

May 9, 2005

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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

MAY 9, 2005

MEMBERS PRESENT: MICHAEL REIS  
KATHLEEN LOCEY  
KIMBERLY GANN  
HOWARD BROWN

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE, CHAIRMAN  
LEN MCDONALD  
STEPHEN RIVERA

REGULAR MEETING

MR. REIS: I'd like to call to order the New Windsor  
Zoning Board of Appeals meeting for May 9, 2005.

PRELIMINARY MEETINGS:

SANDRA WELCH #05-24

MR. REIS: Request for 25.3 ft. and 11.5 ft. side yard setbacks and 36.8 total side yard setback at 455 Mt. Airy Road.

Mr. Sandy Welch appeared before the board for this proposal.

MR. WELCH: My name is Sandy Welch. We had a slight mishap is why I'm here with the property line with the foundation location, the left rear corner is in excess of three inches on the setback line on the left side. Reason it happened was there's a row of pine trees between the new house and the existing house which I tried to maintain as a nice buffer and everything so we slid the house to the left as far as possible so those trees wouldn't be disturbed and that's what put me three inches over.

MR. REIS: I'm just curious who recognized the fact that you were three inches?

MR. WELCH: I did, I called for a foundation location, my front is 15 foot 6 on the left, the rear is 14.7 which is three inches so rather than have somebody think I tried to get something over on them, I figured it best to come forward at this time and see if I needed a variance or there was a violation involved.

MR. REIS: Okay, where are you in the process now?

MR. WELCH: The house is framed and sheetrocked, sir, and these are the trees that I tried to preserve which give a nice shield from the neighbors next door who have been there for quite some time.

MR. BABCOCK: Maybe I can give you a background, it was

approved on March 22 of '04 for a variance for a 15 foot side yard and an 18 foot side yard and that's why we believe he needs to come back to this board because he's only got 14 foot 7, the requirements are 20 feet, got a variance down to 15 but he actually built the house on a little angle and it exceeded it by three inches. One other thing the reason the variances are so substantial he actually needs a three inch variance but in today's standards the law's changed since 2004 to 2005, now the side yard is 40 feet required, no longer 20 feet, so we wrote it up for the 40 feet so that there's no question that he got the proper variance.

MR. REIS: Very good, thanks for the explanation, Mike, and we're going to be asking you questions that are somewhat routine, all right, and may not even apply but just for the record. In building this house in its now present location, did you have to disturb any substantial vegetation?

MR. WELCH: No, that's why I slid the house a little bit too tight to the left to preserve the row of pines that are there, it's a pretty nice cluster of them there.

MR. REIS: You haven't created water hazards or runoffs?

MR. WELCH: No, not at all, not at all.

MR. REIS: You're not, you haven't gone over any kind of easements or right-of-ways?

MR. WELCH: No, sir.

MR. REIS: Your home is not any larger or considerably larger than any other homes in the immediate area?

MR. WELCH: No, they're right in uniformity with the

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half acre lots and everything in the area.

MR. REIS: Okay, any questions?

MS. GANN: No.

MR. BROWN: No.

MS. GANN: Accept a motion?

MR. REIS: Please.

MS. GANN: I'd like to offer a motion that we set up Sandy Welch for a public hearing request for 25.3 foot and 11.5 foot side yard setbacks and 36.8 total side yard setback at 455 Mt. Airy Road in an R-4 zone.

MS. LOCEY: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

MR. REIS: Myra's going to give you the next step in the process.

MS. MASON: Just take that home and read it.

MR. REIS: Any questions, give Myra a call.

MR. WELCH: Thank you very much.

ANTHONY CIERO #05-25

MR. REIS: Request for 13 ft. rear yard setback for proposed attached deck at 606 Twin Arch Road.

Mr. Anthony Ciero appeared before the board for this proposal.

MR. CIERO: I have more copies.

MS. MASON: I did blow it up from the survey so I think that's going to be all right. You can have that back.

MR. REIS: Tell us what you want to accomplish, Anthony, please.

MR. CIERO: We're building a deck attached to the dwelling and it's 13 feet over the 50 foot line, it's going to attach to underneath the existing deck, going to put a patio and planter around the side, this is the dwelling and that's really it.

MR. REIS: This whole area is the deck?

MR. CIERO: Correct, this is my yard and this is the, I have, this is the whole layout of the property, that's the property deck and my 50 foot lines.

MR. REIS: Do you folks have this?

MS. MASON: They have a big piece of it.

MR. REIS: To accommodate this deck, Anthony, do you have to cut down substantial vegetation?

MR. CIERO: No, none.

MR. REIS: You won't be creating any runoffs or water hazards?

MR. CIERO: No.

MR. REIS: I know the area, there are a lot of large decks in the area but this is considerably large as well it will be consistent with the community?

MR. CIERO: Yes, the houses nearby--

MR. REIS: You're not going over any easements or right-of-ways?

MR. CIERO: No.

MS. GANN: Wood deck?

MR. CIERO: Wood deck, it's going to be on the ground, back yard slopes gradually so this end of the deck, the far corner of the deck is going to be maybe two feet in the air, it's going to have rails around it, you can see them on the drawings, the rails.

MR. REIS: Whether or not you're approved for this structure, you still have to go to the Town and get all your approvals, okay, you understand that?

MR. CIERO: Yes.

MR. REIS: Any other questions?

MS. LOCEY: No.

MS. GANN: No.

MR. BROWN: No.

MR. REIS: Motion?

MS. LOCEY: Yes, I'd like to offer a motion to schedule a public hearing on the application of Anthony Ciero for his request for a 13 foot rear yard setback for a

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proposed attached deck at 606 Twin Arch Road in an R-1 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

ROBERT SCHULZE, JR. #05-26

MR. REIS: Request for 14 ft. side yard setback for proposed deck at 7 Clarkview Road.

Mr. Robert Schulze, Jr. appeared before the board for this proposal.

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

MR. SCHULZE: I'm looking to put up a 15 x 21 deck off the rear of my house off my sliding door. My house sits catty-corner along the corner lot, makes it difficult for I guess you need 20 feet from the side yard, I believe, and being the house sits on a corner it's set back, I don't have the 20 feet needed for my side neighbor's property.

MR. REIS: Is there any kind of a deck there now?

MR. SCHULZE: Yeah, there's a little deck there right now just so you can come out onto the back yard, I'm looking to go from that corner to right here which is 21 and 15 foot out and I pretty much have to put that on like a 45 degree angle so I can stay off my neighbor's property and give us some room in between.

MS. GANN: Do you have to take the tree down?

MR. SCHULZE: No, I don't have to take that tree down at all, doesn't affect the tree, I mean, that's what myself and my contractor come up with 15 feet out. If it has to be a little shorter, I'll will make it a little shorter. It's real difficult, you can see how the neighbor's driveway runs, that tree there is actually my property line goes another foot passed that is his driveway, just weird how the house is set on a corner. I have more front yard than I do back. I'm not going to interfere with, my neighbors said go ahead and put it up, he's happy that I'm doing something to

the back of the house.

MR. REIS: Looks like it will be a nice improvement.

MR. SCHULZE: Yeah.

MR. REIS: According to this picture unless you did a tremendous job of editing, doesn't look like you're taking down any substantial vegetation?

MR. SCHULZE: No, my back yard is dirt, I'm going to put a nice lawn in also.

MR. REIS: Not going to be going over any easements or right-of-ways?

MR. SCHULZE: No, it's all in the front, the sewer line. I had the contractor all set to go, filed for the permits and we came across this problem.

MR. REIS: The size of the deck will be consistent with other decks in the community?

MR. SCHULZE: Yeah, my neighbor doesn't actually have a deck, he has a patio deck on the side, but people on the other side have a large deck, neighbor behind me has a large deck, try to keep it simple.

MR. REIS: Kathy? Kim?

MS. GANN: Nothing.

MR. REIS: Accept a motion.

MS. GANN: I'd like to offer a motion that we set up Robert Schulze for a public hearing for his request for 14 foot side yard setback for proposed deck at 17 Clarkview Road in an R-4 zone.

MS. LOCEY: Second the motion.

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ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

TABLED FROM 4/25/05 MEETING:

ALLEN DANTAS #05-14

MR. REIS: Request for 24,604 minimum lot area for proposed two family dwelling on Dean Hill Road.

Mr. Allen Dantas appeared before the board for this proposal.

MR. REIS: Good evening, Mr. Dantas, please tell us again what you'd like to do.

MR. DANTAS: Put a two-family home.

MR. KRIEGER: You need a motion to take it up off the table.

MR. REIS: Okay, make a motion that we get this off the table, we're looking for a public hearing.

MR. KRIEGER: That's fine, just procedural since it was tabled you have to take it off the table and consider it.

MR. REIS: Please tell us what you hope to accomplish.

MR. DANTAS: It's a large lot that I have, it's 2.2 acres that I've owned for over 20 years and the intent was to put four individual single family homes there but only had sewer at the time. And since the water line went through the zoning was changed and I could only build one family but it's for two-family home, also the lot and size for two-family home, that's why I'm here in front of the board.

MR. REIS: That's a corner lot if I recall?

MR. KRIEGER: Property is 2.2 acres.

MR. REIS: We have a lot size of 2.19 acres?

MR. DANTAS: Yes.

MR. REIS: Prior to, Michael, correct me if I'm wrong, but prior to the current zoning this would have been adequate?

MR. BABCOCK: That's correct, he would only need 50,000 square feet, just a little over an acre to build a two family.

MR. REIS: And we do have municipal water and sewer in this location. To accomplish this, Mr. Dantas, are you going, do you have to cut down any substantial vegetation?

MR. DANTAS: Yes, the lot's been cleared.

MR. REIS: And there's no conflicts with easements or right-of-ways?

MR. DANTAS: No.

MR. REIS: Do you know what the overall size of the house is going to be?

MR. DANTAS: No, I don't, I don't have the size of the home yet because I didn't even know if this would be approved.

MR. BABCOCK: Mr. Chairman, Mr. Dantas, we talked about the setbacks and he has every intention if he's successful in getting an area variance to meet the minimum setbacks of the lot so that will determine, there won't be a conflict.

MS. LOCEY: There were some questions at the last meeting regarding two-family houses in the area and do we know if there are two-family houses in the area?

MR. REIS: Yes, there are. Michael, can you confirm that?

MR. BABCOCK: Yes, there is.

MR. REIS: Across the street I believe there's a couple.

MR. BABCOCK: This is a mixture of single and two-family houses all through that from up the street there's a bunch of two-family houses.

MR. REIS: It will be consistent with the neighborhood?

MR. BABCOCK: Yes.

MR. REIS: Did you have any other questions?

MS. LOCEY: No, I just I knew that was an open question.

MS. GANN: No questions.

MR. BROWN: No questions.

MR. REIS: Mike, anything else that you can think of that we should cover?

MR. BABCOCK: No.

MR. REIS: There were comments at our last meeting about the debris on the corner lot, obviously, that would be taken care of?

MR. DANTAS: It's not being taken care of because just in case that the board hadn't decided to go there to see it, it wasn't done by me, it was some debris was thrown from the neighbors themselves but I have an excavator contracted to come in to clear that up.

MR. REIS: Very good.

MR. DANTAS: So that will be all taken care of.

MR. REIS: When you're finished, it will look better than it does now?

MR. DANTAS: Absolutely.

MR. REIS: Call for a vote.

MS. LOCEY: Accept a motion?

MR. REIS: Yes, ma'am.

MS. LOCEY: I will offer a motion to grant the requested 24,604 minimum lot area variance to Allen Dantas for his proposed two-family dwelling on Dean Hill Road in an R-3 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

PUBLIC HEARINGS:

KENNETH BATES #08-09

Mr. Kenneth Bates appeared before the board for this proposal.

MR. REIS: Requests interpretation of single-family dwelling with two kitchens at 1137 Route 94 in an NC zone. Tell us what you want to do in your own words.

MR. BATES: My wife and I are both retired and our house has been in our family for a little over 50 years, we just recently sold the house to my son and daughter-in-law and we got life residency in the house and what we'd like to do is add a kitchen. We'd like to have single family with two kitchens.

MR. REIS: You're going to live there yourself with your children?

MR. BATES: Yes, it will be all family.

MR. REIS: You're not changing anything interior or exterior to accommodate your need?

MR. BATES: No.

MR. REIS: There's a single meter for electric and single heating zone?

MR. BATES: Yes.

MR. REIS: Heating system?

MR. BATES: Yes.

MR. REIS: I believe we have to establish, Mike, that there's no locked doors between the premises?

MR. BABCOCK: Typically, that's what the board asks for.

MR. BATES: Right, that was asked of me last meeting, there's no locked doors, there's a door but it's not a locked door.

MR. REIS: You understand, Ken, that if this is accepted and passed by the board that this is forever a single-family home with the right to use it as, we don't really have it in our system, as a mother-daughter, but it's not ever going to be a two-family situation?

MR. BATES: Absolutely.

MR. REIS: It does have its own separate entrance and exit?

MR. BATES: Yes.

MR. REIS: We'll open it up to the public. Is there anyone here in the public that has any comments good, bad or indifferent about this application? No one has anything to say, I'm sorry about that, Ken. Kathy? Kim?

MS. GANN: No, nothing.

MS. LOCEY: No.

MR. REIS: Not changing the structure in any way?

MR. KRIEGER: It's your intent to use this as a single-family house always?

MR. BATES: Yes.

MR. KRIEGER: When it comes time for it to be sold, it will be sold as a single-family house?

MR. BATES: Yes, after me and my wife are both dead, yes.

MR. REIS: Thank you. Can I hear a motion?

MS. GANN: I'd like to offer a motion that we grant the request for Kenneth Bates for the interpretation of a single-family dwelling with two kitchens at 1137 Route 94 in an NC zone.

MS. LOCEY: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

MILAGROS BELLBER #05-13

Ms. Milagros Bellber appeared before the board for this proposal.

MR. REIS: Request for 6 ft. side yard setback and 16 ft. total side yard setback for existing balcony at 6 Willow Parkway.

MS. BELLBER: I'm Milagros Bellber, I live at 6 Willow Parkway. There's an existing balcony there when we first moved into the house, it didn't show on the survey that we had from the house and our lawyer suggested that we look into that because it will show that the balcony didn't show anywhere on the paperwork but it looks like it was existing original to the house, that's what the inspector told us. And we'd like to keep it.

MR. REIS: Thank you. This doesn't go over any easements or right-of-ways that you're aware of?

MS. BELLBER: No.

MR. REIS: Have you had any complaints from your neighbors informally or formally?

MS. BELLBER: Not at all.

MR. REIS: And you haven't made it any bigger or smaller since you've moved in?

MS. BELLBER: No, it's stayed the same.

MR. REIS: All right, we'll open it up to the public. This has municipal water and sewer in this location?

MS. BELLBER: Yes.

MR. REIS: We'll open it up to the public, anybody here

who'd like to make a comment about this good or bad?

MS. BARZISEN: Mary Barzisen. Is this Willow Parkway?

MR. REIS: Yes, ma'am.

MS. BARZISEN: I just want to know what you're going to build there.

MR. REIS: She has an existing balcony that's attached to her home that has been there prior to her moving in and as it is, it's not, there's no C.O. for it, no Certificate of Occupancy, so she's here under the recommendation of her attorney to make that legal and acceptable to the Town. She's not changing anything in her home or outside of her home, she's just making it a legal situation which already exists.

MS. BARZISEN: Nothing on the outside?

MR. REIS: No change to the outside.

MS. BARZISEN: Right, no change to the outside, perfectly all right.

MR. KRIEGER: So you're opposed to it or in favor of or have no opinion?

MS. BARZISEN: As long as they're not changing on the outside, I'm all for it.

MR. KRIEGER: Thank you.

MR. REIS: Anyone else have anything? Any questions? Then we'll close the public hearing. Thank you for your comments, ma'am. And we'll open it up to the board. Any questions?

MS. LOCEY: The pictures indicate there's a double glass door, a french door?

MS. BELLBER: It's off the bedroom.

MS. LOCEY: On the second floor, so if we didn't allow it, it would be a safety hazard or issue?

MS. BELLBER: Yes.

MR. REIS: Any other questions or comments? Can I hear a motion?

MS. LOCEY: I'll make a motion to approve the application of Milagros Bellber for their request for a 6 foot side yard setback and 16 foot total side yard setback for an existing balcony at 6 Willow Parkway in an R-4 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

APPROVAL OF MINUTES OF 4/11/05 AND 4/25/05 MEETINGS

MR. REIS: We have approval of the minutes of the meetings of April 11th and 25th.

MS. LOCEY: I'll offer a motion to accept the minutes of both the April 11, 2005 and April 25, 2005 minutes as presented.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

FORMAL DECISIONS:

1. INKELES
2. LEWIS
3. DOBBERTIN
4. KAISER

MS. LOCEY: I will offer a motion to approve all four of the formal decisions.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

MR. REIS: Motion to adjourn?

MS. GANN: So moved.

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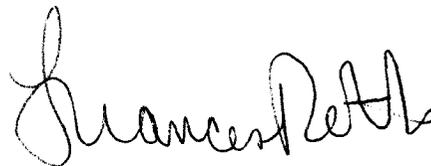
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MS. LOCEY: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

Respectfully Submitted By:



Frances Roth  
Stenographer

5/10/05