

TOWN OF NEW WINDSOR

ZONING BOARD

July 22, 2013

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

ALSO PRESENT:      GEOFFREY CHANIN, ESQ.  
                             ZONING BOARD ATTORNEY

JENNIFER GALLAGHER  
BUILDING INSPECTOR/ZONING BOARD  
SECRETARY

ABSENT:      Patrick Torpey

MEETING AGENDA:

1. Julie Moran (13-13)
2. Donna Mans (13-10)
3. CA Custom Homes (13-12)
4. Classic Home Builders (13-04)
5. Kelly Shalian (13-11)

**REGULAR MEETING:**

MR. KANE: I'd like to call the Town of New Windsor  
Zoning Board of Appeals July 22 meeting to order.

APPROVAL OF MINUTES DATED 4/8, 4/22, 5/13/13

MR. KANE: Motion to accept the minutes.

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

July 22, 2013

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

PRELIMINARY MEETINGS:

JULIE MORAN (13-13)

MR. KANE: Tonight's first preliminary meeting, Julie Moran. Converting an illegal three family dwelling to a two family dwelling. Two family dwellings are not permitted in an LC zone. Come on up. So you know what would do here in New Windsor we hold two meetings. We hold a preliminary meeting and then by law all our decisions have to be made in a public hearing. The reason we hold a preliminary is so that we can get a general idea of what you want to do, make sure you have all the proper information and make sure that we have enough information to make a decision. Other towns hold their meetings, it's a one shot deal, you walk in, you don't have everything right you lose. So we do it a little bit differently here. So what I'd like you to do is speak loud enough for this young lady over there and tell us in your own words exactly what you want to do.

MS. MORAN: Well, I recently purchased a dwelling at 1041 Little Britain Road, it was an illegal three family unit for 39 years.

MR. CHANIN: Just speak so that lady can hear you.

MS. MORAN: It was an illegal three family unit for 39 years and now we want to convert it into something legal. We thought that a two family unit there was enough room for a two family unit there and enough parking, enough yard space, enough square footage in the home and that would best suit our needs and I think for the area since Little Britain Road has limited amount of dwellings and apartments on that street.

MR. KANE: Have you researched this at all?

MS. MORAN: What do you mean by researching?

MR. KANE: You're in for an education. You're not, that area is not zoned for two family homes which means you can't build one there, you can't convert into--

MR. AHMED: We're not building.

MR. KANE: Or convert into a two family.

MR. CHANIN: Just let me ask your name, sir?

MR. AHMED: Yosry Ahmed. Like we said earlier, it's been a three family for 39 years and we actually are taking it down, the building does exist, what can we possibly do with it?

MR. KANE: Let me finish and tell you what you're up against. You're trying to change the zoning of what it's zoned for, single family homes. The only way that you can get a zoning change like that to a home is there are five requirements from New York State, the hardest one to prove is that you cannot sell that home for a reasonable return which has nothing to do with making a profit in New York State, it could be at a loss, okay, as a single family home or any permitted use in that zone. So you'd have to come in, prove dollar and cents that you're able to do that. The others are self-created hardships. There's four other ones but the most difficult is proving that you can't do that.

MR. AHMED: The thing is that's not the only house on the property, there's another cottage and it's been like this for--

MR. KANE: The key word on that, sir, not to interrupt you is illegal.

MR. AHMED: No, it's legal, it's actually legal, the other house is legal.

MR. KANE: Using it as anything more than a one family home is illegal. I don't care how many building are on the property, it's a single family home, you have to be of the same family, you can't rent it out to anybody, it's not rentable. That's just it with the zone, you can go ahead and proceed but you're going to have a very difficult time. It's a New York State requirement that you have to meet, our hands are tied, we have to meet certain criteria with being able to make that change. My suggestion would be to talk to a lawyer and a realtor and find out what it takes to make a change in New York State, it's not that easy, it's not like a regular home variance.

MR. AHMED: Alright, so worst case scenario it will be just one family, that's what it is.

MR. KANE: That's correct. Let me change my phrase from difficult, almost impossible, in the 20 years I've

been here we've have had one come in front of us and he was able to do it because it was in Ducktown, a very mixed neighborhood of what was going on in there and the shape of the building was, it was an industrial piece of property and this gentleman came in and changed it, actually put a funeral home as a use, there wasn't living space. Nobody else had been able to come in there and prove that they can't make a reasonable return. Again, does not mean making a profit and it doesn't limit the amount of loss, it means that you can't sell that home to somebody as a single family home. You follow? I'm just trying to save you some money. Very happy to proceed and, you know, get all the information you would need to hire a realtor to come in and speak as professionals as to the value of the home, why you couldn't get any money as a single family home, why the property couldn't be used as a single family home.

MR. AHMED: We'll go ahead and make it into a one family.

MR. KANE: You don't need to be in front of us to be a one family, just see the building inspector and she'll take care of everything. Again, just trying to help you save some hassle and frustration, it's almost impossible.

MR. CHANIN: That doesn't mean you're not entitled to apply, you are, anybody's entitled to apply. But in order under the law for someone to be granted a variance which means you can use it in a way that the code does not permit in this case use it for more than a one family cause the code limits you to one then you have to apply and this board has to see its way fit to approve your permission to use it, contrary to what the code provides as Mr. Kane correctly said, the criteria that you have to satisfy in order to be eligible for this board to grant you a variance are not local criteria, they are in state law and they apply to every Zoning Board of Appeals in the whole state. And he's correct, there are five of them. One of them is you have to ask the board to approve it because you can't use it economically for anything other than something that requires a variance. And there are others such as the impact on the neighbors, the impact on the character of the neighborhood, whether or not the difficulty for which you're applying for a variance is self-created. There are other criteria as well and the law as Mr. Kane correctly says requires that all of

them be satisfied, not just one or the other or majority of them, but you have to satisfy all of them which is why he's indicating to you that it is very difficult. But you're entitled to ask. Worst thing can happen is you get turned down then you can still use it for what it is properly zoned for. You don't need anybody's permission for that which is a one family. You understand?

MR. AHMED: Yes.

MS. MORAN: Thank you.

MR. BEDETTI: That home has always been a three-family home, this is not a--

MR. AHMED: Yes, for 39 years.

MR. BEDETTI: Is this a pre-existing, non-conforming use?

MR. KANE: No, they didn't file it.

MR. BEDETTI: It's been illegal, it was not in conformity?

MRS. GALLAGHER: It was not.

MR. KANE: Yeah.

MR. AHMED: Thank you.

PUBLIC HEARINGS:

DONNA MANS (A/K/A DONNA GERY) (13-10)

MR. KANE: First public hearing is Donna Mans. Proposed attached garage will project nearer to the street than the existing house per 300-11 (3) of the Town Code of New Windsor Code. Property is located at 599 Shore Drive in an R-4 zone. May I ask in the audience if anybody's here for this particular hearing? Okay, Donna, same thing as the preliminary, tell us exactly what you want to do, speak loud enough for that young lady to hear you.

MS. MANS: Okay, I want to put up a proposed attached garage and it's nearer to the front of the street than the existing house and that's why we had to do a variance.

MR. KANE: Cutting down any trees, substantial vegetation in the building of the garage?

MS. MANS: No.

MR. KANE: Creating any water hazards or runoffs?

MS. MANS: No. The one thing is I'm putting a, I don't know what they call that now, the guy told me a certain type of drain, french drain on either side because with the driveway you do get water coming down. I don't want that going in the front of my property. So they're going to put a french drain to take care of that. I have a contractor that's going to do all that.

MR. KANE: Any easements running through your property or in the area that you want to put up the garage?

MS. MANS: No.

MR. KANE: Any right-of-ways through your property?

MS. MANS: No.

MR. KANE: The size of the garage that you're proposing to build is similar in size and nature to other garages that are in your specific neighborhood?

MS. MANS: Yes.

MR. KANE: And you are, if I'm reading this correctly,

maybe I'm not, this is a shared driveway coming in?

MS. MANS: Yes, that's my parents next door and since we had to build a driveway, we decided, you know, and that was all when I, when we subdivided they knew all that, yeah.

MR. KANE: The garage is going to extend further to the street?

MS. MANS: I've got one side, she's got the other side, you know what I mean?

MR. KANE: The garage is going to be in front of the home, extend further in front of the home, is that going to extend further than all the other homes going down that block if you look down in a line?

MS. MANS: For the driveway?

MR. KANE: For the garage.

MS. MANS: No, because my mother's garage is out in the same distance, in fact, a little further towards the road and then my other neighbor on the other side has an attached garage inside the house and that's the same, you know, about the same.

MR. KANE: Further questions from the board at this time? No questions, I'll open it up to the public again, ask if anybody's here for this particular hearing? Seeing as there's not, I'll come back and ask Jenn how many mailings we had.

MRS. GALLAGHER: We had 50 and no responses.

MR. KANE: We'll bring it back to the board for further questions.

MR. BEDETTI: I have just one question. There's no way you could move that garage and place it somewhere where it would comply with the law?

MS. MANS: No, because the one side has a well and the other side doesn't have enough property. And then if you put it on the front that would look pretty ridiculous because it's facing the lake, I'd have it in front of my picture window.

MR. BEDETTI: I think I recall you saying that in the

first meeting but I wanted to make sure.

MR. KANE: And there's a well right over there.

MS. MANS: Yeah.

MR. KANE: No further questions, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant a variance for proposed detached garage located on the property 599 Shore Drive in an R-4 zone submitted by Donna Mans.

MR. HAMEL: I'll second it.

ROLL CALL

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

MR. KANE: You're all set and this will be what you need to do next.

MS. MANS: Okay, great, thanks a lot.

CA CUSTOM HOMES LLC (13-12)

MR. KANE: Next is CA Custom Homes LLC. A variance is needed to permit a proposed single family dwelling that doesn't meet the minimum lot area of 40,000 square feet. The lot is 15,744 square feet. A variance of 24,256 square feet is required. A variance for the lot width is also needed. The required lot width a 150 feet. The proposed lot width is 116 feet. A variance of 34 feet is required. Property is located at Vascello Road in an R-4 zone. Can I ask if there's anybody here for this particular hearing? Okay, thank you. Same thing, speak loud enough, name, address, speak loud enough for the young lady over there to hear you and please tell us exactly what you want to do.

MR. AGRESTI: Greg Agresti from CA Custom Homes, proposing to build a house on Vascello Road for my daughter and her husband.

MR. KANE: In the building of the home, got some standard questions always, so cutting down any trees, substantial amount of vegetation?

MR. AGRESTI: No.

MR. KANE: Creating any water hazards or runoffs?

MR. AGRESTI: No.

MR. KANE: Any easements going through that area?

MR. AGRESTI: No.

MR. SCHEIBLE: These pictures that we have in our hand --

MRS. GALLAGHER: They brought them in at the preliminary.

MR. KANE: We asked for surrounding homes in the area. My next question is the proposed lot similar in size to other lots that are on that street?

MR. AGRESTI: Correct.

MR. KANE: So in building this home, the home itself is going to be similar in size and nature to other homes that are on the street so you're not going to have smaller homes and then this McMansion?

MR. AGRESTI: This home will be smaller.

MR. CHANIN: Spell your last name.

MR. AGRESTI: A-G-R-E-S-T-I.

MR. CHANIN: Agresti?

MR. AGRESTI: Yes.

MR. KANE: The home itself, how many square feet?

MR. AGRESTI: Just shy of 2,050. I brought in a plan.

MR. KANE: So not overly big?

MR. AGRESTI: No.

MR. KANE: Septic, well?

MR. AGRESTI: Sewer and well.

MR. KANE: Sewer and well, okay.

MR. SCHEIBLE: So sewer and well are available?

MR. AGRESTI: Sewer is in and we have to drill a well.

MR. SCHEIBLE: Okay, are you, no, wait a minute, sewer is already there from town sewer?

MR. AGRESTI: Town sewer.

MR. SCHEIBLE: And you're going to drill a well?

MR. AGRESTI: Correct.

MR. SCHEIBLE: Is there a distance away from the, is there enough distance here to have the well far enough away from the sewer?

MR. AGRESTI: It's not a septic, it's city sewer.

MR. SCHEIBLE: I'm thinking of something else, okay.

MR. KANE: Further questions from the board? At this time, seeing as there's not, I'll open it up to the public, ask if there's anybody here again for this particular hearing? Seeing as there's not, we'll close

the public portion and bring it back to Jenn to ask for the mailings.

MRS. GALLAGHER: There were 40 mailings with no responses.

MR. KANE: Is this a two story home?

MR. AGRESTI: Two story with a full basement.

MR. KANE: Garage is on the inside?

MR. AGRESTI: Detached garage. No, I'm sorry, attached garage.

MR. KANE: Further questions gentlemen?

MR. HAMEL: The 35 feet across that's going to be the front of the house here?

MR. KANE: That's the property out there so the width of the property is at 116 and with the new code you need 150.

MR. HAMEL: Right, no, I'm just looking at the placement of the house.

MR. KANE: Any further questions? If not, I'll accept a motion.

MR. SCHEIBLE: I'll make a motion to accept the variance needed to permit a proposed single family dwelling at the address of Vascello Road in an R-4 zone.

MR. HAMEL: I'll second it.

ROLL CALL

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

CLASSIC HOME BUILDERS (13-04)

MR. KANE: Next is Classic Home Builders. A variance is needed for an existing building lot that doesn't meet the minimum lot width, required side yard and total side yard setbacks located at 244 Bull Road in an R-1 zone.

MR. ALSDORF: My name is Wayne Alsdorf, A-L-S-D-O-R-F, I'm a partner with Anthony and he was called away on personal business.

MR. KANE: So tell us exactly in your own words what you want us to do.

MR. ALSDORF: The house wasn't put big enough on paper, the calculations were wrong and he's asking to change the setbacks.

MR. KANE: Okay, so tell us what you want to do.

MR. ALSDORF: Change the right and left-hand side setbacks, I believe setbacks to the right-hand side would be 15 feet, the existing I'm not exactly sure what they are.

MR. KANE: That's a big difference from when you first came in.

MR. ALSDORF: Four hundred square feet.

MR. KANE: Again, what happened that changed the last approval that he needed to go this big?

MR. ALSDORF: I think the calculations were wrong on the house itself, the house wasn't big enough.

MR. KANE: So that's going to leave 20 feet on this side and 15 feet on this side?

MRS. GALLAGHER: Yes.

MR. BEDETTI: What were the approved?

MRS. GALLAGHER: They received--

MR. BEDETTI: What was the variance that they actually received?

MR. KANE: The 48 stays the same, okay, it was proposed

102 and then 48, do you see the first line, okay, the next one down is 40 feet is permitted, this one they're proposing is 20 feet, this they're now proposing 26, no, I got that wrong, this is the old one, the old one was 26 feet, the new one is 20 feet. So they want a 14, a 20 foot variance. They had gotten a 14 foot variance, the next side yard they were approved for a two foot variance, now they're looking for a 25 foot variance and they were approved for 16 total side yard and they're looking for 45 total side yard.

MR. BEDETTI: Now you said the calculations were incorrect or the size of the house changed?

MR. ALSDORF: The size of the house wasn't big enough.

MR. KANE: Wasn't big enough for whom?

MR. ALSDORF: I guess whoever is going to be buying the house.

MR. SCHEIBLE: What would be the size of the house approximately?

MR. ALSDORF: I don't have all that here. I only have copies of what you were handed. Like I said, he had to leave in a hurry.

MR. KANE: Yeah, I'm going to, personally, I'm going to really want to know what the size of the house is because--

MR. BEDETTI: Sounds to me it was not just a calculation error, somebody just decided that he, that the proposed house was not big enough, let's make it bigger on a small piece of property. Unless I'm wrong and there's, you know, straighten me out.

MR. ALSDORF: I can make a phone call.

MR. KANE: I'd like to know the total square footage, you can make a phone call, we can table this for a couple minutes, take the next discussion.

MR. ALSDORF: If you don't mind, thank you.

MR. KANE: For right now we're going to table this while we get some information, we're going to go to the next meeting.

MR. BEDETTI: Do we have the size of the original house that was proposed so we can see how much bigger they're going?

MRS. GALLAGHER: I don't think he, he didn't supply us with that.

MR. KANE: We would probably have to go through the minutes. We normally ask so we'd probably have to go through the minutes and glean that out.

MRS. GALLAGHER: I can take a peak.

MR. KANE: Okay, we'll go on to the next one.

KELLY SHALIAN (13-11)

MR. KANE: Okay, next is Kelly Shalian, excuse me if I'm saying this wrong.

MR. CHANIN: Is Kelly Shalian here? Not here.

MR. KANE: Not here, okay.

MR. CHANIN: Is anybody here for this matter? And are you people here because you intended to speak at the public hearing? Okay, if the applicant doesn't show up, we're not going to have a public hearing, at least not tonight. Now the applicant may be in touch with our office and ask that this be rescheduled to a future meeting and at that time you'll have your opportunity to speak.

MR. KANE: It has to be reposted.

MR. CHANIN: It will be reposted and you'll get notice when to come back if the applicant comes back.

CLASSIC HOME BUILDERS (13-04) CONTINUED

MRS. GALLAGHER: Mr. Fayo in the minutes said that the home is intended to be 45 feet by 42, 45 long by 42 wide, is that correct? Mr. Fayo answered yes.

MR. CHANIN: Off the record.

(Discussion was held off the record. Whereupon,  
following which, these further proceedings  
transpired.)

DISCUSSION

LETTER RECEIVED FROM SPARC REGARDING JOINTA LIME  
COMPANY

MR. KANE: We're going to do a letter and get it out of the way.

MR. CHANIN: Gentlemen of the board and staff and honored guests, the town attorney, Mr. Blythe, received a letter copy of which I hope all of you have. And it was addressed to this board and so when Mr. Blythe received it, he referred it to me. I hope you all have a copy of it. It was a letter from SPARC, S-P-A-R-C, Stewart Park and Reserve Coalition, I believe by Sandra Kasam who was their executive director and it inquired of the operation of an asphalt plant on town property and raised the question about interpretation of the code which as you all know is traditionally and legally the job of this board, the zoning board to answer, to address. Now I have not done any research, the board is obviously free to do whatever it thinks best but we did receive a letter. This is the first letter that we have had since that letter was received and referred to my by the town attorney so really all that it's on for tonight is acknowledge that we received the letter and for me and for you guys to give me further direction about what you want done at this point. Let me just say one other thing for the record and that is specifically with what the letter is requesting is an interpretation of this board there about whether or not the building inspector should have issued a building permit, even though the applicant in this case Jointa Lime Company, was operating the plant, did not go to the planning board and get site plan approval. So that's the issue. I'm not answering it and you don't know the answer at this point but that's what the issue is that's raised in the letter. So what's your pleasure?

MR. BEDETTI: There has been no formal application for an interpretation?

MR. KANE: This letter, basically so what we're doing with this letter we're not making any decisions, we're acknowledging that we received the letter by the board and asking our attorney to investigate further to get us more information. That's all we want to do.

MR. CHANIN: If you wish, if it's your pleasure to ask

me to do so, I can be prepared to respond to any of your questions at the next scheduled meeting which is August 12. And of course, if any of you individually think of any questions or want more information or want me to do anything between now and the next meeting, you can call me and say hey, Geoff, I should of said to you the other night this is what I want you to do. So please feel free to expand the scope of your directions to me if you think of something later on.

MR. BEDETTI: Is there any, do we know of any reason why this did not go to the planning board?

MR. KANE: That's what Sandra's asking.

MR. CHANIN: I'm not in a position to answer any questions whatsoever about this at this time. But I would like very much, I'm very glad you asked that question because I want very much for all of the board members to ask me questions that you want answered. So I don't know the answer about what transpired or what reason somebody might of had but if you want me to answer that question and any others that may come to your mind that's my job.

MR. KANE: So if you guys can think of anything in the next day or two, give Geoff a call.

MR. BEDETTI: That's one question, why wasn't this reviewed by the planning board or why didn't this go before the planning board?

MR. KANE: I'm going to propose that we allow our lawyer, Geoff, to do some research for us and get some information and at the next meeting which will not be the 12th of August, we will not have a meeting on the 12th of August, we're going to have a meeting on the 26th of August, the 12th won't happen. So it's the 26th of August so at that point, Geoff will relay all the information he's picked up to us.

MR. CHANIN: And again, if anybody on the board thinks of anything, whether it's tonight or tomorrow or a month from now, if you think of something else you want to know that you want me to work on so I can provide you with the information, answer any questions, please at any time, you all have my cell number, please call me because I want to come back with the answers you want me to have for you at the next meeting which as the chairman says is going to be on August 26th.

MR. KANE: If for any reason you can't get in touch with Geoff, give me a call.

MR. BEDETTI: Another thing you may want to look into is this says temporary asphalt.

MR. KANE: We have no idea about any of this stuff.

MR. BEDETTI: That's something I would like to know, what's quote temporary mean, a week, a month, 10 years?

MR. CHANIN: I can give you the following information. This is the limit and extent of what I can say with confidence about this right now because I don't know anything about it. But this is what I do know. What I do know is that the town and it's a public document by the way, all this information which is on file in any municipal office, county, city, town, village or state is open government Freedom of Information Law Open Meetings Law, it's a public document. There is an agreement between the town and the company operating the plant is this name down here, Jointa, J-O-I-N-T-A Lime Company, they are the operators of the plant and the one fact I can provide you with that I do know is a fact is that there exists a contract between the Town of New Windsor and the Jointa Lime Company which I understand was approved by the town counsel and that contract is in the nature of a lease. The town is the landlord and they are leasing the town owned property to the tenant which is the Jointa Lime Company explicitly for the purpose of allowing the Jointa Lime Company to operate an asphalt plant on that site. I can tell you because I think it's in the packet that you received today that the operation of this plant under state law is subject to review and regulations by the State Department of Environmental Conservation and I think part of the information in your packet which is also public information is that the Department of Environmental Conservation has reviewed this operation and has issued a permit for it and that they have reviewed all of the environmental criteria and determined that this plant may operate under the conditions and the permit issued by the DEC. So with those two facts, I believe you and I will try to find out more about it as we go along.

MR. SCHEIBLE: Just something quick, sounds like a similar situation, the FBI, not similar but is the town going to be renting this piece of property to Jointa?

MR. CHANIN: I assume if they're the landlord they're getting rent, but that's in the contract.

MR. SCHEIBLE: But we don't know the amount of time.

MR. BEDETTI: Now I know why it didn't go before the planning board.

MR. CHANIN: I think the length of time is four years.

MRS. GALLAGHER: It's two with a one year extension.

MR. CHANIN: That's the extent that I know today.

MR. KANE: Any questions, call Geoff or myself. Okay, let's go back to Classic.

## CLASSIC HOME BUILDERS (13-04) CONTINUED

MR. ALSDORF: Anthony said what would be allowed to him any of the setbacks, the maximum, and he will have new plans drawn up for a house, the maximum setback that you will allow.

MR. KANE: If you're asking me my opinion and that would be my opinion only exactly what he has and what we approved a month ago based on the information he gave us. And, you know, we went through the minutes, very specific about the size of the building too and that was confirmed and we're not talking small numbers, especially on those side things, they're substantial compared to what we were giving before. I think if he came in my own personnel opinion, not speaking for the rest of the board is that if he came with those kinds of numbers before he might not have passed, you know, it's just with what the new requirements are as far as the zoning for that, we try to stay as close to it as possible. And we can't just keep expanding that out, you know, to suit anyone.

MR. ALSDORF: The original was 2,500 I think it was.

MR. KANE: As far as the--

MR. ALSDORF: Square footage of the house to match that setback.

MRS. GALLAGHER: It's 45 long by 42 wide.

MR. KANE: According to us, he said the home is intended to be 45, 45 long by 42 wide. But more importantly, you know, the size of the home as long as it's staying with what setbacks he had received from his variance is really not in front of us. So as long as he makes it fit within whatever the setbacks are he'll get a building permit. That's not up to us, that would be up to the building inspector. So as long as he conforms with what the previous variance was for him there's no issue with the zoning board. But personally, I just don't, I mean, how do you guys feel?

MR. BEDETTI: I agree, they have to expand the house in the other direction in order to stay with the original dimensions.

MR. KANE: Instead of going sideways, there's nothing from us that would stop you from doing that as long as

it passed all the reviews by the building department on that particular piece of property he could go that way a bit, not saying definitely, again, building department would have to look at the plans for that particular house. But I don't see us making that thing any wider than what it is right now and since this is a public hearing, I have to open it up to the public ask if there's anybody here for this particular hearing?

MR. CHANIN: I just want to ask the question. Do you want to go forward with this application tonight or do you want to take time to reconsider because if you want to reconsider, we don't have to have the public hearing?

MR. KANE: That's from you, we can settle if he wants to come back we can keep it open.

MR. CHANIN: If you want to amend your application or rethink your plan.

MR. ALSDORF: I don't know if the plan that he has right now will fit into there.

MR. KANE: This is what I'm going to do. I'm going to suggest that we table this application until the next meeting which would be the, be until August 26 and we'll take it up at that point.

MR. BEDETTI: Do you need a motion?

MR. KANE: I will.

MR. BEDETTI: I'll make a motion that we table this until August 26 for review.

MR. SCHEIBLE: Second it.

ROLL CALL

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

MR. CHANIN: So you're on the agenda, you have a placeholder for the August 26 meeting and between now and then you can figure out what you want to do. You can come to the building department and work with them if you want to keep that appointment on the 26th, you

have that right and we can go forward.

MR. KANE: Call Jenn.

MR. CHANIN: Just let them know what their intentions are and they'll take you off if you don't want to do that.

MR. ALSDORF: Because I think the proposed one won't fit into that lot those dimensions, okay.

MR. CHANIN: Rather than go forward in a kind of an incomplete fashion, you go, you think about it, work with the building department then we'll have something we can sink our teeth into.

MR. ALSDORF: Okay, thank you.

MR. KANE: Careful home. Have a good evening.

KELLY SHALIAN (13-11) CONTINUED

MR. KANE: Unfortunately, I was wrong, nobody showed up, we'll see you guys August 26 if they're going to proceed. But again, since they didn't show up, it has to go back into the newspapers 10 days ahead and you have to get a mailing so you will be notified if this proceeds.

FORMAL DECISIONS

1. Michael & Elaine Veneziali
2. John O'Malley
3. John Spignardo

MR. KANE: Okay, formal decisions, it's up to the board if you want to take them all in one vote, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we accept the formal decisions as a group for Michael and Elaine Veneziali, John O'Malley and John Spignardo.

MR. SCHEIBLE: Second it.

ROLL CALL

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

MR. KANE: So the 26th is the next meeting. Motion to adjourn?

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer