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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
AUGUST 10, 2009

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
FRANCIS BEDETTI, JR.
JAMES DITTBRENNER
LEN MCDONALD

ALSO PRESENT: ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

NICOLE JULIAN
ZONING BOARD SECRETARY

ABSENT: PAT TORPEY

REGULAR MEETING

MR. KANE: I'd like to call the Windsor Zoning Board of Appeals meeting to order for August 10, 2009.

APPROVAL OF MINUTES DATED JUNE 22, 2009

MR. KANE: Motion to accept the minutes of June 22, 2009 as written.

MR. DITTBRENNER: So moved.

MR. MCDONALD: I'll second that.

ROLL CALL

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MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. MCDONALD	AYE
MR. KANE	AYE

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PRELIMINARY_MEETINGS

THOMAS_TRINAJSTIC_(09-26)

MR. KANE: Tonight's first preliminary meeting and excuse me if I butcher your name, Thomas Trinajstic request for a 10 x 12 foot shed will be 4 feet from the rear property line. A variance of 6 foot is required at 454 Philo Street in an R-4 zone. Okay, no show, we'll call him again later.

VASUDEVA_NANJAPPA_(09-28)

MR. KANE: Second preliminary meeting Mr. Nanjappa request for a variance for proposed 8 x 12 foot shed for both rear and side yard setback and an 8 foot variance for both is requested at 2427 Settlers Ridge in an R-3 zone. Come on up, sir.

Mr. Vasudeva Nanjappa appeared before the board for this proposal.

MR. KANE: What you want to do is speak loudly enough so we can hear you and the young lady over there can hear you. Tell us exactly what you want to do. What we do in New Windsor we have two meetings, we have a preliminary meeting to get an idea of what you want to do and you get an idea of what we need. To make a decision by law New York State every decision has to be made at a public hearing so this will be a preview for that. Then if everything goes right, we'll set you up for a public hearing and take it from there. So tell us exactly what you want to do.

MR. NANJAPPA: Basically building a storage shed which is 8 x 12 feet as you could see in the photographs.

MR. KANE: Okay, since you're building this shed, what particular reason are you putting it at where you need a variance, is there any other place on your property that you can put it without the need of a variance?

MR. NANJAPPA: If I build it too close to the house, if you look at the property, it's like, you know, set up like not square so this is on sort of like a trapezian (sic.) kind of thing.

MR. KANE: So your house is on a little angle?

MR. NANJAPPA: Yes.

MR. KANE: And the shed you're putting in the furthest corner back over here?

MR. NANJAPPA: Correct.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the shed?

MR. NANJAPPA: No.

MR. KANE: Will you be creating any water hazards or runoffs?

MR. NANJAPPA: No.

MR. KANE: Is the shed itself similar in size and nature, shape to other sheds that are in your neighborhood?

MR. NANJAPPA: That's correct.

MR. KANE: Gentlemen, other questions?

MR. BEDETTI: On the property lines where your shed is, where you require the variance, what's just on the other side of those?

MR. NANJAPPA: Behind there is a, like a 20 some acres, Costners, so they have like 27 acre so I live in The Reserve so they consider this as a premium lot where there's nothing supposed to be built on that. So when somebody builds there will be like a 50 feet buffer area so that's that area and I think towards my left of the house there's another neighbor who already has a shed.

MR. KANE: You can see it right in the picture.

MR. NANJAPPA: I pretty much am on the same line.

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MR. KANE: Further questions from the board? I'll accept a motion.

MR. DITTBRENNER: I move that we forward the application of Mr. Nanjappa for an 8 foot variance required on both a side and rear yard setback for a proposed 8 x 12 shed at 2427 Settlers Ridge in an R-3 zone.

MR. MCDONALD: Second the motion.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. MCDONALD	AYE
MR. KANE	AYE

MR. KANE: This will tell you everything that you need to do next.

MS. JULIAN: The number of envelopes, come in to me tomorrow after 10:30.

MR. NANJAPPA: How late?

MS. JULIAN: I'm there 10 till 2.

MR. NANJAPPA: Thanks so much.

THOMAS_TRINAJSTIC_(09-26)__(CONTINUED)

MR. KANE: Thomas Trinajstic, I said before I'm going to butcher the names tonight.

Mr. Thomas Trinajstic appeared before the board for this proposal.

MR. KANE: What you want to do is, sir, in New Windsor we hold two hearings, one's a preliminary hearing so you can give us a general idea of what you want to do and we can make sure you have what we need to make a decision on it. Then every decision has to be made in front of the public, some towns do it without it, you go in cold, you don't have the right information you lose. So that's why we hold a two step process here. So what you want to do is speak loud enough for that young lady over there to hear you, tell us exactly what you want to do.

MR. TRINAJSTIC: I want to put a shed in the back of my yard and the reason why I want to do it is for storage, there's no trees going to be cut down or anything like that. I do have clearance on one side that's 10 foot on the other side where I'm asking for a variance is because my house and my deck that extends that's why I'm asking for the variance on that one side and it's just for storage, like I said, I'm not knocking down no trees, I'm not doing nothing and there's sheds all around my property.

MR. KANE: And does the size of the shed is it similar to in size and nature to other sheds in your neighborhood?

MR. TRINAJSTIC: Yes, it is. But one thing when I gave that proposal I told them like a 10 x 12 I told them it could be 10 x 14 but I still have on the other side I have that 10 foot variance, all I'm asking for is that 4 foot and I don't have a problem with that. They told

me if it's that they don't have a problem with that.

MR. KANE: And the reason you couldn't put it anyplace else on your property that wouldn't require a variance?

MR. TRINAJSTIC: I have my pool there, I have another deck by my pool and like I said, off my house I have another deck there so it's, it just wouldn't work.

MR. KANE: This is the safest place to put it at this point?

MR. TRINAJSTIC: Yes, it is.

MR. DITTBRENNER: Mr. Chairman, if I can ask for clarification if it goes from 10 to 12 to 10 to 14 you're not going to move it closer, you're going to stay within that 10 foot?

MR. TRINAJSTIC: Yes, I am, I'm not, I still have a lot of room from the 10 foot to the left, I still have a lot of room there.

MR. MCDONALD: The 4 foot is just from the rear of the shed?

MR. TRINAJSTIC: Correct.

MR. KANE: Not creating water hazards or runoffs?

MR. TRINAJSTIC: No.

MR. KANE: Any easements where you want to put the deck?

MR. TRINAJSTIC: I'm sorry?

MR. KANE: Any easements running through your property?

MR. TRINAJSTIC: What do you mean easements?

MR. KRIEGER: An easement is the, is the right that somebody else has to use your property. Say for instance sewer line in your property that, you know, they wouldn't buy the property from you, they'd get an easement which means they'd have permission to use your property. Sometimes if you hear about buried utility lines, there are easements for that.

MR. TRINAJSTIC: Well, there's a sewer about a foot off the left-hand side and I had a problem like about 8 years ago and they came in, took care of it. This has nothing to do with that.

MR. KANE: You should be able to see it on your survey, it would be imprinted that there's some kind of easement. Just be prepared to definitely answer that question.

MR. KRIEGER: If it's not on the survey, the answer to your question is no.

MR. TRINAJSTIC: Right.

MR. KANE: Okay, any further questions? I'll accept a motion.

MR. DITTBRENNER: Mr. Chairman, I would move that we forward the application of Mr. Trinajstic as it relates to a 6 foot variance required for a proposed 10 x 12 shed at 454 Philo Street over to a public hearing.

MR. MCDONALD: Second it.

MR. TRINAJSTIC: No, it's a 4 foot variance it should be.

MR. DITTBRENNER: You're going to be 4 feet from the rear property line which you're required to be 10 foot.

MR. KANE: Means you need a 6 foot variance.

MR. KRIEGER: Four from 10 is 6 this week.

MR. TRINAJSTIC: Threw me off. All I have to do is 4 feet off the gate though.

MR. KANE: Yes.

MR. TRINAJSTIC: Fine.

MR. DITTBRENNER: You're requesting 4, you need 10 so it's a 6 foot variance.

MR. TRINAJSTIC: Okay.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. MCDONALD	AYE
MR. KANE	AYE

MS. JULIAN: Come to me tomorrow after 10:30, number of envelopes you need and the balance.

MR. TRINAJSTIC: Let me ask you a question. Because I work in the city I really don't have time, can my girlfriend drop this off at any time?

MS. JULIAN: She can do it, she just has to stay and stuff the envelopes.

MR. TRINAJSTIC: Okay, but at any given time during the week, it's not tomorrow, we don't have to actually do it tomorrow.

MS. JULIAN: I want to get you on the next agenda.

MR. KANE: The sooner you get it out, it has to be in

the newspaper 10 days prior to your public hearing so the sooner you get it done and out the sooner we can set you up for the public hearing and get it done.

MR. TRINAJSTIC: Okay, all right, and check would be sufficient?

MS. JULIAN: Yes, absolutely.

MR. TRINAJSTIC: Great.

MR. KRIEGER: If you want her to appear for you in the public hearing, you have to file a proxy.

MR. KANE: Your girlfriend.

MR. KRIEGER: If not, you have to be here.

MR. TRINAJSTIC: Okay, great, thanks ladies and gentlemen.

MARIO_CRISOSTOMO_(09-29)

MR. KANE: Last preliminary meeting Mario Crisostomo request for a variance for proposed two family house which is not permitted.

Daniel Bloom, Esq. appeared before the board for this proposal.

MR. KANE: You're going for a use variance, correct?

MR. BLOOM: That's correct, Mr. Kane.

MR. KANE: Okay, you're on.

MR. BLOOM: Good evening. For the record, Dan Bloom representing Mr. Mario and Mr. Solomon Crisostomo. My clients own property on Ledyard Street, I believe the number is 29 Ledyard Street. It's been vacant for since they purchased it in 1999. And what they'd like to do is secure a use variance to construct a two family house on it. The reason why they wish to do that is because the entire neighborhood consists only of either single family or multifamily residences. It's in an NC zone neighborhood commercial and when my clients purchased it back in 1999, they were awaiting the event that they were waiting for the neighboring properties to become commercial so they could utilize it or sell it for that purpose. But unfortunately that has not come to be. As a result, they've paid taxes on it for the past 10 years and they have not been able to do anything with it and so thus we're faced with proposing to this board respectfully a use variance to utilize it as a two family new construction.

MR. KANE: Personally, Dan, I see it as a very, very tough thing to make, I mean, just going under the one item which says that you can't sell that particular lot for a reasonable return, we know that's not a profit, it's whatever for an existing use, I think that's going

to be the toughest hurdle you have.

MR. BLOOM: It's not an easy burden but I have an expert who's done a very thorough, I believe a very thorough appraisal analysis of the property and I believe and I don't mean to sound presumptuous but I believe we have a shot. I believe we have a reasonable shot, otherwise, respectfully, I wouldn't present it, I wouldn't do that, I think you know that.

MR. KANE: Yeah, I just wanted to point it out.

MR. BLOOM: I just believe that we have some evidence from a certified appraiser that I think is credible, very credible.

MR. KRIEGER: You would be in a position to know, it's not like you're wandering in here with your knees halfway up your legs.

MR. BLOOM: Exactly.

MR. KRIEGER: Nicole, he will also need a short form environmental assessment form because we're going to have to go through that at the public hearing. What we generally do is do an environmental review which we have to do for a use variance but which is limited to this application only.

MR. BLOOM: Very well.

MR. KRIEGER: There's a short form environmental.

MR. BLOOM: I have already submitted it.

MS. JULIAN: Yes, I have that.

MR. KANE: Okay, I mean, I really don't see much else that we can do here. Mr. Bloom has been through this, he knows what he needs to do and I think we should just

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go ahead and set him up for a public hearing and hear all the evidence at that time.

MR. MCDONALD: So moved.

MR. BEDETTI: I'll second it.

ROLL CALL

MR. DITTBRENNER AYE

MR. BEDETTI AYE

MR. MCDONALD AYE

MR. KANE AYE

MR. BLOOM: Thank you very much.

DISCUSSION

MR. KANE: On other thing before we leave is with no objections it's my intention to let Jim act as vice chair if I'm not here for him to handle that with Cathy gone now. How do you feel about that?

MR. MCDONALD: He knows all the words.

MR. KANE: Jim, you don't mind?

MR. DITTBRENNER: I look forward to it.

MR. KANE: So we'll handle that. Other than that, that's all we have for tonight. Motion to adjourn?

MR. BEDETTI: So moved.

MR. MCDONALD: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. MCDONALD	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

