

TOWN OF NEW WINDSOR

ZONING BOARD

January 27, 2014

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

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

 CAMMY AMMIRATI
 ZONING BOARD SECRETARY

ABSENT: PATRICK TORPEY

MEETING AGENDA:

1. Robert McIntosh
2. Arimes Estates Ltd.
3. Thomas & James Amend
4. Kenneth Parker

REGULAR MEETING:

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals regular session January 25, 2014 meeting to order.

PRELIMINARY MEETINGS:

ROBERT MC INTOSH (14-01)

MR. KANE: Okay, preliminary meetings, first preliminary meeting Robert McIntosh. An area variance of 14 feet is requested for a proposed six foot by ten foot addition that does not meet side yard setbacks. Located at 68 Riley Road in an R-3 zone. No one's here? Okay, that one's on hold.

PUBLIC HEARINGS:

ARIMES ESTATES LTD. (13-28)

MR. KANE: Tonight's first public hearing is Arimes Estates, Ltd. Area variance is required for an existing addition built without a permit that does not meet side and rear yard setbacks and a proposed deck that does not meet side yard setbacks. Located at 1083 Route 94. Sir, hi, come on forward, same as in the preliminary hearing, you're going to state your name and address, speak loud enough for everybody to hear you. Tell us exactly what you want to do. And before you start, is there anybody here for this particular hearing that wishes to speak? Okay, when we open the public portion, we'll just ask for your name and address for the stenographer and you can ask any questions or make any statements.

MR. MOSLEM: My name is Saaed Moslem, I'm the owner of Arimes Estates. We added an existing side portion of the building, we're just trying to clarify and make correct and add a deck to the side of the house.

MR. CHANIN: Can you spell you name for the record?

MR. MOSLEM: S-A-A-E-D M-O-S-L-E-M.

MR. CHANIN: You're an officer of the company?

MR. MOSLEM: Yes.

MR. CHANIN: Thank you.

MR. KANE: Basic questions to start off with, creating any water hazards or runoffs?

MR. MOSLEM: No.

MR. KANE: Removal of substantial vegetation or trees on the property in the building of this?

MR. MOSLEM: Sir, no.

MR. KANE: Any easements running through that particular area?

MR. MOSLEM: No.

MR. KANE: This is an existing addition?

MR. MOSLEM: I guess it was, the previous owner might not have ever filed it, I'm just making it correct.

MR. KANE: Approximately, how long has this addition been in existence?

MR. MOSLEM: I'm not sure, years.

MR. KANE: Okay, during that time to your knowledge has there been any complaints formally or informally about that addition?

MR. MOSLEM: No.

MR. KANE: And there was not a deck on the back of the house at all?

MR. MOSLEM: No, that's an addition.

MR. KANE: And the addition was the rear door there?

MR. MOSLEM: No, we set that off for the deck. That house is a total renovation, I don't know if you guys remember the area, it was very run down and we did a lot of investment and spruced everything up.

MR. KANE: Okay, further questions from the board?

MR. SCHEIBLE: Would you give me an approximation of where this is located? I'm a little lost here.

MR. MOSLEM: Go under the Thruway bridge right to your left-hand side, used to have all the trinkets and windmills.

MR. SCHEIBLE: Now that explains it.

MR. KANE: Doesn't look the same.

MR. SCHEIBLE: And you've owned this how long now?

MR. MOSLEM: Maybe four months, five months.

MR. KANE: How big is the proposed deck that's going on?

MR. MOSLEM: Proposed deck is 22 x 18.

MR. KANE: And is that deck similar in size and nature

to other decks in that particular neighborhood? I know that's a tough question.

MR. MOSLEM: Yes, I'm not sure what your average size is.

MR. KANE: That's okay, 18 x 22 is not too big. Further questions from the board? At this time, what I will do is I will open it up to the public. Sir, do you wish to make a statement or ask some questions?

MR. MULE: I had the same question that that gentleman had.

MR. KANE: Name and address first and loud enough for this young lady over there to hear you.

MR. MULE: Robert Mule, M-U-L-E, 10 Maurice Lane, New Windsor, New York.

MR. KANE: Go ahead.

MR. MULE: I was curious to know where it was. I thought Danny Naggy still had the property. Now that I know he bought it four months ago, I don't have any problem what he's doing there, he's improved on the property so much, God bless you, go ahead and do what you gotta do. I just wanted to know what's going on in the neighborhood. I didn't know that was the house. There's no way for me to tell by the address, there's no numbers outside, so I couldn't tell what it was. So you answered my question. Knock yourself out.

MR. KANE: Thank you, sir. Anybody else for this particular hearing? Yes, sir?

MR. FOODY: Good evening, my name is Paul Foody, I represent the New York State Thruway Authority and we're adjoining property owners to this. I'm going to try and read this, actually sounds a little better. As an adjoining property owner, the New York State Thruway is opposing this variance application. The property owner is asking for a variance to allow a structure within three feet of our property. As a limited use highway frequented by the traveling public, there are several issues that can arise, such as a vehicle accident where possibly large trucks could leave the roads or the removal of ice and now that might involve the buffer between us and adjoining properties and the distance of the setback is a concern. We were first

introduced to this property owner by the threat of legal action from him. At that time, he alleged that a clogged drainage ditch caused flood damage to his house. An investigation revealed there was a clogged ditch but that it was a self-created dam installed to create a pond and garden area on Thruway property. Our crews removed the clog and the site has drained properly since. However, this also brought to light the fact that Arimes Estates removed a 50 foot section of chain link fence belonging to the authority and used it as a protection for both the traveling public like adjoining property owners keep people from wandering out and us from wandering onto them then pushed some trees and trash and debris, including the section of removed chain link fence onto our property. Further, he then installed a stockade fence adjacent to our chain link one but actually on Thruway property. In an attempt to be good neighbors, we contacted Mr. Moslem who assured us it was an oversight, an overambitious employee that was at fault and it would be made right. It was asked that the trash and debris would be removed, specifically two piles up against the fence, that the stockade fence be removed from Thruway property and that our chain link fence be repaired to its original condition with similar materials. To date, none of that has been completed. The issues at hand result from the purchase of this property at a distress sale which would require due diligence in order to discover if any outstanding issues would need to be addressed, such as this one. It may have not been the applicant's fault but his responsibility to correct. Further, Arimes Estates has demonstrated a lack of respect for the local process as renovations were undertaken without the general benefit of a building permit as well as a lack of respect for the rights of adjoining property owners by removing the fence and dumping his trash on our property. Now he asks for a variance to allow from the benefit from the fruit of those actions. It's the position of the Authority that he should not be granted the variance and that the building should be removed to the proper setbacks. And we further expect that our stuff still be restored back to the way it belongs. Realizing this is solely in your right and jurisdiction to decide, we believe you should have all the facts and opinions in the case as you deliberate. And I do have for you a copy of the site plan, shows our fence line which runs here and there's the property line and the stockade fence is along, right adjacent to our fence.

MR. CHANIN: What are those things?

MR. FOODY: These are pictures taken this morning of the property. These are copies you guys may keep, just shows some of it. The stockade section was taken out but the posts are still there.

MR. KANE: We can have these for the record?

MR. FOODY: Yes.

MR. KANE: Anything else, sir?

MR. FOODY: I think I've created quite enough of fuss. Questions from me?

MR. KANE: No.

MR. FOODY: Thank you.

MR. KANE: Anybody else? Okay, you have some questions to answer.

MR. MOSLEM: Sure.

MR. KANE: Number one on my mind is that, how old is this addition?

MR. MOSLEM: Well--

MR. KANE: When was this started?

MR. MOSLEM: This building was built--

MR. KANE: Not the building, the addition.

MR. MOSLEM: The addition was all part of the structure, that addition has been there since I don't know when the building was built.

MR. SCHEIBLE: Question, just to go back to what you just reiterated on that, you just said that you have really done no additions to the building since you purchased this and how long ago was that?

MR. MOSLEM: About four months ago.

MR. SCHEIBLE: Four months ago, and you have done nothing addition wise since your purchase?

MR. MOSLEM: Correct, I'm just clarifying, I don't know if the addition was correct or incorrect when it was first built or the clarifications of what the issue was at hand, I'm just trying to clear it for future that there will never be a problem again. And that again with Mr. Foody here, he failed to mention that I have tried to go above and beyond, I had one of the people that work for me, we have an excavator, obviously he doesn't know the property as much as you guys know in the whole area how much filth and debris and excess there was there that we just tried cleaning up and making it better.

MR. KANE: Pushing it onto somebody else's property doesn't exactly sound like it's cleaning up.

MR. MOSLEM: That's absolutely not true, I filled ten 30 yard dumpsters.

MR. KANE: How did the fence go down?

MR. MOSLEM: With an excavator, that was accidental, I pulled permits from the Thruway Authority, I provided insurance, I took care of everything to correct that. I actually did purchase the correct fence and everything is being taken care of, you know, it's all on our agenda of things to do now. Mr. Paul Foody, you know, he explained to me that he would create a hassle for me if I didn't put the fence up and clean all the debris that was on their side of the property. And I said well, Mr. Foody, I'd be more than happy if I walk you around and show you that this has been existing for years upon years since Mr. Daniel Naggy has owned it, I will correct my issue which honestly I took down a 30 foot section of the fence, I'll be more than happy to take care of that and one tree that was knocked over in taking the fence down, which I already did remove and bring to my side of the property which was taken care of. So I have done my due diligence, I have taken care of everything to do the right thing, make everything correct. As you guys know what I've done to the building that was all done, you know, to, you know, make it a better neighborhood, you know, and everything I've done has been done correctly. And I do have all the material to fix the fence and make everything correct. There are things that I, that we did, we made a mistake, my guy made a mistake, he took a portion of the fence. As you see, we removed the stockade fence, actually moved it to right on our property line but basically the Thruway Authority wants me to clean the

whole back area, which is not my responsibility, it's there, there's a ton of garbage back there, like I said, there was a drainage problem that they did take care of. But there is a ton of garbage back there, just created from garbage from the Thruway. If you could confirm, Mr. Foody, that the permit has been pulled?

MR. CHANIN: No, no.

MR. KANE: Excuse me, we don't do that.

MR. MOSLEM: Cause I do have that in the truck if you'd like me to bring you the permits and everything done correctly.

MR. SCHEIBLE: Are these pictures, are these the ones you just submitted right now, these pictures are, where did these come from?

MR. KANE: Thruway Authority.

MR. SCHEIBLE: These were taken as of when?

MR. KANE: This morning, right, sir?

MR. FOODY: Yes.

MR. KANE: How long ago, I'm going to ask you a question, how long ago did you speak to the applicant about replacing the fence?

MR. FOODY: Approximately, two weeks.

MR. KANE: It's your intent to replace that fence as soon as you're able?

MR. MOSLEM: Yes, I have all the materials.

MR. KANE: I know with the temperatures it might be a little difficult at this point.

MR. MOSLEM: Correct.

MR. SCHEIBLE: I would like to see this area cleaned up and fence, whatever fence repair has to be done, until that, we can't make a decision on this situation. You know, I don't know what the rest of the board feels in this but that's my feeling.

MR. HAMEL: Can we see the pictures over here please?

MR. KANE: Yeah.

MR. MOSLEM: Like I said, we have honestly admitted to our mistake of taking that portion of the fence down. We have taken action to repair the fence. We pulled all the permits, we have everything done legally and correct. And it took a little bit of time to receive the correct material cause it's industrial grade, you can't get it at Home Depot, we did receive everything and we're in process. But I think it's unjust and unfair for me to clean all that property back there with garbage that's not mine, it was not created by us.

MR. SCHEIBLE: I'm not saying that you should have to pick up someone else's garbage but whatever lies on your piece of property I would like to see, you know, cleaned up.

MR. MOSLEM: Our piece of property.

MR. SCHEIBLE: When I'm looking at those pictures, doesn't look too attractive.

MR. MOSLEM: The whole reason of the stockade fence is to block the ugly chain link fence with debris and garbage coming off the Thruway, that was the whole point of the stockade fence. I don't know what, you know, it was on honest mistake, my kid that works for me unfortunately took out a portion and luckily I got there in time or else we would have had a bigger portion taken.

MR. KANE: I think wherever that stockade fence came down it's kind of hard to tell whose garbage was there at that point. I think that area should be cleaned, a mistake is a mistake, but still you have to rectify the whole thing, since you can't find a way to separate exactly what's yours and theirs in that particular area I feel that needs to be cleaned. The other thing as Geoff pointed out is that I'd like to get a little bit more information on the addition on the side of the house, whether it be through pictures that were from the past that show that obviously there were some pictures of the home before you purchased it, I would think so, my own opinion would be to table it until we can see those pictures about the addition so that we can make a correct decision, you know, fair decision on this. And in the meantime, proceed to get those areas

cleaned up that need to be cleaned up now. That would be my opinion.

MR. BEDETTI: Mr. Chairman, and include some dimensioning on there relative to the existing part of the house and the property line and the addition to the property line.

MR. KANE: Okay. Any further questions from the board? Okay, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we table this.

MR. KANE: To Hank and my own opinions on this too, on that side, anything, I'll accept a motion.

MR. BEDETTI: I'll make a motion we table this issue for more information relative to the addition to the main house and some of the permits that were being issued for cleanup.

MR. KANE: Rectifying the fence and the cleanup areas.

MR. HAMEL: Second it.

ROLL CALL

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

MR. KANE: So what we're doing, we're going to table the motion right now and you need to get us some more information, show us some pictures, show us where the addition was, give us some more measurements that that stuff was actually existing. You may not know it right now but we do, I've been doing this over 20 years and most people do come in with good prior knowledge to what was going on with that property, at least within the last couple years because they researched it before they bought it. So I would think that that would be something that you can get that for us so we can make a correct decision. That's where we stand so as soon as you can get those pictures.

MR. MOSLEM: Couple of things to rectify this, this is bought from a tax sale, I have no prior information on this house whatsoever, I don't even have any pictures,

that's one. And two is the garbage that Mr. Foody wants me to clean is basically the whole side of the, they want me to clean the whole, their section of the Thruway.

MR. KANE: All I'm asking you to do is clean the section where the fence went down and clean everything up that's on your property, get some more information about the buildings, you're going to have to do a little research, you're now the homeowner, that's on you. So for us to make the correct decision, unless you come back and if you come back and you don't have that information, we'll be glad to make a decision based on what you have.

MR. MOSLEM: Great. When is the next meeting?

MR. KANE: Call Cam and she'll put you on the next meeting since we don't need another notice.

MR. CHANIN: No, you don't need another notice but you don't know how long that's going to take you to get the information.

MR. KANE: Give our secretary a call and she'll put you on the closest meeting to whenever you call.

MR. MOSLEM: I really appreciate it. Thank you very much.

MR. KANE: Have a good evening.

PUBLIC HEARINGS;

THOMAS & JAMES AMEND (13-30)

MR. KANE: Next public hearing, Thomas and James Amend. Area variance of eight foot in height is requested for a proposed second story addition to an existing garage making the total height 24 feet. The height of the principal building on the property is approximately 16 feet. Located at 111 Toleman Road in an R-3 zone. Same thing, speak loud enough for the young lady over here to hear you. Name and address?

MR. AMEND: My name is James Amend, Thomas is right there as well, 111 Toleman Road, New Windsor, New York.

MR. KANE: Tell us the exact same thing you did in the preliminary meeting.

MR. AMEND: So we're proposing to add onto an existing garage that's at our home location that we have lived there for about a year and two months now. The garage is a two car garage with a flat roof on it that's leaking so we're proposing to add on another bay on one side, on the right side I should say and then have storage up above the garage.

MR. KANE: Couple of questions, again, this may not seem relevant but we have to ask them, cutting down substantial trees and vegetation in the building of this?

MR. AMEND: No.

MR. KANE: Creating any water hazards or runoffs?

MR. AMEND: No.

MR. KANE: Any easements running through that particular area?

MR. AMEND: No.

MR. KANE: When we had the preliminary meeting if I remember correctly, we asked if it was possible for you to get some photos of the area of other garages?

MR. AMEND: Yes, I have them right here.

MR. CHANIN: Just make sure you speak loud enough for

your voice to be transcribed.

MR. AMEND: These are all within a quarter mile of the house, a new one put up a while ago, this is right down the street as well, sorry it's tough to see it, show you a little better here. That's the same exact one and there's another one there. This is the same one too from a different angle.

MR. KANE: And it's your intent for the storage space above the garage that that's not going to be a rental place or living place, total storage?

MR. AMEND: Total storage.

MR. KANE: Further questions from the board at this time?

MR. BEDETTI: Will there be heat or electricity in the area?

MR. AMEND: In the lower part of the garage there possibly will be heat but probably not all, there will be electric and maybe just some lights upstairs so when you walk upstairs at night for storage.

MR. BEDETTI: No plumbing of any kind?

MR. AMEND: No. In the lower area we might do something with heat at some point but that would be in the lower basement in the garage area.

MR. KANE: We have you on record stating you're not going to be building a rental unit.

MR. AMEND: No, no rental unit.

MR. SCHEIBLE: That's what I understood that it was going to be a rental unit on top, that's out?

MR. AMEND: No rental.

MR. SCHEIBLE: I think I asked that.

MR. KANE: Well, we clarified it. At this point what I will do is I'm going to ask if there's anybody in the public for this particular hearing? We'll close the public portion of the meeting and ask Cam how many mailings we had.

MRS. AMMIRATI: On the 14th day of January 2014, I compared 13 addressed envelopes containing the public hearing notice with no responses.

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

MR. HAMEL: I have a question, how are you going to get to the second floor? Will there be steps inside? There's nothing outside, correct, there's no door?

MR. AMEND: No, inside.

MR. HAMEL: Just going to come in the garage?

MR. AMEND: Inside there will be, if you look on the back side of this garage, there will be a staircase in the back.

MR. KANE: That's internal?

MR. AMEND: Internal, correct.

MR. KANE: Further questions?

MR. SCHEIBLE: The present two car garage if I understand looks like you're going to extend it out as a three car garage?

MR. AMEND: Correct.

MR. SCHEIBLE: So you're adding to the one side of the garage maybe 12 feet give or take?

MR. AMEND: Yeah, it's a little less.

MR. SCHEIBLE: This printing in here is a little bad for my eyes.

MR. AMEND: If Cammy would have told me, I would have brought you a big set.

MRS. AMMIRATI: Even with the third garage, the third garage it still makes setbacks and everything like that, setbacks are fine. The only issue is the height.

MR. KANE: And there is no issue with developmental coverage.

MR. AMEND: Also you brought up the last time about a

permit for that which I looked into, there's no permit for that, that house was built in 1957 which there were no permits then.

MR. KANE: Pre-dated zoning.

MR. AMEND: Pre-dated zoning.

MR. SCHEIBLE: Just curious at that time.

MR. AMEND: I was curious too so now we know.

MR. KANE: Further questions? Seeing as there's not, I'll accept a motion.

MR. HAMEL: I'll make a motion that we grant Thomas and James Amend the variance as requested.

MR. BEDETTI: I'll second that.

ROLL CALL

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

MR. KANE: You're all set, here's what you do next. Okay, good luck to you.

MR. AMEND: Thank you very much.

KENNETH PARKER (13-29)

MR. KANE: Last public hearing is Kenneth Parker. An area variance of eight foot four inches is requested for an existing two foot by 26 foot addition with deck that does not meet the minimum rear yard setback of 40 feet. Located at 11 Valewood Drive in an R-4 zone. Evening, sir.

MR. PARKER: Good evening.

MR. KANE: Name and address?

MR. PARKER: Kenneth Parker, 11 Valewood Drive, New Windsor, New York 12553.

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

MR. PARKER: Alright, we have not enough room from the back of the existing property so we need a variance of eight foot four inches to meet the 40 feet requirement.

MR. KANE: This is an existing room or deck?

MR. PARKER: Wood deck, right.

MR. KANE: Some questions that we have to ask. Create any water hazards or runoffs in the building of this deck or existing room?

MR. PARKER: None.

MR. KANE: Cutting down substantial trees or vegetation?

MR. PARKER: No.

MR. KANE: Any easements running through that particular area?

MR. PARKER: No.

MR. KANE: How long has the deck or addition been in existence?

MR. PARKER: Since 1986.

MR. KANE: During that time, has there been any complaints formerly or informally?

MR. PARKER: Received nothing from nobody.

MR. KANE: The deck itself similar in size and well, it's totally enclosed, right, I mean the room?

MR. PARKER: The room is, yeah, the deck is not enclosed, just the room.

MR. KANE: That's similar in size and nature to other decks in your neighborhood?

MR. PARKER: Yeah, right.

MR. KANE: Further questions?

MR. BEDETTI: For the purpose of actual disclosure, I live within the notification zone, I don't know if that matters.

MR. KANE: Do you have any financial interests in the property?

MR. BEDETTI: I hope I don't owe him any money.

MR. PARKER: I can check on it.

MR. CHANIN: Is there any reason why you think you couldn't make a decision on the basis of the facts?

MR. BEDETTI: Not at all but I wanted to make sure.

MR. KANE: Thanks for your disclosure.

MR. SCHEIBLE: You owned this piece of property at 1986 when it was built?

MR. PARKER: No, the home was built in 1962, alright, I'm the original owner, just a piece of land on there, Schoonmaker Development, and they built all these houses. Well, you own a house in Schoonmaker on Harth Drive?

MR. BEDETTI: Yes.

MR. PARKER: Went there, picked a house and they built the house on a particular lot.

MR. SCHEIBLE: What year?

MR. PARKER: 1962 and that remained until 1986 when we decided that we wanted additional rooms, these houses aren't the biggest houses in the world, maybe you have the same size house?

MR. BEDETTI: No, it's probably smaller.

MR. PARKER: Maybe you've got a bigger one. So we wanted a family room so that we could entertain outside and also in the summertime back at that time we were infiltrated with mosquitoes and everything, we couldn't sit outside so we decided we're going to close it in. If you look there, we, the windows are all crank-out windows with screens, if you open all the windows, you also have a screened-in porch as well and the sliding back screen door is also so we can have it like that in the summertime, you can feel that and it's gets chilly, crank the windows closed.

MR. SCHEIBLE: And in 1962, when you put this addition on--

MR. PARKER: 1986.

MR. SCHEIBLE: -- you didn't go for any permits?

MR. PARKER: The builder was supposed to do that, that was part of the agreement when he did it, but these people what they do they have two or three jobs going all at once, he was down at my house in July to do this. I went out and took a home improvement out in July, all ready to go, he didn't show up until middle of September. When he came then he said he didn't finish a job he was on, he was going to have to leave in the middle of the job for a week or two to go finish that job and once that was done, he can come back and work on our property. So I don't know, maybe he had too many irons in the fire, I don't know. I can't really answer. But he was, you know how builders are, they don't want any dead time so they build part of your house then they go someplace else, now they've got you locked up, so that's kind of where it went.

MR. KANE: I'm going to open it up to the public, ask if there's anybody in the audience for this particular hearing that would like to speak? We'll close the public portion of the meeting and ask Cam how many mailings we had.

MRS. AMMIRATI: On the 14th day of January 2014, I

compared 89 addressed envelopes containing the public hearing notice with no responses,

MR. KANE: Back to the board for further questions?

MR. BEDETTI: I'm good. Just comment that it's a very neat addition, very nice.

MR. SCHEIBLE: As I can see in the picture.

MR. KANE: Beautiful home. I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant Kenneth Parker an area variance for eight foot four inches for an existing 12 x 26 addition with a deck that doesn't meet the rear setback located at 11 Valewood Drive in an R-4 zone.

MR. HAMEL: I'll second it.

ROLL CALL

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

MR. KANE: Here's what you do next, you're all set.

MRS. AMMIRATI: Finish up the permit.

MR. KANE: You have to pass all the rules and regulations of the building department.

MR. PARKER: Beyond that?

MR. CHANIN: You're finished here.

MR. PARKER: So we get to do the house inspection?

MR. CHANIN: Whenever the building department let's you know.

MRS. AMMIRATI: I'll have Frank get in touch with you.

MR. PARKER: Can I make a suggestion? Is there any way like somebody, like somebody from the building department when Schoonmaker builds a development like this here through no fault of our own he gives you

four, three feet from the house to the line so you can build like a three foot room back in there, you know what I'm saying?

MR. KANE: It comes down--

MR. PARKER: My neighbors every time somebody wants to build something it feels like we built something wrong.

MR. KANE: You didn't do anything wrong, I wish I could say things have changed since 1986, I think we've gotten worse. We have a whole development in the back, The Reserve I believe it is where they put three steps coming out the back door with no deck and told the people don't worry about it, zoning department will give you a variance which isn't always true.

MR. CHANIN: Caveat emptor.

MR. KANE: Buyer beware.

MR. PARKER: My suggestion was if you can add like a sort of a waiver like for 10 feet like the building department come up there, look at it and understand, assess the situation.

MR. KANE: In a development like that before it gets to the building department, that's part of the planning board and they're the guys that sit and design this whole thing and do the layouts and go over with the applicants, you know, so all of that's to them, it's not even a building department situation if I'm not mistaken.

MR. CHANIN: You're correct. Not only that, if you wanted to suggest a change in the procedure that would have to be approved by the town board.

MR. PARKER: No, I understand that, no, I'm, it's a suggestion like somebody like from the building department look at the situation, look down the street, all the way down there you could have that many people come in all for a variance, 95 mailings seems like a lot to go through and it makes you feel like gee, I did something wrong but I did nothing wrong. If Schoonmaker had built my foundation eight feet that way there, you know what I'm saying, it would have passed for a lot of reasons.

MR. CHANIN: Some of those requirements are also state

law.

MR. PARKER: What do you mean by that?

MR. CHANIN: Procedures followed by planning boards, zoning boards and other municipal bodies are a combination of the local law that's passed by the Town Board of the Town of New Windsor but also, for example, the standards that apply to the zoning board as to whether or not they're going to grant or refuse to grant a variance are imposed by state law so some procedures even if the town wanted to check they couldn't.

MR. PARKER: Okay, so there's no way checking because of the way the thing was built we can give you up to like 10 feet or 25 percent or something?

MR. KANE: I don't think there's what you would call a fail-safe mode in there where I would personally think that there would be somebody on the planning board with open eyes to see that hey, you've got all these houses, the back of the house is 40 feet from the back, where is the deck going? Everybody wants a deck. I mean, I'm not crazy but everybody wants a deck. Where is the deck going? I know if I was on the planning board it would come up but that's a function of the people that are there to take a look at it.

MR. PARKER: Another thing when they made my street they made a, right in front of my house I have 110 feet from the road to the back fence line, people across the street have 135 feet so they can go build their brains out and don't have to do this.

MR. KANE: You're paying for this transcript. You're paying for it by the page.

MR. PARKER: I'm paying for this?

MR. CHANIN: Yes, sir, that comes out of your money.

MR. KANE: I think we should indicate that comes out of your money.

MR. PARKER: Somehow put a waiver of like 25 percent for homes in the development where this situation has no fault to the owner.

MR. CHANIN: Submit your proposal to the town board,

that's the route you should take.

MR. KANE: We can't do anything.

MR. PARKER: Okay, alright, thank you very much.

MR. KANE: Have a great evening.

MR. PARKER: Sorry I took all your time.

MR. KANE: Not at all.

PRELIMINARY MEETINGS: (CONTINUED)

ROBERT MC INTOSH (14-01)

MR. KANE: Back to the preliminary meetings, Robert McIntosh. An area variance of four feet is requested for a proposed six foot by ten foot addition that does not meet side yard setbacks. Located at 68 Riley Road in an R-3 zone. So you know what we do in the Town of New Windsor unlike a number of towns out there is that we have a preliminary meeting so that we can get a general idea of what you want to do and make sure that we have all the property information to make that decision and then by law, we have to do it in a public hearing. What other towns do, they don't hold that preliminary meeting so when you walk in, if you don't have the right stuff, you lose, goodbye. So we try, it's a little bit more drawn out but we try to make it more fair. So speak loud enough for the young lady over there to hear you, name, address, tell us exactly what you want to do in your own words.

MR. MC INTOSH: Robert McIntosh, 68 Riley Road. Exactly what you just said, I'm looking at building a six by eight small addition to the side of my house that I can use for like a utility room. Reason for the utility room I've got a crawl space, crawl space sporadically gets water due to the drainage ditch that runs right alongside my property. I've got a hot water tank and used to be a boiler in the basement that I've had to replace because of water damage so I'm trying to get everything out of the basement so I don't have to replace it every few years.

MR. SCHEIBLE: This little checkered, that's the little checkered piece?

MR. MC INTOSH: Little square box on the corner.

MR. SCHEIBLE: In other words, it's gonna be built, you know, just gonna look like a shed?

