

TOWN OF NEW WINDSOR

ZONING BOARD

April 14, 2014

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

ALTERNATE:               GREGORY BIASOTTI

ALSO PRESENT:       GEOFFREY CHANIN, ESQ.  
                              ZONING BOARD ATTORNEY

                              CAMMY AMMIRATI  
                              ZONING BOARD SECRETARY

MEETING AGENDA:

1. Classic Home Builders, LLC
2. John & Denise Meyer
3. Lewis Sign Co., LLC for Crystal Run Healthcare

**REGULAR MEETING:**

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals April 14, 2014 regular session to order.

APPROVAL OF MINUTES DATED 3/10/14 & 3/24/14

MR. KANE: Motion to accept the minutes of 3/10/14 and 3/24/14 meetings as written, those were sent by e-mail.

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

April 14, 2014

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

## PRELIMINARY MEETINGS:

## CLASSIC HOME BUILDERS, LLC (14-08)

MR. KANE: Tonight's first preliminary meeting Classic Home Builders, LLC. Variances of 32 feet for minimum lot width, 10 foot per side yard setbacks and 20 feet for total side yard setbacks for three proposed lots located at 248 Bethlehem Road. This was referred by the planning board. What we do in the Town of New Windsor is we hold two meetings. We hold a preliminary meeting so we can get a general idea of what you want to do and make sure you have the information so we can make a good decision. In other towns you have one meeting, you're not prepared, you lose. So everything by law we have to do in a public hearing which will be very similar to this one except the public will be at that particular meeting. So just state your name, address, speak loud for this young lady to hear you and tell us in your own words what you want to do.

MR. BRADY: Good evening, my name is Patrick Brady. I'm the engineer for the application. My address is Post Office Box 308, Blooming Grove, New York 10914. Tonight before you we are proposing several variances. We have been before the planning board with a couple layouts and this layout before you is one that they found most appropriate and conforming to the community. The lot width, we require a lot width variance for the three lots, one, two and three and we also require variances for the side yards, 10 for the, for one side yard and 20 foot for the both side yards. If you look at the rear property line to the west, you could see that we abut the Windmere Estates which is a trailer park and that is in the R-3 zone and the setbacks that we have proposed are consistent with the R-3 zone. Also, if you look at our vicinity map in the upper right-hand corner, you could see our lot that's been crosshatched. And if you look at the adjoining lots to the east, north and south, you can see that the proposal is consistent with the character of the existing neighborhood. Just a little background we had done to do this, by right we could come in and put in a private road but you would have environmental issues, increased runoff and just we also did a layout for the planning board where we had shown a flag lot, put a lot in the back there, we would only require one variance for one lot but this seemed to fit better with the character. We're not putting a house in the rear of

two of the houses.

MR. KANE: Prefer this, we get enough of that between Ducktown and the other side of town.

MR. BRADY: We explored several alternatives before making our presentation to the planning board.

MR. TORPEY: Good driving range.

MR. KANE: It's nice and that lot area and gross lot area are still coming within, so that's great. Cutting down trees, substantial vegetation in the splitting of these lots?

MR. BRADY: No, we will propose a clearing limit line when we go back to the planning board but we'll limit the disturbance to the houses and septic areas. So I don't know if you've driven by there, it's fairly wooded, I'd say the average trees are eight to 10 inch in thickness but it would provide some nice screening through the rear property lines and the side yards.

MR. KANE: And you had alluded to this before but no water hazards or runoffs in the building of this?

MR. BRADY: No, no, the property drains off, it's got a uniform slope off to the northeast and by limiting it to just houses and driveways you have mitigated some potential storm water runoff.

MR. KANE: Well and septic?

MR. SCHEIBLE: Does it feed into a stream, when you say property runoff?

MR. BRADY: No, just surface flow.

MR. SCHEIBLE: Just disappears?

MR. BRADY: Yeah, gets absorbed into the ground, no drainage ditches. There's a drainage ditch along the road so any houses would pitch to the road, Bethlehem Road, the rest of it would be just as it is today as far as runoff. To answer your question--

MR. KANE: Each one has an individual well in the front?

MR. BRADY: We're proposing individual wells but we're

applying for an extension of the water main so we're going to bring in public water but we've shown the wells to show that the lot can be developed if we do not get the extension.

MR. KANE: Septic?

MR. BRADY: Septic systems, yes.

MR. KANE: Any easements running through the property?

MR. BRADY: No easements on the property. If you look to the south though there's also power lines that run through there, I think that's Con Ed.

MR. SCHEIBLE: Central Hudson.

MR. BRADY: And we're proposing deeds to the property go to the center line of the road and we're providing a road widening dedication for the strip.

MR. SCHEIBLE: Who are the owners of this piece of property, who owns it right now?

MR. BRADY: It's--

MR. SCHEIBLE: Or is it under contract?

MR. BRADY: Oh, no, the applicant is the owner, Classic Home Builders, yes, they have been the owner for a year and a half, two years.

MR. KANE: It's on the plans. Okay, I have nothing further. Anything further from the board?

MR. BEDETTI: Was the septic noted on here or am I missing it? He's got it, okay, yeah.

MR. BRADY: Yes.

MR. BEDETTI: And the line of sight on Bethlehem, fronting on Bethlehem, is that a pretty straight run? Looks like a pretty straight run.

MR. BRADY: It's a pretty straight run, the road kind of crests in front of the property but we do have a sufficient sight distance.

MR. KANE: For the public hearing, bring some pictures so we can add them to the file showing the sight line

going down the road.

MR. BRADY: Sure.

MR. TORPEY: What's the total size of the lots, Mike?

MR. KANE: The gross is over 60,000 and the net is over, most of them over 57, so it's not, it's not total square footage that we're worried about, just the side yard because they're a little bit more narrow. Any further questions? If not, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Classic Home Builders for a variance of 32 feet for minimum lot width, 10 feet for side yard setback for three proposed lots located on 248 Bethlehem Road in an R-1 zone.

MR. TORPEY: I'll second that.

ROLL CALL

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

MR. KANE: Your next steps, it's the government, you always have next steps. There you go. We'll see you soon.

MR. BRADY: Thank you all. Have a good evening.

PUBLIC HEARINGS:

JOHN & DENISE MEYER (14-06)

MR. KANE: Tonight's first public hearing is John and Denise Meyer. Variance of 20 feet is requested for proposed addition that does not meet the rear yard setback of 30 feet. Located at 7 Ashley Court in an R-4 zone. I will ask if there's anybody in the audience here for the particular hearing who wishes to speak? Gentlemen, same as the preliminary meeting, name, address, speak loud enough for that young lady to hear you and tell us exactly what you want to do.

MR. MEYER: John Meyer, 7 Ashley Court, Salisbury Mills, New York 12577. Just planning an addition to my house, make room for my kids to get a finished basement, that's about it.

MR. CELLA: I'm Jonathan Cella, I'm the engineer for the applicant. We were here last month and outlined the project. As the owner just stated, it's a small addition for a garage and room above for living space, no additional bedrooms will be added. The lot's approximately half an acre and we're requesting a 10 foot--

MR. KANE: Just got to interrupt you for one second, come on up here. In the building of the house, you're going over to the side over to here, right?

MR. CELLA: Correct.

MR. KANE: So this thing here says rear, it's side so the notice is correct, the disapproval says rear setback, it's not rear setback.

MR. MEYER: The problem is it's on an angle, it's not square.

MR. CHANIN: The disapproval, just for the record, Fran, the copy of the Notice of Disapproval from the Town of New Windsor Building Department indicates that the side yard permitted is 30 feet, the proposed side yard is 10 feet and the variance requested is 20 feet. The agenda of tonight's meeting says does not meet the rear yard setback. So for the sake of the record and for the sake of clarity and giving the applicant the appropriate variance, we're trying to determine if

you're applying for a variance for the side or the rear and the answer to that question is?

MR. CELLA: Side.

MR. MEYER: I'd say side.

MR. CHANIN: Thank you. Sorry to interrupt but they pay me to keep track of these things.

MR. KANE: For the record, let it show on the site plan that's here that the 30 foot is indicated as side yard.

MR. CHANIN: Okay, so just so it's clear to the members of the board we're talking about side yard.

MR. BEDETTI: And the rear yard complies?

MR. KANE: There is no rear yard, totally side yard.

MR. CELLA: Rear existing complies and proposed will comply as well.

MR. KANE: Okay, that was different. Continue.

MR. CELLA: We brought some, I brought some pictures of the properties across the street which show similar conditions, the existing. These are two lots across the street with very similar minimum side yard setbacks, these are existing, there's a, you can see here two residences directly across the street which would be on these two lots here.

MR. KANE: Okay, so over here?

MR. CELLA: Yeah, directly across the street you can see there's approximately this one's probably similar 10 foot, maybe that one's not much more.

MR. KANE: Okay. In the building of the addition, cutting down substantial trees or vegetation?

MR. MEYER: No.

MR. CELLA: We're not cutting much down, if any. This is across the street.

MR. SCHEIBLE: Both of them?

MR. CELLA: Yes, both of them, so this is us here

looking towards them, towards I believe to the north.

MR. BEDETTI: Their situation relative to the side yard.

MR. CELLA: You got to figure the property line's in here somewhere, actually it's, yeah, there's a tree line so it's, this guy's maybe 10 and he's 15 or so.

MR. KANE: Creating any runoffs or water hazards?

MR. CELLA: No, we're just increasing the impervious area by maybe 100 square feet because we're building on top of the existing driveway.

MR. KANE: Any easements going through the area where you're looking to build?

MR. CELLA: Not on our property. There's a right-of-way adjoining to the west which goes to an undeveloped parcel, I would imagine that's for a road extension.

MR. KANE: Okay, at this point, I'm going to open it up for the public, ask if there's anybody in the audience for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting and ask Cam how many mailings we had.

MRS. AMMIRATI: On the 26 day of March 2014, I compared 28 addressed envelopes containing the public hearing with no responses.

MR. KANE: We'll bring it back to the board for any further questions that we have? Further questions, Pat? Anything? I'll accept a motion.

MR. TORPEY: Looks good.

MR. HAMEL: I'll make a motion that we grant John and Denise Meyer the variance as requested for the 20 foot variance.

MR. TORPEY: I'll second it.

ROLL CALL

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

MR. TORPEY                    AYE  
MR. KANE                      AYE

MR. KANE: One more piece of paper and there you go,  
just to give them a couple days down in the building  
department.

MR. MEYER: That's it?

MR. KANE: That's it.

MR. CELLA: Thank you.

LEWIS SIGN CO., LLC FOR CRYSTAL RUN HEALTHCARE (14-07)

MR. KANE: Tonight's last public hearing Lewis Sign Company, LLC for Crystal Run Healthcare. Variance for proposed second wall sign that will exceed the maximum number of wall signs permitted located at 59 Windsor Highway in an HC Zone. Good evening, same as the preliminary, just state your name and address loud enough for the young lady over there and tell us exactly what you want to do.

MS. MANNING: Elizabeth Manning from Lewis Sign Company at 26 Fluorescent Drive, Slate Hill, New York and we're representing Crystal Run Healthcare who has moved into 59 Windsor Highway and opened an Urgent Care facility along with the regular primary care facility. They have been approved for one wall sign, already got the permit for it. They desire a second wall sign announcing their Urgent Care service. At the present time, they've got a temporary banner for the Urgent Care service but we can't leave that up much longer and we're requesting a variance to be allowed to have the second wall sign.

MR. KANE: Is the sign itself, the second wall sign illuminated in any way?

MS. MANNING: No, it's not, yeah, I have a sample of the construction if you're interested.

MR. KANE: Basically aluminum construction?

MS. MANNING: Yes.

MR. KANE: With a vinyl base?

MS. MANNING: Yes.

MR. KANE: Do you know approximately how many feet the front of the building is off from the road?

MR. HAMEL: Says here 70 foot.

MR. KANE: That's what I'm trying to see, 70 foot setback?

MR. HAMEL: That's what it says.

MR. TORPEY: I thought it was more than that.

MR. KANE: Yeah, that seems a little light considering I was just there the other day. Okay, I was there and I looked at it too. I'm sure you guys know where it is. I think it's a needed sign. I can understand why you'd want that especially coming down that road to be able to see that it's an Urgent Care Center and not just a medical doctors' facility, my own opinion. Any other questions?

MR. SCHEIBLE: Just curious, I know that it's nothing to do with you, I wonder how long this building is going to be there since they're building the big project on Union Avenue now where the old Flannery Hospital was. So I'm just saying maybe this is a temporary situation that's going to happen, I don't know, you know, right now.

MR. KANE: Yeah, there's nothing there in front of us to date so we can only go with what's in front of us.

MR. SCHEIBLE: Just putting that out there that this might be a temporary situation.

MR. KANE: I think they're great right where they are, huge, great parking, you know, moving up to there, well, that's not before us.

MR. SCHEIBLE: That's not before us, I'm just, you know, the only reason I'm saying that is because it may be a temporary situation, may be a temporary situation.

MRS. AMMIRATI: They might use both because they're scattered all over that Middletown area.

MR. KANE: I had to go, I had some bursitis and they were the ones that took my insurance and I went down there and that place is not just urgent, they've got every doctor you can think of in there so I can see them maybe moving some of the doctors into another facility that's close by and handling it that way and keep it more urgent.

MR. HAMEL: They're building a new building off Washington Lake.

MR. SCHEIBLE: That's the Union Avenue I just spoke of.

MR. HAMEL: If he's going to make money, he'll leave it open, if he's not, it won't be.

MR. KANE: At this point, I'm going to ask if there's anybody in the audience here for this particular hearing? Seeing as there's not, we'll open and close the public portion of the meeting and ask Cam how many mailings we had.

MRS. AMMIRATI: On the 26 day of March 2014, I compared 20 addressed envelopes containing the public hearing notice with no responses.

MR. KANE: Any further questions from the board?

MR. BEDETTI: I have one, I have a question, I have a problem with this in that the, I think I asked you at the last meeting that this Urgent Care thing is actually a service, it's really not a different entity than the primary use of the building so to speak.

MS. MANNING: Yes, as far as I know.

MR. BEDETTI: And I notice that you already have the Urgent Care sign on the freestanding sign out in the front where you announce that you have an Urgent Care facility there. And the problem that I have is if you decide that you're going to have another service that you want to advertise, does that mean you're going to come back and ask for another sign to advertise that service on the building? So I kind of object to the applicant coming in asking for another sign just to advertise the service. And the fact that you have that service announced on your freestanding sign, I'm not convinced that's an absolute need for you to do it, essentially violate the code and put another sign there. And I wouldn't want other people coming in and asking for another business asking to advertise, ask for another sign to advertise their services on the building. So I have a problem with that, I mean, there isn't, I don't see that urgency to have that sign there in view of the fact that you announce your service on your freestanding sign out by the road.

MS. MANNING: A little bit of history, we put in an application back in I don't know, January or February for the two signs, the name of the place and the Urgent Care. We applied for both of them way back when and were told just be happy with the one and then if you really want to push for the second one you're going to have to go for a variance. So I think the way we're looking at it was we got a little bit of guidance from

the building department that that was the way we should proceed.

MR. BEDETTI: I would counter that by saying the first sign if you added Urgent Care with the first sign then you wouldn't have to come and ask for a second sign.

MR. KANE: Probably would have been here for being over the square footage.

MR. BEDETTI: I don't know that, you redesign your sign so that it will maybe be a little smaller.

MR. TORPEY: Kind of fits the building, breaks it up.

MR. BEDETTI: But that's all.

MR. KANE: Anybody else? No more questions then I'll accept a motion.

MR. SCHEIBLE: I'd like to make a motion that we approve the Lewis Sign Company, LLC for Crystal Run Healthcare for a wall sign be permitted to add it to the building that's there already.

MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI	NO
MR. SCHEIBLE	AYE
MR. HAMEL	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Motion passes four to one. That's what's next, there you go, careful home.

MS. MANNING: Thank you very much. Good night.

FORMAL DECISIONS

DEVITT'S SUPPLY INC. (14-05)

MR. KANE: We have one formal decision, Devitt's Supply Inc. Accept a motion on that.

MR. BEDETTI: I'll make a motion that we accept the formal decision for Devitt's Supply Company, Inc. identified as 14-05 and distributed by e-mail to the board.

MR. SCHEIBLE: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer