



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
Regular Session
Date: APRIL 26, 2004

AGENDA
7:30 p.m. – Roll Call

Motion to accept minutes of March 8, 2004 & March 22, 2004 meetings as written.

PRELIMINARY MEETINGS:

1. **RUSSELL KOGGE (04-27)** Request for 12 ft. Side Yard Setback (Bulk Tables F-8) for existing attached pool deck at 9 Woodlawn Avenue in an R-4 Zone **(21-4-4-)**
2. **ANDREW FARAONE (04-28)** Request for 9 ft. Rear Yard Setback (48-14-A-1-B) for proposed 25 ft. X 20 ft. pool deck at 6 Guernsey Drive in a CL Zone **(78-2-22)**
3. **STRATEGIC HOMES (04-29)** Request for 1,790 sq. ft. Lot Area for proposed single-family dwelling on Sycamore Drive in an R-4 Zone **(63-4-9.2)**
4. **DARRELL SORACE (04-30)** Request for 5.1 ft. Front Yard Setback for proposed 6 ft. X 30 ft. front porch (Use: E-8) at 239 Daniher Avenue in an R-4 Zone **(24-3-28)**
5. **GEORGE KAISER (04-31)** Request for 2 ft. Maximum Height for existing 6 ft. fence on a corner lot (48-14-C-1-1) at 24 Split Tree Drive in an R-4 Zone **(46-1-22)**

PUBLIC HEARINGS:

6. **FRANCIS BEDETTI (04-20)** Request for 7 ft. Front Yard Setback for proposed front porch (48-12 – Column E-8) at 5 Continental Drive in an **R-4 Zone (45-4-9)**
7. **HENRY VAN LEEUWEN (04-19)** Request for proposed gazebo and existing shed to project between the house and the street (48-14-A-4) at 345 Beattie Road in an R-1 Zone **(55-2-13.12)**
8. **SHILA PATEL (RITA'S ICE) (04-21)** Request for the following variances All (48-18-H-1-B-1):
2 ft. 6 inch height requirement for awning sign and;
2 – 12inch X 12 inch additional wall signs and;
7 – 16inch X 20 inch additional wall signs

All at 355 Windsor Highway in a **C Zone (49-1-27)**

9. **SIGN LANGUAGE (for Goodwill Industries) (04-16)** Request for 30 ft length for wall sign (48-18H(b) at 366 Windsor Highway (Shop Rite Plaza) in a C Zone **(65-2-12.1)**
10. **SEYMOUR BORDEN (CARPET MILL OUTLET) (04-18)** Request for Sign Variances:
38 sq. ft. Freestanding
12 ft. Height **TOTAL ALL SIGNS: 6 ft. 6 in. X 32 ft. 6 in. (48-18 USE A1)**

All at 294 Windsor Highway in a **C Zone (35-1-54.12)**

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
APRIL 26, 2004

MEMBERS PRESENT: MICHAEL REIS
LEN MCDONALD
JOSEPH MINUTA

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE, CHAIRMAN
STEPHEN RIVERA

REGULAR MEETING

MR. REIS: I'd like to call the April 26 meeting of
the New Windsor Zoning Board of Appeals to order.

PRELIMINARY MEETINGS:

RUSSELL KOGGE (04-27)

MR. REIS: Request for 12 ft. side yard setback (bulk tables F-8) for existing attached pool deck at 9 Woodlawn Avenue in an R-4 zone.

Ms. Marianne Kogge appeared before the board for this proposal.

MR. REIS: Tell us what you'd like to accomplish.

MS. KOGGE: I would like to get a C.O. for my deck, that's what I'm working on.

MR. MC DONALD: This deck is existing?

MS. KOGGE: Yes.

MR. MC DONALD: How long has it been there?

MS. KOGGE: About, well, we replaced the deck that had been there but this new deck is about two, three years old.

MR. MC DONALD: No complaints about the deck?

MS. KOGGE: No.

MR. MC DONALD: Formal or informal?

MS. KOGGE: No.

MR. MC DONALD: It's not over any existing right-of-ways or sewer or water or anything like that?

MS. KOGGE: No.

MR. MINUTA: Deck causing any watershed problems?

MS. KOGGE: No.

MR. MINUTA: And it meets the current code?

MS. KOGGE: Yes, they told me it will pass other than this problem.

MR. REIS: When you erected this deck--

MS. KOGGE: My husband.

MR. REIS: --is it about the same size as the original, much bigger or--

MS. KOGGE: It extends further from the house and it's longer than the original one and it's four feet wider which is the four feet is the problem.

MR. REIS: Similar to other size decks in the neighborhood?

MS. KOGGE: There's not many decks that I know of.

MR. KRIEGER: Similar doesn't have to be identical.

MS. KOGGE: I couldn't tell you, I haven't seen many decks in the area.

MR. MC DONALD: Deck extends from your back door all the way to the pool, right?

MS. KOGGE: Yes.

MR. MC DONALD: If it wasn't there, if you came out of the door, you'd have a fall?

MS. KOGGE: Yes.

MR. REIS: Any other questions?

MR. MC DONALD: Accept a motion?

MR. REIS: Yes.

MR. MC DONALD: Motion that we set Mr. Russell Kogge for a public hearing on his request for his 12 foot side yard setback for his existing attached pool deck.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. MINUTA	AYE

ANDREW FARAONE (04-28)

MR. REIS: Request for 9 ft. rear yard setback for proposed 25 ft. x 20 ft. pool deck at 6 Guernsey Drive in a CL zone.

Mr. and Mrs. Andrew Faraone appeared before the board for this proposal.

MR. REIS: Tell us what you want to do..

MR. FARAONE: My name is Andrew Faraone, F-A-R-A-O-N-E.

MR. REIS: This is a new pool deck that you're going to be putting up?

MR. FARAONE: Yes, it's to replace an existing deck but on the other side.

MR. REIS: You have to cut down any extensive shrubbery or trees to accomplish this?

MR. FARAONE: Not at all.

MR. REIS: Does it go over any easements or right-of-ways?

MR. FARAONE: No.

