

TOWN OF NEW WINDSOR

ZONING BOARD

April 23, 2012

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

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

 NICOLE PELESHUCK
 ZONING BOARD SECRETARY

ABSENT: PATRICK TORPEY

MEETING AGENDA:

1. Forum/John Evans Estate Subdivision (12-11)

REGULAR MEETING:

MR. KANE: I'd like to call the Town of New Windsor
Zoning Board of Appeals regular session for April 23,
2012 to order.

APPROVAL OF MINUTES DATED 3/26/12

MR. KANE: Motion to accept the minutes of March 26,
2012 as written.

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

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

PRELIMINARY MEETINGS:

FORUM/JOHN EVANS ESTATE SUBDIVISION (12-11)

MR. KANE: First preliminary meeting is John Evans Estate subdivision. Proposed five lot subdivision needs variances for all lots. Gross lot and net lot area for all five lots, lot width for lots one, two, three and five. Variances for front and side yard for all lots, total side yard for lots one, two, three and five, rear yard for all five lots and frontage for lots one and two are required for five vacant lots on Suburban Court in a PI zone. Come on up and state your name.

MR. SPADE: Hi, I'm William Spade, I'm the architect and this is Paul Fornaby, he's the owner of, the new owner of the property. We're here to propose, we're trying to get a resubdivision of the lot lines on this property to go from four lots to five lots. We're doing that because the larger lot sizes we felt were unmarketable and that's essentially why the property has been sitting undeveloped for a number of years now. It's just the current market is for smaller properties, smaller size homes than what were envisioned by the revision to the lot lines done on this property back in 2006. You may know this subdivision was originally approved in the '70s and with I think a total of 10 lots and then in 2006 a process was done to enlarge the size of the lots and two of the houses were under the larger lot size and the rest remained unsold and that developer went bankrupt and properties went through foreclosure. So we're looking to actually go back to the lot sizes that were part of the original subdivision in the range of 12,500 square feet per lot as opposed to the 15,000 to 18,000 square foot lot sizes that were done in 2006. So the variances we're seeking since we're reducing the lot sizes now from what were approved in 2006 we need with the underlying zoning we need to come to you all to get variances for the particular parameters that you described, the lot size and setbacks principally. The setbacks we're proposing match the setbacks that were done on the 2006 subdivision and are the setbacks that were used on the two properties that were built out, the 45 foot or 35 feet for the front yard, 15 feet on the side yards and 40 feet for the rear yard and then we'd just also need the variances on lot sizes and a couple other items there as well, minimum lot area and lot width. So that's the snapshot version. If there are any

particular questions you have? There is one remaining lot on the opposite side of the street from these five lots that we can't obviously alter that lot size so we'll at some point proceed with building out that lot but the subject tonight is the presently four lots on essentially the south side of the street and the reconfiguring those into five lots.

MR. SCHEIBLE: What's the average, I'm looking at your minimal livable area, you've got 1,200 here.

MR. SPADE: In terms of the house sizes?

MR. SCHEIBLE: What's presently there the size of the houses right now in this?

MR. SPADE: Those existing two houses are in the 2,600 to 2,800 square foot size, might even be 3,000 square foot, yes, and that was the intention of that developer at that time was to do the larger homes.

MR. KANE: And your intent?

MR. SPADE: Our intent is to do in the range of 2,000 square feet for the house sizes. We think 2,000 square foot, three or four bedroom homes are really the market at the moment for newly constructed homes.

MR. KANE: Very similar to Butterhill.

MR. SPADE: Correct, it's actually very similar to the 1960 subdivision, I think it's right to the behind on the back side of the existing houses.

MR. SCHEIBLE: So these, I'm trying to retract myself back to those days, this all was approved by the planning board when?

MR. SPADE: Originally 1977, yes, Sandcastle Homes.

MR. SCHEIBLE: Wasn't it again, didn't they do it again?

MR. SPADE: Nothing was ever built, I think that developer started in 2004 with a reconfiguration plan to enlarge the lots and that was finally signed off I think by the planning board in 2006. Because he was increasing the sizes, this is the explanation I was told, because he was increasing the size of the lots, he didn't need to come to the zoning board to get

variances for that because the non-conformance was not, it was increasing so I think I said that the right way. But because we're proposing to reduce the sizes again we're increasing the non-conformity so we need to come to the zoning board for that. If that's the explanation you were looking for?

MR. SCHEIBLE: Somewhat.

MR. SPADE: So he did go to the planning board in 2006 for the reconfiguration.

MR. BEDETTI: What's the size of the two lots that are already built now, which ones are on this?

MR. SPADE: The two, these are the two.

MRS. PELESHUCK: This one is still vacant.

MR. SPADE: Gardener and Smith are both existing houses, in fact, if you want to flip to the second sheet you'll see the two houses there so these are the two existing houses and then this was a mockup of a sample house.

MR. BEDETTI: What's the square footage on those?

MR. SPADE: I think they're 2,600, I think one of them is 3,000 square feet.

MR. FORNABY: I think it's 2,800.

MR. SCHEIBLE: What's the lot size, the two that are developed go back, to that question, I believe I asked that already but the lot size of the two that are already developed?

MR. SPADE: I don't think I have anything specific about those cause those were already sold and we have information on the ones that had remained unsold. The ones that had remained unsold were ranging from 15,000 to 18,000 square feet so I can probably only say that they're in that range but I don't know, you're looking for the lot sizes there.

MRS. PELESHUCK: I can find out for you, I'll find out.

MR. SPADE: Actually, that lot 26 is 17,175 square feet, that looks somewhat similar so you might say that's probably in the 17,000 range, this may be

slightly smaller so maybe that's 15, 15,5, the smallest of any of these was lot, of these four you can see these four.

MR. BEDETTI: You've got 12,2 here.

MR. SPADE: They were 15,000 square feet so this looks maybe about that kind of size so I'd have, this is roughly 15,000 and that's probably 17,000.

MR. SCHEIBLE: The reason I was asking that question is, you know, these two lot owners or house owners that came in here and they bought that and said to themselves this is going to be nice, we're going to have nice large lots in the whole area.

MR. KANE: That was the original idea of New Windsor going to the one acre.

MR. SCHEIBLE: That's why they maybe bought that, that's the way it's going to stand.

MR. KANE: Each of the lots, are they town water and sewer?

MR. SPADE: Yes, all that existing in the street.

MR. BEDETTI: The original plan had 10 lots, you said that was in the '70s?

MR. SPADE: Correct.

MR. BEDETTI: What was the zoning requirements at that time? I don't remember when they changed.

MR. SPADE: I don't think I know that answer.

MR. KANE: It didn't go up to an acre at that point, the acre came six to seven years ago.

MR. BEDETTI: These might have been compliant.

MR. KANE: They were compliant back then because Butterhill was built in the late '80s, mid to late '80s and most lots in Butterhill are about 13,000 square feet and most of the homes there run from 1,700 square feet up to about two maybe a change over.

MR. SPADE: I do have the site plan from that original approval.

MRS. PELESHUCK: Does it say on there?

MR. SPADE: I don't think there's a zoning chart.

MR. BEDETTI: These were not--

MR. SPADE: This was the originally approved one in '77 so you see the lot sizes were 12,2, 12,4.

MR. BEDETTI: I'm assuming there were no variances issued at that time for them being undersized assuming they're compliant at the time?

MR. SPADE: Right.

MR. KANE: You have an existing drainage easement running through, you're relocating it?

MR. SPADE: Correct, presently matches the one diagonal lot line and we're going to shift it slightly to match the new lot line. So we'd requesting that we could schedule a public hearing at your next meeting.

MR. KANE: If you could, do we have any photos? I mean, I know where this is.

MRS. PELESHUCK: Yes, in the packet.

MR. KANE: From the ground do me a favor just take some pictures for the public hearing?

MR. SPADE: I have a couple here.

MR. KANE: I live across the street.

MR. SPADE: We'll bring those with us to the meeting. You'd like to see both the existing houses?

MR. KANE: Yes.

MR. CHANIN: That's not having a bearing on your impartiality, is it?

MR. KANE: No, I live in Butterhill, I don't live technically across the street.

MR. CHANIN: Let's clarify the record.

MR. KANE: I live a quarter of a mile away, no, I'm in

Butterhill in the back end. Any further questions at this point?

MR. HAMEL: What would be the width here from--

MR. SPADE: Lot five?

MR. HAMEL: Yeah, lot five?

MR. SPADE: Lot five is--

MR. KANE: It's 86.3.

MR. HAMEL: What size what would be the length of the house?

MR. SPADE: Generally, our houses are 36 foot long, 28 foot deep, two story with a garage at the end of it so 36 plus 22, 48 feet in length.

MR. KANE: Gentlemen, will you be flexible to any provisions that we may put in there as far as square footage of the home and as far as maximum in saying 2,000 square feet as a maximum? Just throwing out ideas here cause and the other thing--

MR. SPADE: Maybe just to answer that I think the intention would be it's a one story two car garage next to a two story house, we would hope that the owners would have the opportunity to build above the garage, the footprint itself is going to be fairly well-defined.

MR. KANE: That part of my other question is the houses that might be built there you would put them in with none of them requiring any variances.

MR. SPADE: As in deed restricting, the lots to say no future variances would be permitted?

MR. KANE: Yes, something to think on. I'm just thinking, usually we try to work with people honestly, you know, I don't like squeezing another one in. I understand the financial aspects of it and I'm just speaking of my own opinions but I'd like to get it out front in a prelim before the public so nobody is caught blindsided by that. So I guess what I'm saying is there flexibility when you come in?

MR. FORNABY: Certainly open to a discussion.

MR. KANE: Working with each other to try to obviously help you guys with a situation that helps with the town but also takes care of the neighbors across the street. We try to strive to do that so I just want everybody to be a little openminded.

MR. FORNABY: We're here respectfully and certainly open to a dialogue.

MR. KANE: Any further questions at this time? I'll accept a motion for a public hearing then.

MR. BEDETTI: I'll make a motion we schedule a public hearing for the John Evans Estates subdivision at Suburban Court in a PO Zone as requested.

MR. SCHEIBLE: Second it.

ROLL CALL

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

MRS. PELESHUCK: Since there's an extra week in between you have an extra week to come in so you don't have to come in tomorrow, you can come in next week.

MR. SPADE: Thank you.

MR. KANE: Have a good evening.

April 23, 2012

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PUBLIC HEARINGS:

SIGN HERE SIGN COMPANY FOR HEALEY KIA

MR. KANE: Our public hearing is a no show.

FORMAL DECISIONS:

1. Thomas Santoro
2. Palmer
3. Kathleen Demar
4. Phillip Williams

MR. KANE: We have four formal decisions, if you want, I'll accept a motion to take them in one vote.

MR. BEDETTI: I'll make a motion that we accept the formal decisions for Thomas Santoro, Palmer, Kathleen Demar and Phillip Williams as written.

MR. SCHEIBLE: Second it.

ROLL CALL

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

MR. KANE: Motion to adjourn?

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer