

TOWN OF NEW WINDSOR

ZONING BOARD

March 10, 2014

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

ALTERNATE:               GREGORY BIASOTTI

ALSO PRESENT:       GEOFFREY CHANIN, ESQ.  
                              ZONING BOARD ATTORNEY

                              CAMMY AMMIRATI  
                              ZONING BOARD SECRETARY

MEETING AGENDA:

1. Devitt's Supply Inc.
2. Edward & Jo Ann Lekis
3. Michael Marcantonio

**REGULAR MEETING:**

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals regular session for March 10, 2014 meeting to order.

APPROVAL OF MINUTES DATED 2/24/14

MR. KANE: Motion to accept the minutes of 2/24/14 meeting as written and that was sent by e-mail 3/31/14

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

PRELIMINARY MEETINGS:

DEVITT'S SUPPLY INC. (14-05)

MR. KANE: Tonight's first preliminary meeting Devitt's Supply Inc. Variance of four feet in height and 96 square feet for a sign face requested for an LED sign with changing light messages. Located at 56 Devitt Circle in an HC zone. We do this with every meeting with preliminaries what we do in New Windsor is we hold two meetings. We hold a preliminary so that we can get a general idea of what you want to do and make sure that you can get us the proper information so that we can make, you know, a good decision. Other towns you walk in, you walk in cold, you got the wrong thing, you lose. So what's going to happen in the public portion of the hearing will be very similar except the public will be involved, anybody that wants to ask any questions at that point. So state your name loudly and speak loud enough for the young lady over there to hear you

MR. A. FITCH: Aaron Fitch.

MR. C. FITCH: Christopher Fitch here on behalf of Devitt's Supply Inc., the applicant in this application.

MR. KANE: Tell us exactly what you want to do in your own words.

MR. C. FITCH: We'd like to relocate the sign, we'd like to improve the looks of the sign and we'd like to add LED message board doublesided.

MR. KANE: The whole sign is existing you said relocate?

MR. C. FITCH: It's actually on the south side of the south entrance. We want to stay on the south entrance but we want to be on the north side of that entrance. And if you want, I can show you some pictures here.

MR. TORPEY: Like a sign like by the oil tanks?

MR. A. FITCH: On the junction of 300 they have the same type thing, yeah, and the key thing with the LED is it doesn't scroll.

MR. CHANIN: Everybody stop. First of all, only one

person can talk at a time. Second of all, please talk so not only the board can hear you but the people in the audience can hear you. Alright? So I think you have the floor.

MR. A. FITCH: I just wanted to say the key thing with the LED signs they don't scroll, they don't flash, it's not a distraction, they just simply change. At the junction of 300 they have the same thing, the messages change, you don't have to worry about anything scrolling over, people trying to read it.

MR. KANE: For the public hearing, we'll want to know what the time delay is for the public hearing. Getting back to the sign portion that's an existing sign that you have that you want to move?

MR. C. FITCH: There's an existing sign there, we want to take that down and replace it, correct.

MR. KANE: That's where I was going for the height.

MR. C. FITCH: And if you look, this is looking south, it's now on the south side of this entrance. We actually would like to move it to this side of the entrance where we have done a bunch of improvements to the property so it would actually be in this area here.

MR. KANE: How far back from the, it's going to be right there, how far back from the road?

MR. C. FITCH: Thirty-five feet from the white line on Route 32.

MR. KANE: Then can you speak on the, let me get these couple things out of the way that I have to hear. Cutting down any substantial trees or vegetation in the building of the sign?

MR. C. FITCH: No.

MR. KANE: Creating water hazards or runoff in the building of the sign?

MR. C. FITCH: No.

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

MR. C. FITCH: No, there's not.

MR. KANE: The lighted part of the sign is non-flashing?

MR. C. FITCH: Non-flashing.

MR. KANE: So approximately how far back from the road will the sign be if you don't know then for the public hearing?

MR. C. FITCH: From the edge of the highway it's going to be 35 feet off the white line of the highway.

MR. KANE: So address the height difference, why do you need to go from 15 to 19?

MR. C. FITCH: We'd like to be a little higher because it's a little desolate at night, we'd like to be able to get the sign high enough to get it out of the way of any kind of vandalism.

MR. KANE: Further questions, gentlemen?

MR. HAMEL: Which way is the sign going to be facing, facing towards the road or perpendicular to the road?

MR. C. FITCH: It's going to be perpendicular.

MR. KANE: So you will have a message board on both sides?

MR. C. FITCH: Correct. And I could have copies of that.

MR. KANE: Any further questions?

MR. BEDETTI: You said it's a non-flashing sign, right?

MR. C. FITCH: Correct.

MR. BEDETTI: But the message changes?

MR. C. FITCH: It does change.

MR. BEDETTI: Okay, not just a digital fixed message that's there all the time, it's a changing sign?

MR. C. FITCH: Exactly.

MR. KANE: Think of the sign at Walgreens.

MR. BEDETTI: Do you have any idea how close the closest resident is?

MR. C. FITCH: From?

MR. BEDETTI: Across the street?

MR. C. FITCH: There's one house that's across the street.

MR. KANE: One house and also a newer complex in the back, not really any residential over there that I remember, just the one house I think.

MR. C. FITCH: There's the one single family there and Top Hat Dog Training is there too but not that it matters but nobody's in that place right now.

MR. BEDETTI: So how close is the closest house?

MR. C. FITCH: From the sign to the house 1,000 feet.

MR. KANE: Further questions?

MR. SCHEIBLE: Both sides of the sign would be flashing?

MR. C. FITCH: Both sides will be.

MR. SCHEIBLE: The same message not flashing but it will have the same message on both sides?

MR. C. FITCH: Yes, it will.

MR. TORPEY: How long has Devitt's been there?

MR. C. FITCH: That location since 1988.

MR. TORPEY: You've got two entrances there, right?

MR. C. FITCH: Yes.

MR. KANE: One freestanding sign, anything else would be directional, one freestanding, one business. And the message on the board is going to pertain just to your business to Devitt's?

MR. C. FITCH: To Devitt's or related businesses on the property.

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

MR. BEDETTI: Did we get a picture?

MR. KANE: Same ones.

MRS. AMMIRATI: Same ones that you guys have.

MR. BEDETTI: I thought you said you had a picture of the existing sign.

MR. C. FITCH: I have a rendering of what the sign is going to look like.

MR. BEDETTI: No, okay, I thought they might have been different pictures.

MR. C. FITCH: No, I was just explaining, do you want me to show you exactly what I was showing him?

MR. BEDETTI: Not all, just where the driveway currently is.

MR. C. FITCH: This is looking south and this is the south entrance, the sign is there now, we want to move it over to this side of the entrance, north entrance, north side of the entrance.

MR. BEDETTI: Thank you.

MR. SCHEIBLE: Is Eggbert going to be out there?

MR. C. FITCH: He could be out there, he could be on the sign.

MR. KANE: Further questions, gentlemen? None? I'll accept a motion.

MR. BEDETTI: I'll make a motion we schedule a public hearing for Devitt Supply for a sign height variance, a square footage variance for an LED sign located at 56 Devitt's Circle in an HC Zone.

MR. HAMEL: I'll second that.

ROLL CALL

MR. SCHEIBLE                    AYE

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

MR. KANE: You're all set, this would be your next list of instructions, okay?

MR. C. FITCH: Okay, thank you very much.

MR. A. FITCH: Thank you.

MR. KANE: Careful home.

PUBLIC HEARINGS:

EDWARD & JOANN LEKIS (14-03)

MR. KANE: Public hearings, tonight's first public hearing Edward and Joann Lekis for an area variance of four feet requested for proposed relocation of a shed that does not meet side and rear yard setbacks and eight feet for a proposed deck that does not meet rear yard setbacks. Located at 8 Truex Circle in an R-4 zone. Anybody here for this particular hearing? Okay, same as the prelim, speak loud enough for that young lady over there to hear you and tell us what you want to do in your own words.

MRS. LEKIS: Want our names?

MR. KANE: Yes.

MRS. LEKIS: Joann Lekis.

MR. LEKIS: Edward Lekis.

MRS. LEKIS: We just want to put a deck on the back of our house that will extend a little further so that will incorporate a new kitchen that I've been waiting to have for a long time. And we would like to put a shed so that it doesn't sit sort of like in the middle of the lawn, kind of like to sit it back on the property. We have nobody living behind us, it's just all woods, so that's pretty much it.

MR. KANE: Okay, cutting down any trees, substantial vegetation in either the shed or the deck?

MRS. LEKIS: No.

MR. KANE: Creating any water hazards or runoffs running through?

MRS. LEKIS: No.

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

MRS. LEKIS: No.

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

MRS. LEKIS: It's not very big.

MR. KANE: Not big at all?

MRS. LEKIS: No.

MR. CHANIN: Can you approximate the dimensions of the shed?

MR. LEKIS: Five by seven, seven feet, five feet and it's only a little taller than me, seven feet or six feet.

MR. TORPEY: That's like a dog house.

MRS. LEKIS: It's for the snow blower.

MR. CHANIN: Thank you. The deck itself is a proposed 12 by 35 deck so it's only coming 12 feet out from the back of the house towards your rear property line and then it's the width of the house itself?

MRS. LEKIS: Not almost the whole width, a little bit short.

MR. KANE: Close?

MRS. LEKIS: Yes.

MR. KANE: And that size of the deck again isn't overly big compared to other decks that are in your neighborhood?

MR. LEKIS: No.

MRS. LEKIS: No.

MR. KANE: Other questions from the board?

MR. BEDETTI: Is that the shed that you're moving?

MRS. LEKIS: Yes.

MR. KANE: Electric going in that shed out there?

MR. LEKIS: No, just lawn mower, snow blower.

MR. BEDETTI: I guess the only question I had is there any leeway you're going to be putting the shed one foot off your property line?

MR. LEKIS: Where you see it now it's, it's by the house, we moved it because it was too close to the back, that's why we're here, it's going to be a few feet, gentleman asked for two feet, two feet from the back property.

MR. BEDETTI: It's not going to be one, one is a little tight?

MRS. LEKIS: Two is okay.

MR. KANE: They had requested one and I asked them to--

MR. LEKIS: We wanted five feet and get another five feet and the six out there it looks poor.

MR. SCHEIBLE: Is there an occupied piece of property? I know no one showed up here tonight behind where the shed goes, is that an occupied, is that where it drops off?

MR. LEKIS: No, no, it's been empty since '73.

MR. SCHEIBLE: It's not occupied?

MRS. LEKIS: No, hasn't been for over 40 years.

MR. LEKIS: Hasn't been for 40 years, I don't see why it would be now.

MR. BEDETTI: The side marker where it's going to be is two feet from the side?

MR. LEKIS: It's going to be more than that.

MR. BEDETTI: Is there a house there too?

MRS. LEKIS: Yeah, they have a chain link fence.

MR. LEKIS: We're not going to put it two feet from there's, it's going to be more over.

MR. KANE: Just two feet from the rear of the property line.

MR. LEKIS: Two feet over from the stake that we have, it will be 10 feet over from that.

MR. BEDETTI: Ten feet away from the side?

MR. LEKIS: From the property line it will be like where Hank is now, we'll have more than enough.

MR. KANE: You requested five foot is what's needed, you requested one foot on the side but we're not going to do anything on the side so he can do away with that so it's going to be two feet is what you're requesting from the rear?

MR. LEKIS: Right.

MR. KANE: So the side drop, okay, got it guys, drop the side two feet from the rear.

MR. CHANIN: Did you say that you have been there since 1973?

MR. LEKIS: '73.

MR. CHANIN: Has the shed been there since 1973?

MRS. LEKIS: No.

MR. KANE: About how old is the shed itself?

MR. LEKIS: Two or three years.

MRS. LEKIS: Yeah.

MR. KANE: Further questions from the board at this time? Seeing as there's not, I'll open the public portion of the meeting and ask if 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 25th day of February 2014, I compared 52 addressed envelopes containing the public hearing notice with no responses.

MR. KANE: Bring it back to the board for further questions?

MR. TORPEY: What defines the size of a shed, call it a shed or call it a dog house? Understand what I'm saying? When does it come in to be a shed?

MR. KANE: I don't know, I could tell you a story when I went to re-mortgage my house and a guy came and said

I had an illegal building on my property. What are you talking about? I've been on the zoning board for years, I have a shed back there. That's it, my wife had picked up a little dog house, a wooden dog house this big and it was in the back yard and that's what they were nailing me on. So I said, and the way I am I said I'm not giving the town 60 bucks, I picked up the dog shed and I threw it in the shed, that's the end of that.

MR. TORPEY: Five by seven is smaller than this cubicle.

MR. LEKIS: If you go down 94 by Sycamore all the shed places they've got them as big as my garage.

MR. KANE: You can live in them.

MR. TORPEY: When does it come into the size of a shed?

MR. KANE: I shouldn't, it doesn't, I shouldn't say that where it could be if somebody was putting a new shed in and the size of it could deal with developmental coverage, how much coverage on the property it is and they're not anywhere near that. Any further questions? I'll accept a motion.

MR. HAMEL: I'll make a motion that we grant Edward and Joann Lekis 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: Yes, with the modifications being that there is no required or no variance for one foot side yard as requested, we're doing away with that and the one foot rear yard is going to be extended to two feet from the rear yard. So they'll get a three foot variance instead of a four foot variance, with that, yes. This is the government so you have a next step. Have a great day, good night, thank you.

MICHAEL MARCANTONIO (14-04)

MR. KANE: Tonight's last public hearing Michael Marcantonio. A height variance of three feet is requested for a shed that's 18 feet tall. The maximum height allowed is 15 feet. Located at 30 Cimorelli Drive in an R-4 zone. Same as the prelim, state your name, address, explain exactly what you want to do loud enough for that young lady to hear you.

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

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

MR. MARCANTONIO: First thing from the last meeting we didn't have the height of the existing house and I get up there and measured it, it's 21 feet 3 inches total. We're looking to put the shed in our back yard so that we could consolidate our business stuff inside the building. And the reason for the height we have an antique 1921 horse drawn wagon which was down to Devitt's at Eggbert for many, many years and we would like to put that in there, that actually is nine foot six inches so this is the reason why we need the extra height, the three foot height for it.

MR. KANE: And this is going to have the second story on it on top?

MR. MARCANTONIO: Yes.

MR. KANE: In the prelim you had stated that there would be no electric running out there?

MR. MARCANTONIO: Right, no.

MR. KANE: Absolutely no intentions down the line on changing it into any kind of a rental space or anything like that?

MR. MARCANTONIO: No.

MR. KANE: Get back to the basic questions, cutting down any substantial trees or vegetation in the building of the garage?

MR. MARCANTONIO: No.

MR. KANE: Any water hazards or runoffs?

MR. MARCANTONIO: No.

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

MR. MARCANTONIO: No.

MR. KANE: Let's get to the meat of the matter. At this point, I'm going to open it up to the public and get the public involved, find out what their questions are and we'll answer those. If you have any questions or any statements, this is the time. Anybody here for this particular hearing? Ma'am?

MS. GENTRY: I'm Becki Gentry and I live at 5 Cimorelli Drive and I've been living there for 21 years. I don't have any problems with the putting the shed on this property. It's going to go toward the back of the property I think and no problems at all.

MR. KANE: Okay, thank you very much.

MR. PARRALES: Good evening, my name is Fernando Parrales, my wife Elizabeth, I just move in there last year, I just bought the house in April and I have been seeing him, I don't have a problem with him doing what he gotta do, I mean, he's, everything's safe, it's good so--

MR. KANE: You understand everything that they're doing?

MR. PARRALES: This is my first time being in the meeting, we received that, we just came to--

MR. KANE: Always good to find out what's going on, absolutely.

MR. PARRALES: And we don't have a problem with it.

MR. KANE: Very good, thank you very much. Anybody else for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting and ask Cam how many mailings we had.

MRS. AMMIRATI: On the 25th day of February 2014, I compared 42 addressed envelopes containing the public hearing notice with no responses.

MR. KANE: We'll open it back up to the board for further questions?

MR. BEDETTI: Just one question relative to the size of the shed, is this similar to any sheds in your area there in your development or is this larger than most?

MR. MARCANTONIO: No, yeah, we'd be the first one.

MR. TORPEY: You'd be the fat cats in town.

MR. MARCANTONIO: Yes.

MRS. MARCANTONIO: Well, the farmhouse has a big barn in the back.

MR. KANE: That's permitted even with that size shed they have 25 percent developmental coverage and they are required to have 20 so we're way over.

MR. MARCANTONIO: We're going to be taking the little one down in the back of the property that's falling down so--

MR. BEDETTI: And replacing it?

MR. SCHEIBLE: You just answered my question cause I know you have another shed on the premises also, you know, you're not going to have the two sheds, just going to have one?

MR. MARCANTONIO: Correct.

MR. SCHEIBLE: You were going to have the one shed?

MR. MARCANTONIO: We were hoping this winter was going to knock it down but we weren't so lucky.

MR. KANE: Further questions from the board?

MR. MARCANTONIO: And we're going to of course make sure that it's, I mean, first of all, it's a beautiful building and, you know, it's going to be gorgeous, you know, the landscaping and everything so, you know, we'll make sure, we've been there since 1966, we're the original family on Cimorelli Drive so, you know, we certainly have proven ourselves over the years.

MR. KANE: Asset to the neighborhood. Further

questions? If not, I'll accept a motion.

MR. SCHEIBLE: I'll make the motion to approve Michael Marcantonio the height variance of three foot for a shed that is eighteen foot tall and the maximum height being allowed is 15 feet at the time located on 30 Cimorelli Drive.

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: There's the last of our paperwork, just follow that. Any questions, call Cam and good luck to you, have a great evening.

FORMAL DECISIONS:

INOEL & ROBYN GUZMAN

MR. KANE: We have one formal decision tonight to vote on. I have one formal decision, gentlemen, Inoel and Robyn Guzman, let's vote on this.

MR. BEDETTI: I'll make a motion that we accept the formal decision for Inoel and Robyn Guzman identified as 14-02 and submitted and distributed by e-mail as written.

MR. TORPEY: Second it.

ROLL CALL

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

MR. KANE: Motion to adjourn?

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