MR. MC DONALD: In looking at the pictures here, is this where your pool is going to be?

MRS. FARAONE: Yes, actually, we had a pool and we're replacing it so the deck that we had was on this side.

MR. MINUTA: Can you tell me why the proposed deck cannot meet the requirements?

MR. FARAONE: Well, the previous deck that we had wasn't large enough, we have a very big family, not

only from our existing family but also my wife's family, so we do have a lot of people that do come, it's a central point because both her mother and father passed away so all the kids have a tendency to flock to our house. So we're asking for a bigger deck for safety purposes, we want to make sure that the deck is not as small as the one we had.

MRS. FARAONE: I don't think you answered his question though. We're trying to make it go farther back meaning we're one foot from the existing fence now, our property is all fenced in so we want to go closer to the property line and that's why we're here.

MR. MINUTA: You want to go closer to the property line but reconfigure the deck to meet the requirements and still have the same square footage?

MRS. FARAONE: No, it would go either way, like if we went on the other side with the deck where it was, it's out in the open more and you can see from the street it's more of an atrocity where it was versus where we're putting it because now it's secluded back, it's on a hill, a little tiny hill we're going to cover the hill and it's not seen as much, before you could see it from the road, you could see it from the whole development cause it's up higher on the other side, whereas this we're going to be hidden, we're going to go behind our own shrubbery. We're going to encompass the hill and we're not hurting anybody. Everybody is all gung-ho for us moving it on that side so--

MR. REIS: Butterhill probably has over a hundred decks and pools, is this going to be somewhat consistent with your neighbors?

MRS. FARAONE: Yes, absolutely, it's just wider than our previous one.

MR. BABCOCK: If I'm reading this map properly, it

appears that the pool and the deck are directly behind the house.

MRS. FARAONE: Yes but they're up a level, it's not like it's like right on top of my house.

MR. BABCOCK: If you look at the survey that hopefully you have a copy of it in Butterhill they have a point one lot so I'm not sure where they're one foot from, if they're one foot from their existing lot which is lot 127 or one foot from their second lot, they own two lots, do you see the lots there?

MR. FARAONE: I guess I was told that that's where the back lot was going to be where they were going to put a playground area and they decided to move it.

MRS. FARAONE: So we had an extra bit of land behind our house.

MR. MINUTA: So you own that parcel?

MR. BABCOCK: Yes, just about every lot in Butterhill has two lots, has a point one lot, it's green area is what basically it was called so that there would remain some green area within the lots.

MR. REIS: Mike, is that lot being part of the total lot area still?

MR. BABCOCK: It's two different lots but what I'm thinking is that for their benefit of the zoning board they actually own the lot behind this so they're getting closer to their second lot instead of to your lot is what I'm trying to say.

MRS. FARAONE: Yeah, that would make sense.

MR. MC DONALD: So the fence we see is actually your fence?

MR. BABCOCK: That's correct. If they were to be able to combine those lots which they can't, if they were able to and be a normal lot, they wouldn't be here tonight.

MR. MINUTA: And you will not be entrenching or encroaching on the second lot?

MR. BABCOCK: Right.

MR. FARAONE: We have discussed it with both of them and they were fine.

MRS. FARAONE: They were like anything you do is fine with us.

MR. REIS: Off the record.

(Discussion was held off the record)

MR. REISS: I'll accept a motion.

MR. MC DONALD: I move we set up Mr. Andrew Faraone for a public hearing for his request for his 9 foot rear yard setback for proposed 25 ft. x 20 ft. pool deck.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. MINUTA	AYE

MR. REIS: I just want to make a comment we do these preliminary meetings for the sake of the public so they know what they have to provide for a public hearing. Some of the towns in our immediate area do not do this and it's somewhat difficult for the applicant, we feel

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that we do this, kind of makes it a little easier knowing what you have to provide and typically gets the job done quicker at the second meeting.

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STRATEGIC HOMES

MR. REIS: Strategic Homes our third one, I don't see anybody here for that.

DARRELL SORACE (04-29)

MR. REIS: Request for 5.1 ft. front yard setback for proposed 6 ft. x 30 ft. front porch at 239 Daniher Avenue in an R-4 zone.

Mr. and Mrs. Darrell Sorace appeared before the board for this proposal.

MR. MINUTA: I'm familiar with the applicants but in no way changes my--

MR. KRIEGER: You have no interest in the outcome.

MR. MINUTA: None at all.

MR. REIS: Thank you very much, Joe. Go ahead, folks.

MR. SORACE: Our reason is for a 5.1 foot variance for a front porch at our home.

MRS. SORACE: To replace the existing porch, we bought the house and it's not even safe to walk on right now, they put like cement block and covered it with, you can't even walk on it now but the reason for the extension is just to cosmetically improve the house. Right now, it's a stand alone front porch to the front door, we want to expand it and come out about 6 feet.

MR. REIS: How much wider or--

MRS. SORACE: It's going to be, it comes out, the current porch comes out five feet from the house, we're going to come out and do a covered porch.

MR. REIS: How much wider is it than the existing porch?

MR. SORACE: It's going to go the full length of the house, I have some elevation drawings if you want to

see them.

MR. REIS: To accomplish this you're not going over any easements or wells or septic?

MRS. SORACE: No, there's nothing there right now, there's not even grass there, it's dirt.

MR. MC DONALD: And you have to put this porch because it's unsafe?

MRS. SORACE: We don't use our front door, we use the side door, it's not very appealing looking either.

MR. SORACE: Secondly, it would make the neighborhood look better, not only for the home for us to sit on the front porch, watch the kids grow up, we have one on the way.

MR. REIS: So this will enhance not only your property but the neighbors'?

MR. SORACE: Yes.

MR. REIS: Any other questions?

MR. KRIEGER: Will this make the house appear to be closer to the road than its neighbors?

MRS. SORACE: A little bit.

MR. MC DONALD: This porch is going to be covered, right?

MRS. SORACE: Yes, covered.

MR. MC DONALD: Swing and chairs?

MRS. SORACE: Yeah, hopefully, one thing at a time, let me get the porch first.

MR. REIS: When you come fore the public hearing, if you'd bring pictures of the existing situation, it would be helpful.

MR. SORACE: Sure. Only thing I have now is the proposed elevation.

MR. MINUTA: Can I take a look at those?

MR. SORACE: Sure. That's also the front for each and there's an existing addition that we're going to upgrade but there's no variance needed for that.

MR. MINUTA: Accept a motion?

MR. REIS: Yes, please.

MR. MINUTA: I move that we set Darrell Sorace for his public hearing for requested 5.1 foot front yard setback for proposed 6 foot by 30 foot front porch at 239 Daniher Avenue.

MR. MC DONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. MINUTA	AYE

GEORGE KAISER (04-31)

MR. REIS: Request for 2 ft. maximum height for existing 6 ft. fence on a corner lot at 24 Split Tree Drive in an R-4 zone.

Mr. George Kaiser appeared before the board for this proposal.

MR. REIS: Good evening, sir, tell us what you want to do.

MR. KAISER: We'd like to get a variance on the fence that I have had there for since I've owned the home on a height requirement because I never knew the corner rule that that would be considered the front of my house. I thought it was the side of my house since it's listed on 24 Split Tree Drive, I never figured the side of the house would be the front of the house but that appears to be the case.

MR. REIS: Because you're on a corner lot.

MR. KAISER: Yes.

MR. REIS: How long has the fence been there, sir?

MR. KAISER: Probably 30 years.

MR. REIS: Have you ever had any complaints about this?

MR. KAISER: No, I had an inquisition, not an inquisition, a neighbor more or less told me that 37 Willow Lane they had trouble backing out of their driveway on Willow Lane so I took out a full section and moved the entire fence inward so they'd have a view of Willow Lane backing out.

MR. REIS: Great. Do we have any photographs?

MS. MASON: Yes.

MR. MINUTA: Guess that sums up my next question, viewing at this point in time is not an issue from the corner?

MR. KAISER: No, no, I moved it in a full, the fence extends 43 three foot, 40 and 42 foot so I have moved it in that far.

MR. REIS: It's necessary that you have the fence there, it's enclosing your yard for pets or--

MR. KAISER: Yes.

MR. REIS: Similar to other fences in the area?

MR. KAISER: More or less. On the way here, I've seen 6 foot fence for privacy and other purposes.

MR. MINUTA: You're not encroaching on any easements?

MR. KAISER: No, as a matter of fact, the whole thing is at least ten foot away from the blacktop and I know that the water tap for New Windsor runs right down on my property and that's plenty of room out there.

MR. MINUTA: Pictures are very helpful, the particular use is actually to indicate from the corner where, how the fence meets in some sort of either photograph from the corner just so that we can get a view of the viewing angle.

MR. KAISER: I gave like five photographs.

MR. MINUTA: All right, these will suffice, thank you.

MR. MC DONALD: Mike, only reason is because of the fact that he's got two front yards?

MR. BABCOCK: Yeah, if he wasn't on a corner lot, he would be permitted to exactly put a fence exactly where it is.

MR. MC DONALD: I know it's not a hindrance because I come out of the street four or five times a day. Accept a motion?

MR. REIS: Please.

MR. MC DONALD: Motion to set up Mr. Kaiser for a public hearing on the request for two foot maximum height for his existing 6 foot fence on a corner lot at 24 Split Tree Drive.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. MINUTA	AYE

PUBLIC HEARINGS:

FRANCIS BEDETTI (04-20)

MR. REIS: Request for 7 ft. front yard setback for proposed front porch at 5 Continental Drive in an R-4 zone.

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

MR. MINUTA: Mr. Chairman, I will disclose that I am familiar with the applicant but no way, shape or form have any prejudice for or against, any financial interests.

MR. MC DONALD: Ditto, Mr. Chairman, same reasons as Joe did.

MR. REIS: You're too popular. Tell us what you want to do.

MR. BEDETTI: I've got an existing front porch in the front of my house in the R-4 zone on Continental Drive, pictures will reflect that. Just recently I applied for a building permit to bring it up to today's code and it didn't meet the required setbacks so I'm here to apply for that variance.

MR. REIS: Is this replacing an existing porch?

MR. BEDETTI: Yes, I'm just going to bring it up to code.

MR. BABCOCK: Also going to put a roof over it.

MR. BEDETTI: Yes, correct.

MR. MC DONALD: Just an awning there now?

MR. BEDETTI: Yes, one of the Durosole crank out ones. The size is going to be roughly exactly the same size just going to be putting a roof over the top.

MR. MC DONALD: Never had any complaints?

MR. BEDETTI: No, that porch has been there for about 14 years now and never had any trouble with it.

MR. MC DONALD: How many letters were sent out?

MS. MASON: On the 13th of April, I sent out 59 envelopes containing the notice of public hearing, no responses.

MR. REIS: No complaints formal or otherwise from your neighbors over the years?

MR. BEDETTI: No.

MR. MINUTA: Not creating any water hazards?

MR. BEDETTI: None, I'm up on the top of a hill so no setbacks are actually still beyond further back from where my neighbors are now and their addition that they've put on.

MR. KRIEGER: So it appears to be further from the road?

MR. BEDETTI: Yes, than with my neighbors, yes.

MR. REIS: You're not going over any easements?

MR. BEDETTI: No.

MR. REIS: Any other questions?

MR. BABCOCK: We've got to open it up to the public.

MR. REIS: I'm sorry, got to do that, thank you.
Moving right along, we'll open it up to the public,
anybody here wishes to speak on this, for or against?
No one here, we'll close the public hearing.

MR. MC DONALD: Accept a motion?

MR. REIS: Yes.

MR. MC DONALD: Make a motion we grant Mr. Bedetti the
request for his 7 foot front are yard setback for his
proposed front porch at 5 Continental Drive.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. MINUTA	AYE

HENRY VAN LEEUWEN (04-19)

MR. REIS: Request for proposed gazebo and existing shed to project between the house and the street at 345 Beattie Road in an R-1 zone.

Mr. Henry Van Leeuwen appeared before the board for this proposal.

MR. REIS: I'd like to disclose to the board that I have had business dealings with Mr. VanLeeuwen but this particular application has no influence on my gain and I can vote objectively on it.

MR. MINUTA: I'd like to disclose for the same reasons mentioned.

MR. MC DONALD: Same reasons.

MR. REIS: Tell us what you'd like to accomplish.

MR. VAN LEEUWEN: Well, I put this gazebo not thinking, okay, poured the concrete, put the gazebo not thinking that you can't have any in the front of the house, this is just about 15 feet beyond the front, wait a minute, not 15 feet, about five feet beyond the front of the house and sits about 150 feet back from the road, sits more than that back from the road and the shed has been there before I got there cause it used to be a pond there and that's where they used to keep ducks and so forth.

MR. REIS: The fact that you're on a corner lot is the reason why this applicant is before us, Michael?

MR. BABCOCK: The shed is because of the corner lot, the gazebo is because his house doesn't sit parallel with Beattie Road, if you look at the survey, the property actually gets closer as it goes towards McClain Drive so therefore puts his gazebo in what we

would call the front yard.

MR. KRIEGER: How big a piece of property is it?

MR. VAN LEEUWEN: Almost 4 acres.

MR. REIS: 3.11 for the record.

MR. VAN LEEUWEN: It's a little bit more than that but that's okay.

MR. KRIEGER: In excess of 3 acres.

MR. REIS: The gazebo is stationery at this time, it would be extremely impractical for you to attempt to move it to be within.

MR. VAN LEEUWEN: Could be done but it would take some doing then I've got to take the concrete and gravel out.

MR. KRIEGER: He said impractical, not impossible.

MR. VAN LEEUWEN: Nothing's impossible.

MR. REIS: This doesn't go over any easements, sewer lines, septic or anything?

MR. VAN LEEUWEN: Dumb but not stupid.

MR. MINUTA: Not creating any water hazards?

MR. VAN LEEUWEN: No.

MR. REIS: Open it up to the public hearing, anyone here for or against this application request for his variance? Seeing no one to respond we'll close the public hearing. For the record, how many mailings?

MS. MASON: On the 5th of April, I mailed out 22

addressed envelopes and had no responses.

MR. REIS: Thank you, Myra. Any other questions?

MR. KRIEGER: Shed and the gazebo similar in size and appearance to others in the neighborhood?

MR. VAN LEEUWEN: What?

MR. KRIEGER: Are both the shed and the gazebo similar in size and appearance to others in the neighborhood?

MR. VAN LEEUWEN: Shed's been there before I got there so but the gazebo is, it's white, it's similar in size, yeah.

MR. REIS: I must say it's a very attractive gazebo from the street.

MR. VAN LEEUWEN: Thank you, sir.

MR. MINUTA: No further questions.

MR. MC DONALD: No questions.

MR. MINUTA: Accept a motion?

MR. REIS: Yes.

MR. MINUTA: I'd like to make a motion that we grant Mr. Henry VanLeeuwen his request for proposed gazebo and existing shed that projects between the house and the street at 344 Beattie Road in an R-1 zone.

MR. MC DONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE

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MR. MINUTA

AYE

SHILA PATEL (RITA'S ICE) (04-21)

MR. REIS: Request for the following variances, 2 ft. 6 in. height requirement for awning sign, two 12 in. x 12 in. additional wall signs and seven 16 in. x 20 in. additional wall signs all at 355 Windsor Highway in a C zone.

Mr. Frank Weis and Ms. Shila Patel appeared before the board for this proposal.

MR. REIS: Tell us about your situation.

MS. PATEL: The awning that we're looking to install is six inches higher than what's allowed by the Town.

MR. MINUTA: Is that the awning itself or the awning with the projection with the Rita's?

MR. WEIS: The awning is 3 feet high, the dome projects five feet high at its largest height, yes, that's a typical Rita's store.

MR. MINUTA: So I'm unclear as far as the way the paperwork's been filled out.

MR. BABCOCK: He's proposing five foot, we're saying it's a total of 5, he's allowed 2 and it says two foot 6, you're right.

MR. WEIS: It was our understanding the allowed was 2 1/2 so we were proposing for 2 1/2.

MR. BABCOCK: Right, you're 300 feet off the road, if they're 300 feet off the road, I don't know whether it is or not, but if that's what the classification that they put it in that's what it is, then it's two foot six then if it's five that makes sense.

MR. REIS: How many feet off the road was the

requirement?

MR. BABCOCK: Has to be 300 feet off to have two entrances.

MR. WEIS: Yes, this is former P.J.'s.

MR. REIS: Yeah, I know the spot it doesn't fall that far back off the road.

MR. KRIEGER: Yeah but it's in a slight depression, isn't it?

MR. MC DONALD: It's a little lower than 32.

MR. MINUTA: It's level with the road probably about 150 feet.

MR. MC DONALD: In other words, the thing that's really giving us the problem is the radius of the sign on the Rita's, is that what's giving us the problem?

MR. WEIS: Yes, that's the, that's basically the trademark awning that the company uses for this stores.

MR. MINUTA: There's really two issues, one is that the awning is at three foot instead of two foot six and the dome portion which is at two foot six so for clarification of the paperwork we should probably handle that now.

MR. REIS: Yeah, I would say that would be.

MR. BABCOCK: We'll change that to three foot, is that okay with you, Mr. Chairman?

MR. REIS: Yes.

MR. BABCOCK: I don't see the calculations here and I don't have anything but I don't believe it's 300 feet

off the road.

MR. MINUTA: No, it's not. Michael, wouldn't that, well, then looking for two foot six inch height variance, two foot 6 is allowed, so they're looking for actually five foot in total, right?

MR. BABCOCK: So they would be looking for a variance of three foot instead of two foot six, they're allowed two foot, they're proposing 5, they need 3 and I'll change the--

MR. REIS: Our purpose is to try to cooperate with you as much as we possibly can and at the same time try to bring you within some reasonable limits here so we don't create issues for your neighbors or anybody else, is there any way that you can adjust that domed area of your sign? Looks to me that that's, you know, it's attractive, it's a nice, the dimensions are attractive, if you came down a foot and a half, you know, just visually looking at this doesn't seem like you'd be losing the--

MR. BABCOCK: They do allow 2 1/2 foot.

MS. MASON: Says proposed five foot by three foot awning sign exceed maximum height of two feet six inches.

MR. BABCOCK: That's the problem, they just made a mistake.

MS. MASON: What's it supposed to be?

MR. BABCOCK: Three foot, the sign, the proposed sign is three foot, they're allowed two foot.

MR. REIS: So they're looking for a three foot variance here?

MR. BABCOCK: That's correct.

MR. REIS: Can you respond to that?

MR. WEIS: Yes, sir, typically we try to avoid doing it just because of us being a national chain, we try to create the same look for customers so they can get accustomed to seeing the dome as they go by and everything.

MR. REIS: Consistency.

MR. WEIS: Yeah, that portion of it is only 4 feet wide, so obviously the whole height of the awning isn't five feet across, it's just there's a 4 foot section that's five feet high, the remainder of it is only 3 feet high so and that's, actually, that dome and waterfall awnings are our registered trademark so we do try to get that as part of the package that we put in the stores because it is so recognizable, we're not as well-known up in this area yet but there's almost 300 stores that come from Philadelphia and go north and west and it's pretty recognizable so by dropping the size of the dome, it actually could hurt our image a little bit and some recognizability.

MR. REIS: Do you think this from here to this point is two feet?

MR. WEIS: Yes.

MR. REIS: If this was, I'm looking for a small compromise, just an opinion if this was one foot rather than two foot, do you think that would be derogatory towards your image?

MR. WEIS: I think a little bit. I obviously understand the need to compromise but it does, it actually changes the dimensioning of all the lettering on the logo and everything because it presses

everything down a bit.

MR. BABCOCK: The secretary just pointed out to me that they're allowed a sign that's 2 1/2 foot high they would be allowed a sign three foot if they were 300 feet so they're seeking a variance of two foot six not three foot, the proposed is 5, they're allowed 2 1/2 so they're seeking a variance of 2 1/2.

MR. MINUTA: That's just for the pop-up.

MR. BABCOCK: Yes, well, at the preliminary meeting the applicant was talking about having window signs and these signs would go away as far as a variance if they put them in the window as far as having to be here to get a variance and what I understood from Mr. Kane when he was talking to them if they can group the signs together or whatever they might do and if they put them in the window, they wouldn't have to be here for some of the smaller signs. I'm not sure what sign you're talking about, I haven't been privy to your conversation.

MR. WEIS: There's two issues, there's the trademark dome and awning and then there's trying to arrive at some compromise on the signage in front of the building.

MR. MINUTA: Where would the, just based on the picture where would the additional signage be placed?

MR. WEIS: Well, we have our, since we're a walk-up window service, our menu boards are in the window behind glass, so they're not outside and then we have, we brought a sample of one here, we have a series of signs basically shows the products that we sell, all right. Now we were told at the last meeting for compromise we're proposing to consolidate some of the these signs into one or two other signs instead of having the nine that we had requested out front so that

was our game plan on that. We're also just from the individual sign standard point because we're seasonal we're open seven months a year, we do remove all the signs at the end of the season so they're on the building for seven months of the year and off the building five months out of the year. The awning and the dome stay on the building obviously the whole year but the rest of the additional signs are all removed and kept indoors until the season resumes the following year.

MR. MINUTA: Where on this?

MR. WEIS: They would be installed above the service windows.

MR. REIS: This particular sign that's right here?

MR. WEIS: Yes.

MR. REIS: And that's the size?

MR. WEIS: Yes, this is the largest of them, there's some, this is obviously a CAD drawing but there's two signs and little signs and five that are this size and we have a variety of products and they're all different items that we sell, we have a drink called a misty, there's one like this, there's one called gelato, one says take home water.

MR. REIS: These signs?

MR. WEIS: Hours of operation and the name of our franchise, they're one foot by one foot.

MR. REIS: Len and Joe, do you have this?

MR. MINUTA: That I do not have.

MR. REIS: Kind of lays it all out.

MR. MINUTA: Absolutely.

MR. MC DONALD: The round one is the hours of operation.

MR. WEIS: No, the two small ones on the door are the hours of operation, there's the circular ones says no fat, no cholesterol and the other one says made fresh daily so then the proposal that we had come with tonight was to take these signs and consolidate those just into two, these square signs, so I have two oval and two square or two rectangular ones, these are behind glass.

MR. REIS: This is the front elevation?

MR. WEIS: Yes.

MR. MINUTA: This is a consolidation?

MR. WEIS: Yes.

MR. REIS: Where is this?

MR. WEIS: This is more similar to the one we did with just the single dome on the front of the building so this is across the top.

MR. REIS: So this is what you're hoping to accomplish?

MR. WEIS: Yes.

MR. REIS: Not this?

MR. WEIS: Correct, typically that's for our larger store front, this is only about 20 feet so once we get passed 20.

MR. REIS: This should be in your packet.

MR. WEIS: Just use the single dome.

MR. REIS: For whatever reason I assumed that this is what you were trying to accomplish.

MR. WEIS: No, we have the Subway and the Rita's, we might be asking for two but one's plenty.

MR. MINUTA: Which one are you proposing?

MR. REIS: This is what we're proposing, this is what we originally asked for, I reduced that to 4 from 9 and kept the dome the same on that again just kind of reiterate because we're a walk-up window business unlike most businesses where you walk in and you display your menu and some of your products once you get in, we pretty much have to provide the whole message on the outside of the building because that's the only opportunity we get so we do take opportunities to do some things like this to make sure people recognize what we sell because people tend not to read, they look at pictures and say I'll have one of those. So that obviously puts us at a disadvantage a lot of times because we're, if we had a walk-in business all these things would be on the inside of the building.

MR. REIS: You'll find in New Windsor there's a higher caliber of people that do read. Any other questions or should we open it up to the public?

MR. BABCOCK: Mike, what I need is a clarification on the number of signs and the size of those.

MR. REIS: What they're requesting is two 48 x 16, two 18 x 14 oval and two 12 x 12.

MR. WEIS: The 12 x 12 I didn't know if they were considered signs or not cause it's hours of operation.

MR. BABCOCK: Put them in there and there's no question about it since you're here.

MR. REIS: Any other questions or open it up to the public?

MR. MINUTA: No, open it up to the public.

MR. REIS: Is there anyone in the audience that would like to speak on behalf of this, against it or for it? Seeing no one, we'll close the public hearing.

MS. MASON: On the 13th of April I mailed out 43 addressed envelopes containing the notice of public hearing and I had no responses.

MR. REIS: Thank you. Joe, any further questions?

MR. MINUTA: I have no further questions. Accept a motion?

MR. REIS: Len, any other questions?

MR. MC DONALD: No.

MR. REIS: I'll accept a motion, thank you.

MR. MINUTA: Move that we grant Shila Patel for Rita's Ice Cream requested variances. I would like to stipulate that the dome or pop-up portion of that should be the portion that we consider the five foot tall by three foot, not the entire awning itself, that way it would not allow them to put the entire awning at five foot in height.

MR. REIS: Just the dome as the picture shows.

MR. MC DONALD: Second it.

ROLL CALL

SIGN LANGUAGE (FOR GOODWILL INDUSTRIES) (04-16)

Mr. Tom Walsh appeared before the board for this proposal.

MR. WALSH: My name is Tom Walsh, owner of Sign Language representing Goodwill Industries.

MR. MINUTA: Would you like to explain what you'd like to do?

MR. WALSH: Yes, the store frontage is 68 feet four inches which is basically one of the larger stores in the plaza at the Big V Town Center. They're looking to obtain a two foot by 30 foot length channel letter sign which is internally illuminated as presented from this drawing here. It has been reduced from a 40 foot length as requested at the last meeting down to 30 foot. Basically, all I did was change the style of font to allow for a compressed readability of the super store and donation center. The photos that you see the one that says zoom sidewalk by road which is this one basically showing the parking lot of where the bank is, this one right here, this is the furthest away buried, zoom in with my camera because it was too far away, you wouldn't even be able to make out the copy on the drawing but in relation to the other like Grand Buffet or Just A Buck, you know, these, the Goodwill sign is very similar in size and width to those.

MR. KRIEGER: So it isn't appreciably higher than the others, the letters aren't bigger?

MR. WALSH: No.

MR. MC DONALD: Actually they look smaller than the Grand Buffet.

MR. WALSH: I think Grand Buffet is a larger letter.

MR. REIS: Thank you for accommodating us.

MR. MC DONALD: Originally, we wanted 40, I mean, you had requested 40.

MR. WALSH: Yes, he said he wants 40, if you're willing to give it to us but we brought these pictures to show you what 30 feet looked like.

MR. REIS: Again, Mike, you said that beyond 300 feet or more from the road you're allowed?

MR. BABCOCK: They're allowed a three foot sign, I just got this file open, yeah, they're only asking for a 30 foot length so they must be complying, they're 24 inches high, right?

MR. WALSH: Yes, due to the fact that we wanted to be consistent with the other signs on the building that's why we went with that height.

MR. BABCOCK: Yeah, they meet the height no problem, their request was for, to have a 40 foot sign. What you're telling me tonight your request has changed?

MR. WALSH: Well, the previous meeting they asked me to bring photos, this was at the previous of 30 foot, this was, originally, I have a drawing here of the original 40 foot length which my customer would prefer over the 30 foot length and the only thing changing I would probably make that that's their standard logo, I would take that and incorporate it here as opposed to using this and this still, you know, it's still within the 68 feet of the frontage and I think I even added some photographs of that if you wanted to take a look.

MR. REIS: We want you to be successful with this endeavor, this sign that you're proposing at this point, does it accomplish what you need?

MR. WALSH: Because I was under the impression that I was not going to a, 40 foot was not going to fly, so I had to go back to my client, actually change this font because this is the font they use on all their stores and if you compress this, you get really elongated letters and it's difficult to read. So I have an actual compressed font that's specifically made this way to accommodate this area.

MR. REIS: I think it's very attractive and this is obviously it reads quite well, I think.

MR. WALSH: That's my job to try and make it readable and to apply whatever the board thinks fits in that plaza.

MR. MINUTA: So at the 30 foot length it's your opinion that this is legible and readable?

MR. WALSH: Sure, it does work, yeah, I made it work at 30 feet.

MR. KRIEGER: Now, the illumination is steady illumination, it's not flashing, it's not neon?

MR. WALSH: That's correct, it is neon, it's internally illuminated.

MR. KRIEGER: Steady.

MR. WALSH: Exactly, I mean, if a transformer's on its way out, it starts to flicker.

MR. KRIEGER: It's intended to be steady.

MR. WALSH: Right.

MR. REIS: Let's open this up to the public. Anybody here for or against this? We'll close the public hearing. How many mailings went out?

MS. MASON: On the 5th day of April, I mailed out 143 envelopes no responses.

MR. MINUTA: I just had one other question based on this photograph here, where is your client's space, is that from this area to here?

MR. WALSH: From here to here.

MR. MINUTA: If it please the board, I wonder if you're obviously centering the signage on the space itself, I was wondering if there would be any opposition to centering the sign on the gable just from an anesthetic standpoint as for the shopping plaza as a whole.

MR. WALSH: I do have a comment about that. I do recommend against that being that I had this situation before in plazas where I had that same thing come up just say for instance the store maybe there's one unit that's, it's the actual sign is centered on the doorway is how it is and the other one, Just a Buck and Grand Buffet are not centered over the gable ends as well.

MR. MINUTA: Correct but aesthetically.

MR. WALSH: Aesthetically each sign is centered on the actual unit itself. Looking from the road, I don't see where you would pick out that it's a consistency of keeping the general letters over the gable end if that's a benefit or not, I think it kind of, if I was to do that, I think people would probably comment saying it looks like you mounted the sign in the wrong spot.

MR. MINUTA: Fair enough. Based on the existing?

MR. REIS: Based on the existing, it would be inconsistent. Len, do you have any other comments?

MR. MC DONALD: No. Accept a motion?

MR. REIS: Please.

MR. MC DONALD: Make a motion that we grant the Sign Language for Goodwill Industries request for their 30 foot length for the wall sign at 366 Windsor Highway Shop Rite Plaza.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. MINUTA	AYE

SEYMOUR BORDEN (CARPET MILL OUTLET) (04-18)

MR. REIS: Request for sign variances: 38 sq. ft. freestanding, 12 ft. height all at 294 Windsor Highway in a C zone.

Mr. Seymour Borden appeared before the board for this proposal.

MR. MINUTA: Mr. Chairman, I'd like to disclose I'm familiar with the applicant but in no way for or against this application. I have no financial interest.

MR. REIS: Thank you. Mr. Borden, you want to share your thoughts here?

MR. BORDEN: We have been through this a couple weeks ago.

MR. REIS: Just repeat it just for the record, please.

MR. BORDEN: I've got everything looking beautifully, I think.

MR. KRIEGER: So this freestanding sign is in existence now?

MR. BORDEN: Yes.

MR. KRIEGER: But it's not any higher than neighboring signs?

MR. BORDEN: That's right, no higher than the neighbors' signs.

MR. KRIEGER: Doesn't appear to be any bigger.

MR. BORDEN: No, it's not.

MR. MINUTA: Not obstructing the view from any entrances?

MR. BORDEN: Nobody.

MR. REIS: Myra, can you tell us how many letters?

MS. MASON: On the 13th of April, I mailed out 21 addressed envelopes and had one response.

MR. REIS: I have the response I'd like to read it for the record, please. "Dear Mr. Kane, Chairman of the ZBA: I'm writing in reference to the notice I received for the public hearing. Unfortunately, I'm unable to attend the meeting but wanted to voice my opinion to the board. I am enclosing a copy of my letter dated March 30, '04 to which I objected to the largest signs for the reasons stated in the letter. My position remains the same I strongly object to the larger sign as I stated in my first letter. There are laws and regulations that need to be followed for everyone's benefit. Again, my apologies to the board that I am unable to attend the meeting but I would like you to consider my position as a building owner in the Town. Thank you for your time and consideration. Ralph Leone."

MR. BABCOCK: Is he a neighbor?

MR. BORDEN: I never heard of him. What's his name?

MR. REIS: Ralph Leone.

MR. BABCOCK: He owns the building across the street that's got the state with the vans.

MR. REIS: That was for the record.

MR. MC DONALD: This sign that we're talking about is the one that's been there for quite some time, right?

MR. BORDEN: Yes.

MR. BABCOCK: This sign has been in existence for many, many years and what happened they discovered that the sign was partially on the neighbor's to the south property so it was located so that it was completely in a hundred percent on the Carpet Mill Outlet property.

MR. MC DONALD: Wasn't there something that on the southern end of that, right?

MR. BORDEN: Yes, it was brought to a lower area.

MR. MC DONALD: So this sign that's existing this freestanding sign has no, it's not, there's no illumination on it?

MR. BORDEN: It lights up at dark and goes off at 12 or 11 o'clock.

MR. KRIEGER: Lit internally?

MR. BORDEN: Internally, no, outside I do have one outside light that lights up the flag.

MR. KRIEGER: But that has nothing to do with the sign?

MR. BORDEN: No, it's attached to the sign but just a spotlight aiming at the flag.

MR. KRIEGER: This illumination is steady illumination?

MR. BORDEN: Steady, no flickering.

MR. KRIEGER: Doesn't, it's static, doesn't move, no flash, doesn't move?

MR. BORDEN: No.

MR. BORDEN: It looks better in color.

MR. REIS: For the record, we'll open it up to the public. Anybody here? We'll close the public hearing. You haven't had any other complaints from your neighbors over the years except for this one letter?

MR. BORDEN: Nobody.

MR. MINUTA: Just a clarification, we actually have two variances that we're looking for here, one for the freestanding, one for the wall sign?

MR. BABCOCK: Yes.

MR. MC DONALD: This is going to be painted on this side of the building?

MR. BABCOCK: It's existing.

MR. BABCOCK: The signs are all existing on his building and he has no reason to put anymore up, right?

MR. BORDEN: Right.

MR. REIS: Any other questions, gentlemen?

MR. KRIEGER: How does this vary from what's allowed?

MR. BABCOCK: As far as the freestanding sign he's allowed 64 square feet, he's proposing 102 so he's asking a variance of 38. The height of the existing sign is 27 feet, he's allowed 15 so he's asking a variance of 12 and then the--

MR. BORDEN: Could I interrupt for one minute? The sign although it's taller is now on a lower grade, okay, so it's actually shorter?

MR. BABCOCK: Than what it was before.

MR. MINUTA: But that's actually measured from the height of the road adjacent to it.

MR. BORDEN: Yeah, at that particular point the road goes down though.

MR. MINUTA: Fair enough.

MR. KRIEGER: He's just talking about what's required and what you cite as a reason why a variance should be considered.

MR. REIS: For the record, is there anything you could do to your existing sign to bring it within zoning without a tremendous--

MR. BORDEN: It's a very expensive sign to begin with so it's very, very expensive.

MR. KRIEGER: You'd have to take it down and build a brand new one.

MR. BORDEN: Right.

MR. MC DONALD: Doesn't obstruct any vision cause you're high enough.

MR. BORDEN: The only people who can't see it there's a billboard south of me and it prevents people from seeing it until they get just up to me.

MR. KRIEGER: But it doesn't interfere with motorists?

MR. BORDEN: No, not at all.

MR. MC DONALD: No questions.

MR. REIS: Accept a motion.

MR. MINUTA: Mr. Chairman, I move that we grant Seymoure Borden his request for sign variances at 294 Windsor Highway in a C zone both for the 38 square foot freestanding and 12 foot height variance.

MR. MC DONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. MINUTA	AYE

STRATEGIC HOMES (04-29)

MR. REIS: On behalf of Strategic Homes, I presented this two weeks ago, Len, you weren't here and it was denied, I think the main issue was the fact that the water we asked them to go back and give us something to work with. And the other objection was the size of the building. So he's proposing a smaller home, he's asking for a variance for 1,790 square feet lot area for a single family dwelling on Sycamore Drive. This is now a vacant lot, Len, okay. It's a lightly wooded lot for single family home. He's short again 1,790 square feet. This is basically a half acre lot, just short of a half acre so he needs to go in front of a public hearing again with his new request that's what's allowing him to do this within such a short period of time.

MR. MINUTA: This is a new request?

MR. REIS: It's a new request for a smaller building.

MR. BABCOCK: And some better information for the board in reference to the water.

MR. REIS: Eliminated a 24 x 20.

MR. BABCOCK: 24 x 30.

MR. REIS: 24 x 30 structure actually from the house.

MR. BABCOCK: He's going to put the garage underneath instead of alongside and he's, the board was concerned or the public was concerned more about water than anything.

MR. REIS: That was their main objection.

MR. BABCOCK: We have asked the applicant to get some, a consultant of some type that would know and be able

to give some answers to the board whether he brings a consultant with him or not, he may have just talked to one, I'm not sure and try to answer some of the board's and the public concern as far as if they drill a well what would happen to the neighboring wells and so on and so forth.

MR. MINUTA: And he's bringing that forth for the meeting?

MR. BABCOCK: Yes.

MR. MC DONALD: In other words, we're considering setting him up for a public hearing?

MR. BABCOCK: That's all you're doing tonight.

MR. MC DONALD: I'm familiar with the meeting, I read through the minutes of the previous meeting so I have no objections.

MR. BABCOCK: Tonight all we're doing is setting up for a public hearing, he will have to bring all the information forward during the public hearing.

MR. MC DONALD: I thoroughly read the minutes, the minutes were pretty concise, I would have no problem in setting him up. Make a motion that we set Strategic Homes up for a public hearing for the request of 1,790 square foot lot area for their proposed single family dwelling on Sycamore Drive.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	ABSTAIN
MR. MC DONALD	AYE
MR. MINUTA	AYE

April 26, 2004

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MR. REIS: I'm recusing myself on the vote, I'm working with this man on this particular site so I'll be gaining financial if this is successful.

DISCUSSION

MR. BABCOCK: I have one quick thing, if I could discuss with the board, I have a piece of property that was owned by Neil Palmer in Beaver Dam Lake, I guess by going back through the research it actually was two lots at one time and then they were consolidated over some period of time and they became one lot. Through some advice from his apparent attorney or somebody what they did is filed new deeds and sent, filed new deeds in Goshen to actually break this property back up the way it was in Goshen sends me a letter now asking me if I'll accept this and I told them no because it's an illegal subdivision, you can't just divide property by deed, need to go to the planning board, get a subdivision and then get it stamped then filed with deeds in Goshen. The problem they're faced with here is that these two lots are going to be substandard to the zoning, so they're asking me my opinion what they should do and my problem is that I don't want to see them spend a lot of money on subdivision plans, go to the planning board, the Planning Board's going to send him here because they need variances because the lots are too small for today's zoning and I've never seen this board grant an area variance on a lot that you tried to create. You can get an area variance like Strategic Homes is looking for on an existing lot but if you're creating a lot that's not within the zoning of today's stuff, I hate to send them through the process and spend their money. So I thought if I could ask the board and I don't know whether you can give me some type of an opinion to talk to these people on what they should do.

MR. REIS: You're asking for opinions, individual opinions?

MR. BABCOCK: Yeah.

MR. REIS: My opinion I would vote no for it.

MR. MC DONALD: I second that.

MR. BABCOCK: So this way at least I can tell the people.

MR. MINUTA: I concur.

MR. BABCOCK: I don't think that, I think that they would have a very hard road to prove how would they prove, I don't know what their hardship is, they're trying to create, you know, a 15,000 square foot lot in a one acre zone and they're trying to create that today.

MR. KRIEGER: It couldn't be a hardship standard, it would be a balancing standard because it's an area variance but still and all then you have the under the area variance requirements self-created hardship is not per se a reason for denial as it is in the use variance, however, it may be considered and a board member may look at that and say self-created, no, I'm not going to allow that, in other words, it's up to the board members, it's not automatic as it is with the use variance.

MR. BABCOCK: Well, today if somebody had two substandard lots in consecutive ownership like these--

MR. REIS: Contiguous.

MR. BABCOCK: Contiguous, if they came to get a building permit, I would make them combine the lots to be able to get that.

MR. KRIEGER: Which they have already done now they seek to uncombine them.

MR. BABCOCK: I just want to tell the people I don't want to spend a lot of their money and I didn't think

that it was something that I thought they should move forward with. I'm going to tell them they can do that, they're welcome to do it but I just wanted to give them some opinion.

MR. MINUTA: For some further clarification you have two existing lots you want to, they want to combine them?

MR. BABCOCK: They're combined now.

MR. MINUTA: But they're still under the required area, right?

MR. BABCOCK: Yes.

MR. MINUTA: Just for my own clarity, there's no other parcels of land adjoining that that they can purchase to create a larger lot?

MR. BABCOCK: No.

MR. MINUTA: So that's where they're at.

MR. BABCOCK: Okay, thank you.

ACCEPTANCE OF MINUTES DATED MARCH 8, 2004 & MARCH 22, 2004

MR. REIS: Motion to accept the minutes of March 8 and March 22.

MR. MC DONALD: So moved.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. MINUTA	AYE

MR. REIS: Motion to adjourn.

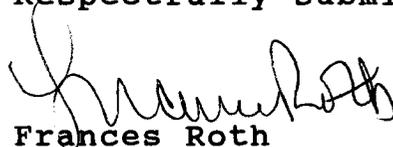
MR. MC DONALD: So moved.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. MINUTA	AYE

Respectfully Submitted By:


Frances Roth
Stenographer

5/28/04