MR. MC INTOSH: It's going to be attached to the house but it's the same size as a shed. I'm going to side it so it matches the house but I couldn't go out the back because it blocks the windows and stuff for like the bedroom and the kitchen. I can't go out the other side because I have the garage and I can't go out front because I have the front porch.

MR. SCHEIBLE: You're building it yourself, you're not putting a prefab shed?

MR. MC INTOSH: No, I'm building it myself.

MR. KANE: Creating water hazards or runoff in the building of the shed?

MR. MC INTOSH: No.

MR. KANE: Removing substantial vegetation?

MR. MC INTOSH: No, not at all.

MR. KANE: Any easements running through that particular area?

MR. MC INTOSH: No.

MR. SCHEIBLE: A lot of water in your basement in that area?

MR. MC INTOSH: When I first bought the house, I went away for a week, it rained for two days, when I came home, I had three feet in a three and a half foot crawl space. Since then, I've put french drains all the way around the inside, I've weather sealed the walls, I've put a vapor barrier. Eventually I want to pour a slab of three inch concrete. But if I pour three inches, I don't have enough room for the water heater that's in the basement so I have to try to do the water system first.

MR. SCHEIBLE: Approximately where, I know where Riley Road is, but I don't know where approximately on this end or the other end or in the middle?

MR. MC INTOSH: Dean Hill Road, if you come down Dean Hill Road and kept going, you'd pull in my driveway.

MR. KANE: Further questions from the board?

MR. BEDETTI: This is just one level?

MR. MC INTOSH: Yeah, just eight foot, just the lower level just enough to be able to put my utilities in.

MR. KANE: Any further questions?

MR. HAMEL: What's the height of it? Because on the

one drawing looks like, I mean, it could be a foot off the ground which would mean that you'd probably need a step, a step or two? Is that going to bring the variance or bring the side setback more than the, what you're asking for?

MR. MC INTOSH: It should be I believe a foot six inches to a foot off the ground, I'd actually have to look at the plans.

MR. HAMEL: Because there is a certain height that they require a step.

MR. KANE: That would have to be factored in unless he did it on the side of the building.

MR. MC INTOSH: It's going to be a foot off the ground, I guess I'd have to put stairs there.

MR. KANE: For the public you're going to want to factor in the stairs unless you move the door over to the side which I know it's tough and I gotta say this aesthetically is probably better there, we always ask for the minimum.

MR. MC INTOSH: Aesthetically it's better there.

MR. KANE: Then we don't have to add to the variance.

MR. MC INTOSH: With the air conditioning, plumbing lines, everything is right there so I wouldn't be able to go, I'd have to make a bridge to go over everything.

MR. KANE: So what you're going to want to do is to figure out what you need for steps and how far that's going to come out and we need to add that to the variance. We need to get that to Cammy before this can go out in a mailing to set up for a public hearing.

MR. MC INTOSH: Okay.

MR. KANE: Any further questions? I'll accept a motion.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Robert McIntosh for a proposed six by ten foot addition located at 68 Riley Road in an R-3 zone.

MR. SCHEIBLE: Second it.

ROLL CALL

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

MR. KANE: Fourteen feet he's requesting maybe adjusted for the addition of steps going into that shed and he will get you that information before this can be sent out from the public, yes?

MR. CHANIN: Here are your next instructions.

MR. KANE: Get this back, we're going to--

MRS. AMMIRATI: In order to get on the next meeting, it would have to be before noontime tomorrow.

MR. MC INTOSH: Tomorrow's my first day off so I can go to the building department, find out what the requirements are and just add it.

MR. KANE: Before noon cause we need 10 days, if not, that will set you back to the next meeting.

MR. MC INTOSH: It's cold outside, I don't plan on doing it for a month.

MRS. AMMIRATI: I gave you two choices, either tomorrow morning or by the fifth of February or something like that.

MR. MC INTOSH: Okay, thank you very much.

MR. KANE: You're welcome, have a good evening.

FORMAL DECISIONS:

1. WLD, LLC

MR. KANE: We have one formal decision, gentlemen, I'll take a motion on that.

MR. BEDETTI: I'll make a motion we accept the formal decision identified as WLD, LLC as written and distributed by e-mail.

MR. HAMEL: Second it.

ROLL CALL

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

MR. KANE: Motion to adjourn?

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer