

TOWN OF NEW WINDSOR

ZONING BOARD

September 12, 2011

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

ALSO PRESENT: ANDREW KRIEGER, ESQ.
 ZONING BOARD ATTORNEY

 NICOLE PELESHUCK
 ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE

REGULAR MEETING:

MR. TORPEY: I'd like to call to order the
September 12, 2011 meeting of the New Windsor Zoning
Board of Appeals.

APPROVAL OF MINUTES DATED 6/27, 7/11 AND 8/22/2011

MR. TORPEY: Motion to accept the minutes of June 27,
July 11 and August 22 as written.

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

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

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PRELIMINARY MEETINGS:

JOHN CHANNEL (11-21)

MR. TORPEY: First one on the agenda tonight is John Channel. All right, no one present so we'll go on to the next.

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JOHN MORIN (11-25)

MR. TORPEY: Next is John Morin. No one is present on this one either so we'll move on.

ANTHONY & PATRICIA TARSIO (11-27)

MR. TORPEY: Next is Anthony and Patricia Tarsio. In New Windsor, well, first have you done this before?

MR. TARSIO: No, sir.

MR. TORPEY: Just state your name, address and what you're going to do to the girl tonight and we'll have another hearing a second time, we'll give you two chances and we'll go from there. Just explain to us what you need and what you want.

MR. TARSIO: My name is Anthony Tarsio. I currently reside at 608 Union Avenue in New Windsor, New York. I'm here tonight for a variance on a lot that my wife and I own on Foley Avenue in New Windsor. The section, block, lot 15-3-6 and I'm here to propose my idea, this being my first time.

MR. KRIEGER: What variances do you need?

MR. TARSIO: Well, the lot in dimension is 100 in length and 50 in width and we're looking to put on there 25 in width and 50 in length home. So we're looking for a variance on what, if you're looking at the lot the variance of 15 feet on the right side which is where the house, there's a house next door on that property and 10 foot variance on what would be the left side which is more of like a berm kind of separates the lot from the other neighborhood that exists.

MR. KRIEGER: How about the front and back?

MR. TARSIO: Front and back would be 25 on front and back.

MR. KRIEGER: That you have or that you need?

MR. TARSIO: That you need.

MR. KRIEGER: In addition to what's there now, okay. How long has the lot been in existence?

MR. TARSIO: From what I've been able to kind of gather it's been in existence since 1934.

MR. KRIEGER: Okay, are there other one-family houses in the neighborhood?

MR. TARSIO: Yes, right along next to it, if we're looking at Foley Avenue and going down there's a house next to it right now that's a vacant, that's a one family and two more down that are one families.

MR. SCHEIBLE: You said you own this, right?

MR. TARSIO: Yes.

MR. SCHEIBLE: And you plan to live there? That's my question, not that you're going to build a spec house or something like that?

MR. TARSIO: No, sir, no spec house.

MR. SCHEIBLE: You're planning to live there?

MR. TARSIO: That's correct.

MR. TORPEY: All the houses are all the same?

MR. TARSIO: They're all single family except for the house on Myrtle Avenue that's a five family.

MR. TORPEY: It's not going to stick out of the ordinary?

MR. TARSIO: I wouldn't think so, no, it looks like it's conforming to everything else that's on there.

MR. TORPEY: How long have you owned the property?

MR. TARSIO: We just bought everything in the end of April, April 29 so April 30 until right now.

MR. HAMEL: I'm looking at the drawing, you need to show me where you're building is in reference.

MR. TARSIO: Okay, if we're looking at this section here, the property actually goes a little bit passed this tree line, I'm looking to land right in the middle where the dirt kind of sits above the flat land we wouldn't disturb this. This would stay where it is so it wouldn't be ruining any of the dirt around it. It would be right in the middle for the crawl space because we'll need it for the piping.

MR. HAMEL: So this fence would be on the, on this side of the house?

MR. TARSIO: That would be correct, that's along here so we'd need 15 feet on this side so we have enough room.

MR. HAMEL: How far is this house?

MR. TARSIO: I didn't really want to go on this other person's property to begin measuring but I did ponder it and I would, I think it's about 15, maybe just a bit more.

MR. HAMEL: Thank you.

MR. TORPEY: That's going to be a single-family house?

MR. TARSIO: Yes, sir.

MR. TORPEY: You're going to be living in that house?

MR. TARSIO: Yes.

MR. KRIEGER: Same or similar size to other houses in the neighborhood? It's not going to be a mansion?

MR. TARSIO: No, no, I don't think.

MR. SCHEIBLE: How many square foot is the house that you intend to build?

MR. TARSIO: Total square footage including the garage 1,600, total living space about 1,250.

MR. SCHEIBLE: Okay.

MRS. PELESHUCK: The rendering of the house is in there.

MR. SCHEIBLE: Yeah, we saw it.

MR. TARSIO: I have some more copies if you wanted another.

MR. KRIEGER: And the lot is the same size as the other lots in the neighborhood approximately?

MR. TARSIO: Approximately, yes.

MR. KRIEGER: I don't ask that it be exact, just approximate.

MR. TORPEY: Yeah, the whole row is going down.

MR. TARSIO: From what I can tell from the tax map they are all pretty much the same.

MR. BEDETTI: I have a question. What's to the, if you're on Foley looking at what's on this part?

MR. TARSIO: That would be along the right side?

MR. BEDETTI: Right.

MR. TARSIO: It's a berm, nice big wall of dirt and on the other side of that is the other part of the neighborhood, there's another neighborhood that's in the vicinity.

MR. SCHEIBLE: Is that berm, is that considered on the lot, is it a lot?

MR. TARSIO: Part or it's on the lot but not much, the property hits to almost about the peak of that berm and that's really it and goes straight back.

MR. BEDETTI: Does that show in the photographs here that berm?

MR. TARSIO: Yes, it's very wooded, I tried to get as big of a view but there is a lot of trees on that side and it goes all along.

MR. SCHEIBLE: This is your lot here?

MR. TARSIO: Yes, sir.

MR. SCHEIBLE: And that berm is mostly on your lot?

MR. TARSIO: I wouldn't say mostly, no, not mostly. If you were to kind of crest the top of it and you would stay along the edge you'd be just along the edge, you'd be edging my property line. So there's maybe enough room to walk and that's it. And the rest of it's the property.

MR. TORPEY: That's all in front of the car that's where the berm would be.

MR. TARSIO: Yeah, and then it gets a little bit lower as it goes back it begin to even out as it goes back.

MR. TORPEY: What are you going to do with all the dirt?

MR. TARSIO: I don't know yet.

MR. TORPEY: Could you donate it?

MR. TARSIO: I'd be more than happy to, if you'd like it donated I'll get the trucks over there.

MR. TORPEY: I'm going to ask you some real important questions. Are you going to take any trees or shrubbery down?

MR. TARSIO: Not so much shrubbery but there are some trees.

MR. TORPEY: Creating any water hazards?

MR. TARSIO: No, the way it sits now it kind of runs off.

MR. TORPEY: Not going over any easements?

MR. TARSIO: No, no easements.

MR. TORPEY: And the house would be similar to the size of the other houses in the neighborhood?

MR. TARSIO: Yes.

MR. HAMEL: City water and city sewers?

MR. TARSIO: Yes, that's all on.

MR. TORPEY: I'll accept a motion.

MR. HAMEL: I'll make a motion that we set up a public hearing for Anthony Tarsio for the variance as requested.

MR. SCHEIBLE: Second it.

ROLL CALL

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

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MRS. PELESHUCK: These are the next steps on the bottom there and come in and see me tomorrow.

MR. TARSIO: All right, thank you very much.

JOHN MORIN (11-25) CONTINUED

MR. TORPEY: We called you before. Just explain to the girl what you need.

MR. MORIN: John Morin. I'm here for a variance for a deck to add on to the back of my house that was pre-existing I took one off and am putting one back, it's a little bit bigger.

MR. TORPEY: We hold two meetings, this one you're going to explain what you're going to do and you come back again and we'll help you out. What do you need to do?

MR. MORIN: Finish the deck I started, I didn't realize I needed a permit to put a deck back where a deck was, I started and I got this far and I stopped. Frank saw it and said it looked good and then of course I found out I need one, I need a permit and I need a variance so that's why I'm here.

MR. TORPEY: There was a deck on the house already?

MR. MORIN: Yeah, like 10 by 12 so it was adding four feet out so it's 16 instead of 12.

MR. SCHEIBLE: So I assume that you purchased this house that had a deck on?

MR. MORIN: I bought this house from my parents, they owned it for 23 years and I have owned it for the last seven. I have lived here for over 30 years so actually longer than that but--

MR. TORPEY: How long is the existing deck up?

MR. MORIN: That screened-in deck porch thing was there when they bought the house.

MR. TORPEY: So you're just--

MR. MORIN: Well, they bought it and there was no permit so I had to go and jump through hoops and get a permit because I was buying it from them, they said okay because it's pre-existing. Now I want to get new siding, I don't know if you saw the pictures, it's old wooden siding that was rotten so I wanted to improve the house. I got windows and siding and I ripped that

off so I could put up nice siding. Now I have to put siding on that.

MR. TORPEY: So there was an enclosed deck on there before?

MR. MORIN: Yes, the problem, the main problem I've had with the way it was until I put this on was there's like three to four foot drop to the ground from my sliding glass door but we didn't have the money. Finally we got some money and improved it. It actually looks a lot better. All the other neighbors say it looks great. I'm at the top of Ash, Eric and everybody else are saying when are you going to finish it. I don't know, I have to go to the town. And my kids, they're six and eight, I have to put a piece of wood so they can't open it up and fall so I finally had to do something.

MR. TORPEY: So the decks similar to decks in the neighborhood?

MR. MORIN: Yes, on Birch just built one behind his house then the neighbor who called in has a deck that's been on his house like this.

MR. TORPEY: So the only complaints you got are how come the deck's not done?

MR. MORIN: No, and I quote I don't understand this but he said I want to sell my house next year, you can't build a deck and I don't know what to say to that so I'm here.

MRS. PELESHUCK: The complaint was that the guy thought that he was going too close to his property line.

MR. MORIN: Cause there's nothing there for like the last five years, I think six years there's been nothing there. So he's not used to having it there but it was there before and it looked terrible. So I have improved the house, you know, and all this other stuff so I put one back but it's just a little bit bigger.

MR. TORPEY: If there was no deck you'd be falling to the ground?

MR. MORIN: Basically, my neighbors' kids have been coming around lately, they're getting taller, if they pull the wood out I'd be liable to getting sued for

kids getting hurt and nobody wants kids to get hurt.

MR. TORPEY: You guys got any questions?

MR. BEDETTI: Did you say this deck's larger than the previous one?

MR. MORIN: Yes, the other one was, well, it was 12 by 10, this one is 16 by 21. There's a floating deck that's not attached to the house so don't need anything for that and my wife wanted to have stairs go to it so it was safe cause she didn't want a big drop to nothing. It goes to a platform to the ground so it's actually that one picture you can see it.

MR. KRIEGER: Yes.

MR. MORIN: It's faced off, there's no stairs towards his property, only going parallel to the house, there's no stairs facing him at all, just the face plate but I added four foot, it's like an optical thing because there's nothing there.

MR. KRIEGER: When you say the new one is 12 by?

MR. MORIN: New deck's 16 out from the house by 21 goes right to the corner of the house so it's flush so it doesn't look bad, you know, disproportional, it's all symmetrical and it looks nice.

MR. TORPEY: Guys got some more questions?

MR. SCHEIBLE: You're not intending to screen this in?

MR. MORIN: No, that was the old one, just going to have a regular railing like I put on my drawing.

MR. TORPEY: Any questions, Mr. Hamel?

MR. HAMEL: No, looks good to me.

MR. TORPEY: I've got to ask you a couple questions. You're not going to create a water hazard by cutting down a bunch of trees?

MR. MORIN: My wife is a big nature and green, we have apple trees she's planted so we'll be adding a blueberry bush and a butterfly bush to put next to it.

MR. TORPEY: Not going over any easements?

MR. MORIN: No.

MR. TORPEY: You only got one complaint so far?

MR. MORIN: Yeah, there's five other people that can see it and then Pete Belle owns property across the street.

MR. TORPEY: So no other neighbors?

MR. MORIN: They're all asking me when I'm going to finish.

MR. TORPEY: Kind of blends in.

MR. MORIN: Yes.

MR. TORPEY: Want to make a motion?

MR. BEDETTI: I'll make a motion that we schedule a public hearing for John Morin for an existing rear deck that requires an 18 foot variance to the rear property line at 10--

MR. MORIN: It's 2 and then 10, it's actually 2 Ash Street.

MRS. PELESHUCK: In the computer it's 10 Ash Street.

MR. MORIN: Yeah, but we get all our mail to 2 Ash Street. I have always wondered about that even when I have had other issues for like the sewer line nobody can find any drawings for me so I had to have like exploratory, they didn't find the septic that the town hooked up many, many years ago.

MR. BEDETTI: When they did the 911 numbering did it change?

MR. MORIN: Maybe they changed it then but as long as I know it's been 2.

MR. BEDETTI: Two?

MR. MORIN: Two.

MR. TORPEY: Is there a 10?

MR. MORIN: I believe it's up to the left.

MR. TORPEY: Cause they get all your mail.

MR. MORIN: We put a big 2 on the door. We've had mail issues, it's very odd.

MR. BEDETTI: The address on the application was 2 crossed off and put 10, I don't know who did that.

MR. SCHEIBLE: I would suggest you go into Town Hall working under the correct address.

MRS. PELESHUCK: It's 10, I looked it up.

MR. TORPEY: Just so you're covered.

MR. SCHEIBLE: Just thinking but that's all.

MR. MORIN: Thanks.

MR. BEDETTI: For the 18 feet as requested.

MR. KRIEGER: Is the section, lot and block correct?

MRS. PELESHUCK: Yes, and it comes up 10.

MR. KRIEGER: I don't care what it comes up with, 10 or 2 or something in between as long as it's the right section, block and lot. Mr. Scheible's point is well taken, you want to make sure it's the same property.

MR. SCHEIBLE: We're giving a permit for one lot and somebody else starts building.

MR. MORIN: I have it all the way up to where the wall is, rock wall and then there is a vacant lot which hopefully we'll get.

MR. TORPEY: Second it?

MR. SCHEIBLE: I'll second it.

ROLL CALL

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

MRS. PELESHUCK: The next steps are down here, if you don't come in tomorrow I can't get you on the next meeting.

MR. MORIN: I'll be here. You're open until 4:30?

MRS. PELESHUCK: Yes.

MR. MORIN: Thank you.

STEVEN DRABICK (11-26)

MR. TORPEY: The variance is for used car lot formerly gas station.

MR. DRABICK: Good evening, my name is Steve Drabick, I'm a licensed land surveyor and I'm here this evening representing the ZSS Realty Management care of Jerry Spano, he's the actual owner of the site. And I'm also here on behalf of Robert Bonfiglio who is the applicant who has an application before the planning board for proposed use on this site as a used car sale business and it's that proposed use that triggered us to come to the zoning board. And second basically three variances dealing all with existing site conditions, basically those three variances are required lot area for that proposed use were deficient with this site, and the existing location of the structure on the site we're looking just to get the variance for the building height and the rear setback, building height being because that's a function of the actual distance that structure sits off the rear lot. With regard to what's going to happen to the site basically we're utilizing everything that's there now, the existing structure, the existing pavement, there's no plans for any expansion or development beyond this and as a used car site we're even restricting the number of displayed vehicles to 24. That's demonstrated on the site plan where they would be placed. It would be no more than that. And that gives us enough room to access the site freely and we can also meet the parking requirements with regard to the office staffing and potential customers.

MR. SCHEIBLE: Your access would be strictly from Union Avenue, not off 207?

MR. DRABICK: That's correct. And currently on site when this was a, the former use of this site as most of you probably know was a Mobil Gas Station and at that time there were two entrances or two means of egress and ingress to this site. With this proposed use because of the proximity to the intersection here what we're looking to do is to keep the most southwesterly access site barricaded and just use the most northeasterly access site for ingress egress. So it will cut down on traffic and also alleviate some of the congestion here at this intersection, although I have been out at the site and it does key up behind here at the light but once that light changes it clears out

pretty fast. It makes that site accessible.

MR. TORPEY: It's such a rough spot to get in and out, you're shooting for the sky cause you have to go across those three lanes.

MR. SCHEIBLE: It really doesn't have anything to do with this but that Mobil Station had a major pollution situation previously so that's been all cleared up?

MR. DRABICK: Yes. As a matter of fact, I can provide with you, I have a letter in the file from the DEC stating that that was cleared up and there wasn't any further action needed on this particular site.

MR. SCHEIBLE: So the piece that you intend on the left there I'm looking at your, that's not going to be used as the used car lot?

MR. DRABICK: No, this is basically grass, open area, green area that's going to stay.

MR. SCHEIBLE: Maintained?

MR. DRABICK: Yes. That's going to stay the same.

MR. BEDETTI: Is that your property also that green area there?

MR. DRABICK: The property encompasses, it's bordered on the back by the Thruway 207 and then Union Avenue.

MR. BEDETTI: I didn't know if you owned all the way up.

MR. DRABICK: Yes, it runs to 207.

MR. BEDETTI: So you have agreed to a number of vehicles, obviously you've got a smaller lot than is necessary for that.

MR. DRABICK: Yes, yes, I spoke specifically to the applicant about that, if he felt 24 was a sufficient number for what he wanted to do there on site, he said probably more than what he wanted.

MR. HAMEL: What about the building, new facade on it?

MR. DRABICK: He will probably dress up the front of it as you can tell on the photos there the pavement areas

on the site are somewhat overgrown with weeds and grass, I have mentioned that to him that obviously will be taken care of to improve the conditions of the site.

MR. HAMEL: Are you going to be coming back for a variance for a sign or anything?

MR. DRABICK: No, the proposed signs that we would look to put on the building would meet what we're allowed to do currently for this use under the zoning and I asked him about that specifically also if he looked to do an additional signage to what we'd be allowed to do, he's sufficient with what's allowed.

MR. SCHEIBLE: Are there any intentions of doing mechanical repair?

MR. DRABICK: No, this is strictly as a matter of fact it will be noted as a restriction strictly just for display and sale.

MR. SCHEIBLE: Not mechanical work?

MR. DRABICK: No mechanical work, no service work, no inspections, so it's strictly just used car sales.

MR. HAMEL: Just have a prep area inside the garage?

MR. DRABICK: Exactly, detail prep area, what he's looking to do is probably he can pick up the cars from the auction area up on 17 and kind of just rotate them in and out which is why he's not looking for a big display area and work it that way.

MR. TORPEY: So he counts on a lot of traffic in and out of there?

MR. DRABICK: Well, he's hoping he has, he likes the location because it does provide a lot of visibility and access.

MR. HAMEL: The only thing that what's there now is certainly an eyesore but my only major problem that I have is when you come out of there, there maybe should be a no left-hand turn sign but I don't know if that's our--

MRS. PELESHUCK: Planning board is probably going to go through that.

MR. DRABICK: I understand.

MR. HAMEL: I go through there a lot and if you make the light you're probably going a little faster than you should be and it can be pretty hairy sometimes in that area, that's a major thing that I have.

MR. DRABICK: And hopefully, too, I mean, this particular use here on this site as a used car sales site would be less intensive than that site was as a gas station, the flow of traffic that you had in and out of there as a gas station.

MR. TORPEY: Is he going to have banners on the cars? Sometimes it looks like the beginning of a circus with the flags and banners and stuff hanging. Is he going to have high end cars? Is he going to do nice cars? Is it going to be an eyesore? You know what I'm saying?

MR. DRABICK: I can't speak for him directly with regard to that but I'm sure he's not looking to sell junk there on the site, I know he's ventured in used car sales in other communities and he's been fine with it.

MR. TORPEY: So he's not going to be doing any service or inspections, not going to be doing oil changes?

MR. DRABICK: No.

MR. KRIEGER: I should think the board would want to know, this is the reason for two hearings, give you a chance to go back and talk with your clients about the concerns that you have heard here from board members, I would assume the board members would want to know, you say he has experience, what lots, where and what kind of cars do they sell, you know, and so and this is an allowed use for that zone?

MR. DRABICK: Yes, it is.

MR. TORPEY: It's just a rough spot.

MR. SCHEIBLE: But anything to clean it up, it's ugly looking right now.

MR. TORPEY: Yeah.

MR. SCHEIBLE: But you're right, I don't want to see

banners flying.

MR. BEDETTI: Well, he should have to comply with signage requirements in the town existing code, he's not here for any of that.

MR. TORPEY: Sometimes they've got the big animal standing up waiving its arms, it's going to be accident city, that's like a crazy intersection, you know what I'm talking about?

MR. BEDETTI: Yes, I know.

MR. SCHEIBLE: We have to protect that, I'd go along with that.

MR. TORPEY: Not saying a car lot is bad but the circus part that goes with it, that's a serious intersection.

MR. SCHEIBLE: Welcome to New Windsor, that's the way I look at that intersection is welcome to New Windsor.

MR. KRIEGER: Yes, I think there's a sign that says that.

MR. SCHEIBLE: Yes, right at the end.

MR. DRABICK: I know the client, I don't think the client would have any reservations in that particular type of restriction, no balloons or extra stuff on it. I know he's basically looking just to sell used cars.

MR. SCHEIBLE: You said he has other units in other villages or towns or so forth. Is there anything close by that we could look at, drive by?

MR. DRABICK: I'll get the particulars of them, I don't know if there's anything up in Orange County. He resides in Westchester.

MRS. PELESHUCK: How about a picture of his, right, is that what you guys want to see?

MR. TORPEY: How are the cars going to be coming in and out, tractor trailers, flatbeds, dealer plated back and forth to the auction? Like is he going to have trucks pulling up, dropping cars up off? They're going to rotate cars out of the auction? I know what it is, you know, how it works, it's a small spot, how is he going to move cars, you know what I mean? How is he going to

move around? He cannot come in and out of that road, you know what I'm saying?

MR. DRABICK: Well, I, again not to belabor the issue but again when the situation existed as a Mobil Gas Station they got tanker trucks in and out, you know, you had a constant flow of trucks in and out. I don't know if as a used car sales site and rotation of the cars I'm sure he will look to do it the most convenient way, whether that be dealers driving in and out.

MR. TORPEY: I'm looking out for him, that's empty, what, 10 years, now it's changed.

MR. SCHEIBLE: Traffic has grown since then.

MR. TORPEY: Tremendously, I wouldn't even stop there if I had to get gas, that would be like suicide almost to get in and out.

MR. KRIEGER: Not unless you were coming from the west part of town and turning in there and proceeding over.

MR. TORPEY: It would be like New Jersey, they have all those turnarounds, everybody makes a right, not a left.

MR. KRIEGER: And you have only the local citizens now.

MR. TORPEY: If you had a contract with Moroney's where you can come in and turn around that would be beautiful, you know what I mean?

MR. DRABICK: Well, there's another parcel between this site and Moroney's, it's currently vacant.

MR. TORPEY: I think the highway department's for sale.

MRS. PELESHUCK: It is?

MR. TORPEY: That's a hot spot. I'm only kidding.

MR. BEDETTI: Get a lot of cars in there.

MR. SCHEIBLE: But the lot in between this location and Moroney's location isn't that owned by Moroney that empty lot?

MR. DRABICK: No, there's an inhalation therapy company that owns that vacant lot right next to the site.

MR. HAMEL: Do you have a drawing?

MR. SCHEIBLE: Thank you.

MR. TORPEY: So you can get pictures of the other lots?

MRS. PELESHUCK: For the next meeting, can we have pictures of what he owns now?

MR. DRABICK: Yes, I will speak to him about that and see what he can put together, show you what he has.

MR. TORPEY: I have to ask you some real important questions. Not cutting any trees or shrubbery?

MR. DRABICK: No, if anything, we'll be removing all the grass and weeds that's currently up through the pavement.

MR. TORPEY: Guys, got any other questions?

MR. HAMEL: I'm good.

MR. TORPEY: Guys want to make a motion?

MR. BEDETTI: I'll make a motion we schedule a public hearing for Steve Drabick for variances regarding gross lot area, net lot area, rear yard, building height requirements for 801 Union Avenue in a C zone.

MR. SCHEIBLE: I'll second it.

ROLL CALL

MR. SCHEIBLE AYE

MR. BEDETTI AYE

MR. HAMEL AYE

MR. TORPEY AYE

MRS. PELESHUCK: Your next steps, if you don't come in tomorrow, I can't get you on the next meeting.

MR. DRABICK: Thank you very much.

PUBLIC HEARINGS:

PAUL DEMEO (11-20)

MR. TORPEY: Next is Paul Demeo, 18 Willow Parkway, variance for an existing front porch.

MR. TORPEY: Come up and do the whole thing over, explain to us what you need.

MR. DEMEO: There's an existing front porch that we're selling our home so we told the assessor and building assessor and assessor's office said it's too close to the road. That's why we're here.

MR. TORPEY: Do you have any questions?

MR. BEDETTI: No, I remember his preliminary.

MR. TORPEY: We're going to open this up to the public. Is there anybody here from the public that wishes to speak on this? I guess not. We're going to close it. How many mailings did we have?

MRS. PELESHUCK: On the 26th day of August, 2011, we mailed out 78 addressed envelopes and received no written response back.

MR. TORPEY: I've got to ask you some really very good questions real quick but you have no complaints from the neighbors? All the decks are mostly the same in nature and size to everybody else's decks?

MR. DEMEO: Yes.

MR. TORPEY: Didn't cut down any trees, shrubbery?

MR. DEMEO: No.

MR. KRIEGER: This is an existing deck, you're not adding to it?

MR. DEMEO: No, we didn't build it.

MR. KRIEGER: How long has it been there?

MR. DEMEO: I couldn't tell you, it came with the house but--

MR. TORPEY: Just questions I've got to ask.

MR. DEMEO: When they came--

MR. KRIEGER: How long have you had the house?

MR. DEMEO: Fourteen years.

MR. KRIEGER: It's been there all that time anyway?

MR. DEMEO: Yes.

MR. KRIEGER: Sometime before then?

MR. DEMEO: Yes.

MR. SCHEIBLE: From what I see, it's being well kept.

MR. TORPEY: I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant the variance for Paul Demeo for 7.8 feet front yard variance for property located at 18 Willow Parkway in an R-4 zone.

MR. HAMEL: I'll second it.

ROLL CALL

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

MOBILE GRAFX SIGN COMPANY - WELLS FARGO (11-23)

MR. TORPEY: Last is Mobile GrafX Sign Company, Wells Fargo. Come on up, state your name for the record.

MR. EISENBERG: My name is Jonah Eisenberg with Mobile GrafX Sign Company representing U.S. Sign and Wells Fargo Home Mortgage requesting a variance for front sign variance of seven feet on the width for second facade sign variance of one foot on the height.

MR. HAMEL: I have to excuse myself from voting because I work for the company that owns the building.

MR. TORPEY: Okay.

MR. BEDETTI: It's three variances you're asking for, one is annexed to the sign on the building, a length sign on the front one, and a height sign on the second one?

MR. EISENBERG: Correct.

MR. TORPEY: So there's three variances?

MR. BEDETTI: Three variances.

MR. BEDETTI: I assume we're going to vote on these independent of each, in other words, each of the--

MR. KRIEGER: You can do either, consider all three or may want to address them one at a time.

MR. BEDETTI: I'd like to address one at a time.

MR. TORPEY: I'll open it up to the public, seeing as there's nobody here.

MRS. PELESHUCK: On the 23rd day of August, 2011, we mailed out 34 addressed envelopes and received no written response back.

MR. TORPEY: Lucky you. Any questions?

MR. BEDETTI: Yeah, that banner, the one that's in the front of the building, what's the size of that banner?

MR. EISENBERG: That banner I actually brought, I remember at the last meeting you asked for illustrations, I brought those, the banner that's

currently on the building is 10 feet wide by 2 feet high, that's code, actually, well, 2 1/2 is code so that would be the maximum width allowed by code.

MRS. PELESHUCK: The banner's smaller, that's the reason they want it bigger because you can barely see it.

MR. EISENBERG: So the sign that they're proposing is seven feet wider than the existing banner.

MR. BEDETTI: I just wanted to get an idea because I have seen the banner on the building and I didn't know what the dimensions were.

MR. TORPEY: Can you see that banner? Did it stick out like a sore thumb?

MR. BEDETTI: I thought it was appropriate for the building, the front one anyway. The one on the side I personally I think it detracts from the aesthetics of the building, the one on the side, it's a very low profile side, it's got shrubbery that grows up two or three feet up, I personally think that the one on the side is really not necessary. I think it's inappropriate, in fact it detracts from the aesthetics of the building.

MR. SCHEIBLE: Do you have any signage in the entrance like the other residents of that area there? There's a front entrance, you know, isn't there a front entrance sign as you come off the highway?

MR. EISENBERG: On the stand, the freestanding sign?

MR. SCHEIBLE: Freestanding sign?

MR. EISENBERG: Yes, there's one.

MR. SCHEIBLE: Are you using that?

MR. EISENBERG: Yes, we are.

MR. TORPEY: Which signs are going to be illuminated?

MR. EISENBERG: Only the main sign above the building would be illuminated.

MR. TORPEY: Not going to be flashing or blinking lights?

MR. EISENBERG: No.

MR. HAMEL: And the building next to it is a heart center?

MR. EISENBERG: Pretty much all the signs in the area including the deli, which is a huge sign, I'm sure everybody is aware of the car wash sign, heart center sign, the car lots down the street, everybody's sign is illuminated in that area.

MR. KRIEGER: Internal illumination, no flashing?

MR. EISENBERG: Correct.

MR. TORPEY: We only have three members, you're allowed to table it and see if next meeting we're going to have a full members, it's up to you if you want to take a chance with three or wait until there's a full board and then do the vote, it's just tonight we're down because there's only really one's out so there's three of us here.

MRS. PELESHUCK: You only need two, yes, he's right now two out of three.

MR. KRIEGER: No, you need all three, you need a majority of the board regardless of how many people are here, the board is five, majority is three so it's possible if he adjourns it there might be an additional member here. Mr. Hamel is recusing himself so the most he gets is four, he still needs three.

MR. SCHEIBLE: Personally, I think that the front sign would be plenty enough, you have one, a freestanding sign and now we're going to have this one in front and then personally I don't see where it's necessary on the side of the building, there's plenty, you know, there's plenty enough to see Wells Fargo, it's not a company that was born yesterday. They have a reputation to uphold and I think their business can go along with their reputation without having to have signs, bring them in.

MR. EISENBERG: As far as the variance on that main sign to increase it by seven feet from what the Town Code allows.

MR. BEDETTI: Is that a full service bank or just a

mortgage lending?

MR. EISENBERG: Just a mortgage center.

MR. BEDETTI: I have a question in my mind regarding, you know, how big a sign you need for a mortgage company. It's not like they're competing for hot coffee, people ride by and say I'll have a hot cup of coffee. These are people anybody looking for a mortgage, they're going to know, they just need to find the building.

MR. EISENBERG: Sure, and just based on the way that the corporate logo and the dimensions of the letters if the signs were smaller the visibility would just go that much less and would just require people to keep on driving in circles until they were able to find the place, that's why they're pretty much looking to do the sign on the front of the building and get the variance for seven feet so they'd be at least visible on the front of the building.

MR. KRIEGER: How far is the front of the building off the traveled roadway?

MR. EISENBERG: Approximately, 95 feet. Well, the issue is that 207 is elevated from pretty much the whole parking lot, I mean, I didn't measure how high it is on the elevation but it's difficult to see it.

MR. BEDETTI: I don't necessarily agree.

MR. TORPEY: What he's saying if you pull in the complex you're going to have to look up.

MR. BEDETTI: The building is relatively close to the road, you're going to be, you're looking for people to come that are driving down, I would agree only with the fact that increased visibility is probably gained by height rather than by length.

MR. EISENBERG: By height of letters.

MR. BEDETTI: Yeah, well, you're not changing, you're going to stay within the code for the height, the height of that sign you're just lengthening it because you're adding home mortgages.

MR. EISENBERG: Correct.

MR. TORPEY: What about a small sign by the door inside of the side like a mailbox sign?

MR. BEDETTI: He's only allowed one sign.

MR. TORPEY: But if you don't like the other sign the one on the side.

MR. BEDETTI: No, I don't think it's necessary.

MR. EISENBERG: So you feel that even the front sign should just be at 10 feet?

MR. BEDETTI: Well, no, I didn't get to that part yet, I mean, you're looking to go 17 feet, the last time you were here there was some recommendation that, you know, there may be some compromise number that we could achieve you would look into that. I don't know if it needs to be 17 feet and I'm not really hung up that much on the 17 feet cause like I said, I personally think as far as improving visibility it's the height of the sign rather than the length. So I don't think that, you know, if you could do, if you can achieve that same sign at 15 feet I don't think it necessarily needs to be cut down to 10 feet which is the code but I'd be willing to compromise.

MR. EISENBERG: When you reduce the size of a corporate logo they do it proportionately because they don't compromise the visibility of the logo. So whether it was a height or width the height of the name would be reduced so if we went to 15 feet that would reduce the height of their logo.

MR. BEDETTI: I don't recommend that you do that but like I said, I don't, I rode by the building a number of times and I certainly can read the sign and I wear glasses.

MR. EISENBERG: Okay.

MR. BEDETTI: But I'm not significantly hung up on the length of the sign, I'm willing to compromise that to forego the one on the side.

MR. TORPEY: What do you want to do?

MR. EISENBERG: Do you know--

MR. TORPEY: Next month's meeting--

MR. EISENBERG: Do you know if there's going to be a fourth person?

MRS. PELESHUCK: Never guarantee it.

MR. TORPEY: Mike Kane should be here.

MR. KRIEGER: There's no guarantee but if there's not a full board at that point you can request that it be further adjourned which may or may not be granted by the board, it's in their discretion, no, we have had enough, we'll vote on it now, I mean, they may say no, we'll let it go for another meeting, it's up to them.

MR. EISENBERG: I guess I'd request to table it until next meeting.

MR. TORPEY: See if there's a full board?

MR. EISENBERG: Yes.

MRS. PELESHUCK: But the public hearing's closed.

MR. KRIEGER: Yes, it's closed.

MR. EISENBERG: Actually--

MR. KRIEGER: So there's no need to advertise.

MR. EISENBERG: If it was, if the variance was not granted this evening, if we move forward, if we didn't have three votes--

MR. TORPEY: Six months.

MR. KRIEGER: Six months unless there's a change in circumstances, now that's what the statute says, the board is not authorized nor am I as an employee of the board to authorize to give you legal advice as to what changes in circumstances means but it does say that in the code.

MR. EISENBERG: Okay, well, I guess if we can table it until next meeting, see if there would be a fourth member.

MR. TORPEY: Okay, motion to table until the next meeting?

MR. SCHEIBLE: I make a motion that we extend this meeting until, table the motion until September 26, 2011 and which would close this public hearing right now.

MR. KRIEGER: All that needs to happen on the adjourned date, if you approve it, any further questions you as board members have you don't have to open it to the public, that's done.

MR. TORPEY: Exactly.

MR. SCHEIBLE: That's what I said.

MR. TORPEY: I'll second it.

ROLL CALL

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

MR. TORPEY: 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

Respectfully Submitted By:

Frances Roth
Stenographer