told you, they're one foot off, two feet off, they're all, I mean they put them down.

MR. KANE: Usually when they go to sell this is where they end up.

MRS. LEKIS: No, it's not even close to where their--

MR. LEKIS: If a guy took a tour, you'd say where we had it it's fine but we want to go through the process.

MR. KANE: Any further questions on the deck at this point?

MR. BEDETTI: Deck or shed?

MR. KANE: Shed.

MR. BEDETTI: Just one minor question. There's no physical obstructions or anything that would prevent you to stay within the law? In other words, move it another four feet out of the back corner, there's no hills or your well's not there?

MR. LEKIS: No. When we moved it, there's a shed there, you know, when we moved it, we moved it, I mean, we had three guys, it's nothing, I mean, you could physically lift it, it's not--

MR. BEDETTI: Obviously what you're trying to do is preserve as much of your property.

MR. LEKIS: Yeah, keep the grass.

MR. BEDETTI: Just wanted to make sure there was no physical obstruction that would prevent you from moving it.

MR. LEKIS: No, nothing.

MR. KANE: In New Windsor we have a bunch of different properties out there so sometimes it becomes you just can't put it in certain places because of the nature of your property.

MR. LEKIS: Makes sense.

MR. KANE: Any electric or power going to it?

MRS. LEKIS: No.

MR. KANE: Further questions on the shed?

MR. BEDETTI: Where is Truex Drive? I'm not sure.

MR. LEKIS: You know where the fire house is? If you go in Marshal, make the first right there were six new houses built in '73.

MRS. LEKIS: Our back yard is just wooded, it's been there for years.

MR. LEKIS: There is a cul-de-sac at the end I think Hank knows.

MR. KANE: It's all wooded, there's no neighbors behind you?

MRS. LEKIS: It's all wooded.

MR. LEKIS: It's been that way since we moved in, hope it stays that way.

MR. SCHEIBLE: I've lived in this town for 70 years, I didn't know where it was by name, I know the area.

MRS. LEKIS: It's kind of like a new, little new old off of the old original Marshal.

MR. KANE: Okay, let's move on to the deck, tell us about the deck.

MRS. LEKIS: Okay, the deck I would like, well, everybody likes to have a deck and since I'm finally getting the kitchen that I want, I would like to have a deck that extends the actual length of our new kitchen so I--

MR. LEKIS: Right now the deck goes out and it's like by whatever 14, it's going more, it's more narrow.

MR. KANE: More narrow is the point, that's getting to my quick question, that the deck that's on there that's a legal deck?

MR. LEKIS: No.

MR. KANE: Okay, you answered my question because that

deck is closer to the back yard than the one in your rear property line than the one you're proposing, if that was a legal deck there or it was a variance or if it was predating whatever then you wouldn't need a permit, you would already be covered?

MRS. LEKIS: That's a good question.

MR. LEKIS: We didn't have a plot plan, we went here to Goshen so we had to get that redone, our plot plan resurveyed.

MR. KANE: Early '70s?

MR. LEKIS: Yes, '73.

MRS. LEKIS: There was a deck originally but it was small so we lived with it for a little while and then we wanted to make better use of it.

MR. LEKIS: If we didn't get a variance you get an eight foot, six foot picnic table you're going to be like--

MR. KANE: The only reason I bring it up because I was wondering if you really needed to be here if your existing deck was legal the way it was and you're cutting it shorter there'd be no reason to be here, that's why I asked. So the deck itself is again not cutting down, you're replacing an existing deck so you're not cutting down trees, substantial vegetation, you're not creating runoffs or water hazards?

MR. LEKIS: Same spot.

MRS. LEKIS: No.

MR. KANE: No easements running through that particular area?

MR. LEKIS: No, same spot only different dimensions.

MR. KANE: The deck is coming out, it's 12 feet at this point from your house towards the rear yard and 35 long, the 12 foot width that's not oversized compared to other decks that are in your neighborhood?

MR. LEKIS: No.

MRS. LEKIS: No.

MR. KANE: Okay, further questions?

MR. BEDETTI: Pretty straightforward.

MR. KANE: Any questions on the left side? I'll accept a motion.

MR. BEDETTI: I'll make a motion we schedule a public hearing for Edward and Joann Lekis for a proposed deck and shed, moving of the shed located at 8 Truex Circle in an R-4 zone.

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: Okay, these are your next steps, okay? Any questions, give Cam a call in the office, alright? Have a great evening, careful home.

MRS. LEKIS: Thank you.

MR. LEKIS: Thank you.

MICHAEL MARCANTONIO (14-04)

MR. KANE: Tonight's next preliminary meeting Michael Marcantonio, it's always a challenge. A height variance of three feet is requested for a shed that is 18 feet tall. The maximum height allowed is 15 feet. Located at 30 Cimorelli Drive in an R-4 zone. You heard me before about the prelim and how we handle it, just state your name and address loud enough for the young lady over there to hear you and tell us in your own words exactly what you want to do.

MR. MARCANTONIO: Michael Marcantonio, 30 Cimorelli Drive, New Windsor, New York.

MRS. MARCANTONIO: Sharon Marcantonio, 30 Cimorelli Drive, New Windsor, New York.

MR. CHANIN: And what you want to do is?

MR. MARCANTONIO: Put this shed in the back yard so that we can store our equipment that we have been basically renting space using other space for quite a long time and we'd like to be able to put everything right behind our house so it would make it a lot more convenient for us to do our party business that we've been doing for 29 years now. And, you know, we'd like to have the two stories so that we could, you know, basically not run out of room and if we, if it was three foot shorter the top story I'd have to be basically ducking down to, you know, put stuff up there.

MR. KANE: I see they covered the developmental coverage, that was going to be my next question. So we don't have to worry about that. The basic question, cutting down any trees or substantial vegetation in the building of the shed?

MR. MARCANTONIO: Just we're going to be taking down one tree that's dead on our, in the back of the house.

MRS. MARCANTONIO: By the road, actually.

MR. MARCANTONIO: Then we're also going to be taking a small shed in the back of the property down and not replacing it.

MR. KANE: This is replacing it?

MR. MARCANTONIO: Yes, it's in pretty bad shape.

MR. KANE: Creating water hazards or runoffs?

MR. MARCANTONIO: No.

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

MR. MARCANTONIO: No.

MR. KANE: Now, I would say my next usual question is the shed is a little bit oversized compared to other sheds that are in your neighborhood?

MR. MARCANTONIO: Yes, absolutely.

MR. KANE: Any power going to the shed?

MR. MARCANTONIO: No.

MR. KANE: So no intent on your part to do any rental on the second floor apartment type thing on the second floor?

MS. MARCANTONIO: Absolutely not.

MR. KANE: Further questions, gentlemen?

MR. BEDETTI: Do you know what the height of your house is?

MR. MARCANTONIO: I believe it's 20 foot but I'd have to actually go up there and I can do that.

MR. BEDETTI: But so it's not going to be higher than the house?

MRS. MARCANTONIO: It's a raised ranch.

MR. KANE: For the public hearing if you can snap a couple photos for us on your house and just how it looks in the back yard so we can get a general idea?

MRS. MARCANTONIO: I think we did that.

MR. HAMEL: So there's a lot of open land?

MR. MARCANTONIO: Yes.

MR. KANE: The shed is for your own personal use, you're not looking to use it in any kind of, but just for your own business?

MR. MARCANTONIO: No.

MRS. MARCANTONIO: Just for storage.

MR. SCHEIBLE: It will be prefab?

MR. MARCANTONIO: They build it completely down there.

MRS. MARCANTONIO: The Amish are building it.

MR. MARCANTONIO: And they deliver it and we're going to have Mr. Lander do the prep work on it because they said you can just deliver it but you're better off having three quarter inch stone down so we're going to have him cause of course being a neighbor for so many years.

MRS. MARCANTONIO: That's what he does.

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

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Michael Marcantonio for a shed that requires a three foot variance in height located at 30 Cimorelli Drive in an R-4 zone.

MR. HAMEL: I'll second it.

ROLL CALL

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

MR. KANE: And there's your next steps. Any questions, give Cam a call in the office, okay? Have a good evening, careful home.

PUBLIC HEARINGS:

INOEL & ROBYN GUZMAN (14-02)

MR. KANE: Tonight's first and only public hearing Inoel and Robyn Guzman. An area variance of 15.5 feet is requested for proposed covered porch and front entry that does not meet front yard setbacks. Located at 111 Erie Avenue. First question is there anybody here for this particular hearing? No? Okay, that answers that. Come on up, same as in the prelim, name, address, tell us exactly what you want to do in your own words.

MR. GUZMAN: My name is Inoel, I-N-O-E-L, last name Guzman, G-U-Z-M-A-N.

MRS. GUZMAN: I'm Robyn Guzman, R-O-B-Y-N G-U-Z-M-A-N.

MR. GUZMAN: Now the variance we're requesting covers the front part of the renovation where we have currently a porch front, porch that's going to be enclosed. And then to the right of that if you're facing the house we're going to have a covered porch built. So basically we're going to shift the current porch to the right and enclose the current one. And again I want to mention that it is part of a major renovation that's the part that the only part in question for the particular zoning rules.

MR. KANE: The existing porch that you have there now, how is that compared to the new porch as far as how far it comes out from your building?

MR. GUZMAN: It's going to be the same distance, no change.

MR. KANE: But you're going to extend it so it's the length of the house, portion of it is going to be covered?

MRS. GUZMAN: Be enclosed like part of the house.

MR. GUZMAN: I have pictures of the house. The current porch that's going to be enclosed and to the right of that will be the new porch.

MR. KANE: Cutting down substantial vegetation or trees?

MR. GUZMAN: No.

MR. KANE: Creating water hazards or runoffs?

MR. GUZMAN: No.

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

MR. GUZMAN: No.

MR. KANE: The proposed porch that's going on the front you noted in some other pictures from other porches in your neighborhood it's not any further out than the other porches in your neighborhood?

MR. GUZMAN: Correct.

MR. KANE: Okay, at this point, I will open it up to the board and ask them if they have any questions?

MR. BEDETTI: I'm good.

MR. SCHEIBLE: I'm good.

MR. KANE: I'll open up the public portion of the meeting, ask once again if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion and ask Cam how many mailings we had.

MRS. AMMIRATI: On the 11th day of February 2014, I compared 69 addressed envelopes containing the public hearing notice with no responses.

MR. KANE: Back to the board, any further questions? I'll accept a motion then.

MR. HAMEL: I'll make a motion that we grant Inoel and Robyn Guzman 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. GUZMAN: Thank you very much.

MR. KANE: There's always paperwork, this is the government, you know, there you go. Have a great day. Good luck to you.

MR. GUZMAN: Thank you.

FORMAL DECISIONS:

1. Arimes Estates Ltd.
2. Robert McIntosh

MR. KANE: We have two formal decisions, I'll accept a motion if you want to take them together or separate, your pleasure.

MR. SCHEIBLE: I'd like to make a motion to approve the two formal decisions being named as Arimes Estates Ltd. and Robert McIntosh.

MR. BEDETTI: I'll second that.

ROLL CALL

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

MR. KANE: No further business, motion to approve?

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer