

TOWN OF NEW WINDSOR

ZONING BOARD

SEPTEMBER 22, 2014

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

ALSO PRESENT: GEOFFREY CHANIN, ESQ.,
ZONING BOARD ATTORNEY

CAMMY AMMIRATI,
ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE
PATRICK TORPEY

MEETING AGENDA:

1. Itsia M. Slater, Preliminary
2. Resto Corp. for Stephen Coyle, Public Hearing
3. Michael & Elaine Veneziali, Public Hearing

REGULAR MEETING:

MR. SCHEIBLE: Good evening, ladies and gentlemen,
I'd like to call the September 22, 2014 Zoning Board
meeting.

ROLL CALL

MR. BIASOTTI	HERE
MR. BEDETTI	HERE
MR. HAMEL	HERE
MR. SCHEIBLE	HERE

PRELIMINARY MEETING:**ITSIA M. SLATER (14-23)**

MR. SCHEIBLE: Starting off with our first on the agenda is Itsia, correct me if I'm right?

MS. SLATER: Yes.

MR. SCHEIBLE: Itsia M. Slater of 8 Regimental Place, New Windsor, New York.

MR. CHANIN: Stand up near the table please, direct your remarks to the Board, but speak loud enough for our recording secretary and the public to hear you. And it requires you to speak in all directions at once.

MR. SCHEIBLE: We'd like you to put forward what your intentions are and make sure this young lady over here can hear you loud and clear and start off with your names and addresses.

MR. SMITH: My name is Robert Smith. My address is 475 East Road, Marlboro, New York. I'm co-consultant with Valley Inspections Plus and personal friend of Itsia.

MR. SCHEIBLE: And what do you have in mind?

MR. CHANIN: Your name, ma'am?

MS. SLATER: My name is Itsia Slater.

MR. CHANIN: Tell us a little bit about your application, please, either one of you.

MR. SMITH: This past summer a complaint was filed with the fire inspector in the Town of New Windsor, indicating that Itsia had finished her basement in her home at 8 Regimental Place and had created a second apartment and that she was renting it out to somebody. The fire inspector in turn went and conducted an inspection and found that she had done some renovation in this space and referred us to the Zoning Board of Appeals for a decision as to whether this is a second apartment or a second kitchen in a single family dwelling in a zone that does not permit two kitchens -- or does not permit two families, I'm sorry.

I have since then conducted an inspection with Itsia, took the photographs that I submitted for you and there is indeed a second kitchen, it's a kitchenette. At the time the fire inspector made an

inspection there was a stove in that kitchenette which Itsia has since removed and the connections for the stove have been removed also. And a refrigerator has been put in its place.

Also there was a privacy lock between the basement space and the main portion of the home which also has been removed because the intention for Itsia always has been for the occupancy of her daughters when they visit her. One daughter is in college, the other daughter is married or when her family comes to visit her from outside the country. She does not rent it, it was not the intention of the work. Quite frankly the space was already finished. She did improve it, however.

MR. CHANIN: Is it the gist of your application that you would like this Board to find that your home is a single family dwelling with two kitchens and not a two-family dwelling?

MR. SMITH: Yes, it is.

MR. SCHEIBLE: How long have you lived in this house, Itsia?

MS. SLATER: 12 years, 2001.

MR. SCHEIBLE: Pardon?

MS. SLATER: I bought it in 2001.

MR. SCHEIBLE: 2001. And when you moved into the house this --

MS. SLATER: It wasn't finished, the room.

MR. SCHEIBLE: But that's not the intention here right now?

MS. SLATER: No. I have three daughters.

MR. SMITH: The improvements that Itsia made was she had finished the bathroom, that did not exist in that basement.

MS. SLATER: Half bath.

MR. SMITH: Half bath, so she put a shower in it. And she also improved it by putting new flooring down, painting, et cetera. The rest of the space was as it is. Kitchenette was already in place.

MR. CHANIN: I think you said that the barrier between the second kitchenette area and the rest of

the house has been removed so that there's free access from all parts of the house?

MR. SMITH: Yes.

MR. CHANIN: And is there only one utility line serving all of the --

MR. SMITH: Yes.

MR. CHANIN: -- energy needs of the house?

MS. SLATER: Yes.

MR. SMITH: One boiler, one hot water heater, one electric panel and one main entrance to the house.

MR. SCHEIBLE: Is there an outside access to this section of the house?

MR. SMITH: Yes, there is on the last page of the photographs you'll see there's a patio door that goes from the basement directly to the exterior. And that would be required for egress anyway.

MR. SCHEIBLE: I see that's in the last picture there.

MR. SMITH: Right.

MR. SCHEIBLE: Gentlemen, any questions?

MR. BEDETTI: Am I correct in understanding that you said at no time has this separate area been rented out?

MS. SLATER: No, no.

MR. BEDETTI: It was never your intention to rent it out?

MS. SLATER: I have three daughters and, you know, I'm a Born-Again Christian, so I'm always helping people wherever I can, I can give a hand. But I never rented, like said oh, you have to pay me. No, never like that. I have three daughters and my little one right now is in Brooklyn but when she comes she stays there.

MR. BEDETTI: So there's nobody that's ever lived there?

MS. SLATER: No. Live there, no, no. Permanent like, no.

MR. BEDETTI: If anybody stays there they are related to you?

MS. SLATER: Yes.

MR. BEDETTI: They are your children?

MS. SLATER: My children, sometimes girlfriend, close girlfriend they have a problem, she can stay there sometimes but not live there. My daughter, that's my daughter's place. Right now I have one in Florida which is coming in December, you know. She's coming back, she might stay with me, live with me again. So I have three.

MR. BEDETTI: It would be your daughter?

MS. SLATER: Those are my daughters, Amy Slater, Amanda Slater and Alexandra Slater.

MR. BEDETTI: And you said there's only one, there's only one utility, there's only one meter, electric meter?

MS. SLATER: Oh, yes.

MR. SMITH: Yes.

MR. BIASOTTI: But there is now a full bathroom in the level?

MR. SMITH: Yes, there is a shower in that lower bathroom.

MR. BEDETTI: Nothing further.

MR. SCHEIBLE: And you have lived there, maybe I asked that question, how long have you lived in this --

MS. SLATER: Since 2001.

MR. SCHEIBLE: 2001, you did, yes.

MR. CHANIN: Any questions?

MR. BEDETTI: You do understand that if this is declared a single family dwelling that it can't be rented out?

MS. SLATER: Yes.

MR. BEDETTI: It can't be sold as anything other than a single family house?

MS. SLATER: Yes, sir.

MR. BEDETTI: Thank you.

MR. CHANIN: Mr. Biasotti, any questions?

MR. BIASOTTI: I'm good.

MR. CHANIN: Mr. Bedetti, Mr. Hamel?

MR. HAMEL: No questions.

MR. CHANIN: Mr. Scheible, Mr. Chairman?

MR. SCHEIBLE: Yes.

MR. CHANIN: You need a motion.

MR. HAMEL: I make a motion that we schedule a public hearing for Itsia M. Slater for the variance as requested.

MR. BEDETTI: I'll second that.

ROLL CALL

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

PUBLIC MEETINGS:

RESTO CORP. FOR STEPHEN COYLE (14-21)

MR. SCHEIBLE: Next on this evening's agenda, our first applicant in the public hearing section will be Resto Corporation for Stephen Coyle seeking a variance of 12 feet required for rear yard setback for a proposed rear deck located at 41 Vails Gate Drive in an R-5 zone, 71-1-19. Is anyone here represent?

MS. COYLE: I am the daughter.

MR. CHANIN: Come forward, the stenographer has to know who's talking and she has to be able to hear you so she can get the minutes correctly.

MS. COYLE: Hi.

MR. CHANIN: First please tell us your name.

MS. COYLE: Vanessa Coyle, I live at 41 Vails Gate Heights Drive along with my parents.

MR. CHANIN: Do you have any relationship to Stephen Coyle?

MS. COYLE: Yeah, I am his daughter.

MR. CHANIN: You are his daughter?

MS. COYLE: Yeah.

MR. CHANIN: Do you have a relationship to Resto Corporation?

MS. COYLE: Dennis Bouquot is my builder and he works for Resto Corp. and he was supposed to be here tonight, I don't know what happened.

MR. CHANIN: So let me ask you a question, since this was on for a public hearing, normally we receive comments from the public and then the Board votes one way or the other on the application, and you're telling us that there was somebody who was supposed to be here with you tonight who's not here?

MS. COYLE: Well, he said he was going to be here. He said if you want to come you can, so I just came. I didn't know that he wasn't going to be here.

MR. CHANIN: But the person that you think you wanted to be here is not here?

MS. COYLE: Correct.

MR. CHANIN: That's him there.

MS. COYLE: That's him.

MR. CHANIN: Just in time, come on up.

MS. COYLE: It's good timing.

MR. CHANIN: Please, loud enough for the public and the stenographer and the Board to hear give us your name.

MR. BOUQUOT: Dennis, two N's, Bouquot, B-O-U-Q-U-O-T.

MR. CHANIN: As we did at the initial preliminary meeting on August 25th please tell the Board and the public briefly again why you are requesting this variance?

MR. BOUQUOT: Okay.

MR. CHANIN: It's for a 12-foot required for a rear yard setback for a proposed rear deck.

MS. COYLE: Well, my parents and I -- can I say?

MR. BOUQUOT: Sure.

MS. COYLE: My parents have lived in the home since October 1977. And we've always wanted a deck out back but everything, you know, came first, new roof, you know, flooring, et cetera. On March 1st this past year 2014 our house burned down and when the house burned down we thought we were going to sell the house and we wanted to make some improvements but now we're going to move back into the house and my mom really still wants the deck. She's getting older, it would be nice for her to be able to sit outside off the dining room, get some sun, process the vegetables, that kind of stuff. And it's something that we really want.

MR. BOUQUOT: She has a hard time going up and down stairs. At one point they asked to put an elevator in there, one of those stair lifts, and it's just not practical.

MR. SCHEIBLE: When was this fire?

MR. BOUQUOT: Where was it?

MR. SCHEIBLE: When was the fire?

MS. COYLE: March 1st, 2014.

MR. SCHEIBLE: And is the house livable right now? I mean has it been inspected by the local people who give you permission to move back into that house?

MR. BOUQUOT: We are almost done. We are just waiting for kitchen cabinets.

MR. SCHEIBLE: So you're not living in the house right now?

MR. BOUQUOT: No. The house, two houses down has the exact same deck, so it's not like we're asking for anything that's not already in the neighborhood.

MR. SCHEIBLE: Gentlemen, any questions?

MR. BEDETTI: I assume this is an elevated deck?

MR. BOUQUOT: Yes.

MR. BEDETTI: Raised deck?

MR. BOUQUOT: Yes.

MR. BEDETTI: 10, 15 feet aboveground level?

MR. BOUQUOT: About nine feet.

MR. CHANIN: In constructing the new deck do you propose to do any significant cutting of vegetation?

MR. BOUQUOT: No, it's a stone patio underneath it which was existing.

MR. CHANIN: Will the construction of the new deck cause any ponding or erosion difficulties?

MR. BOUQUOT: Not at all.

MR. CHANIN: And will the new deck encounter any difficulties by transgressing on any easements?

MR. BOUQUOT: No.

MR. CHANIN: Do any members of the Board have any other preliminary questions before we open the public hearing?

MR. BEDETTI: Was there ever any type of a deck there before?

MR. BOUQUOT: It was a shed roof which was the same size.

MR. BEDETTI: Same size?

MR. BOUQUOT: Whether or not when it was done it was permanent or not, I'm not sure, but there was a shed roof that came out almost 12 feet the whole length of the back.

MR. SCHEIBLE: These pictures that you have presented here I just am curious, are any of these pictures pre-fire or are all of these after the fire happened?

MR. BOUQUOT: After the fire.

MR. SCHEIBLE: After the fire happened. So it's not really what it is, it's hard to see what it's going to look like in the end there, you know. All I see is a lot of firewood laying around here.

MR. BOUQUOT: We finished off, we were in the middle, we finished ours off first. What you see is the unit to the left they hadn't gotten to the outside of the house yet.

MR. SCHEIBLE: I see. Is there anyone here concerned of this public hearing?

MR. CHANIN: Is there anyone here to speak on the application of Resto Corporation for this variance? Hearing none then with the permission of the Board we'll close the public hearing and we're going to ask Cammy how many mailings were sent out.

MS. AMMIRATI: On the 5th day of September 2014 I compared 63 addressed stamped envelopes containing the public hearing notice with two responses.

MR. CHANIN: Now, for the Board's information I have in my hand the two responses, unless any member of the Board wants me to read all of the content of both letters into the record, I can summarize them for you. The first one is from a lady by the name of Traci Pompilio P-O-M-P-I-L-I-O who objects and she has three main objections. The first one is that she is concerned for the protection of her privacy. Second she has issues with it being an eyesore. And third is that it was, as we've already said tonight, a building attachment that caught fire in March of 2014 and she's concerned that there be not another attachment that might present the same risk of a fire hazard. And that is the gist of Miss Pompilio's objections. She lives at 39 Vails Gate Heights Drive.

The second one is from a lady by the name of Meredith Baker B-A-K-E-R and she lives at 43 Vails Gate Heights Drive. And her letter, which was received -- by the way the one from Traci Pompilio was received September 18th, looks like in the form of an e-mail. The letter which is a letter dated September -- received September 19th from Meredith Baker also objects to the granting of the variance. She apologizes for not being able to be here, she teaches a class on Long Island and could not be here tonight. But she objects, likewise because of a fear that a new deck which would be attached to the premises in this case would also present a fire hazard. She claims that the last time the fire broke out in March it spread very quickly and that the response of the fire department caused them, the firefighters to enter her home and caused water damage to her house.

She says, this is a quote, I understand how desirable a deck might be, however I am terrified that allowing more incendiary material behind this house will make another huge fire possible. She also says that she went through the variance process herself when there was a wooden deck behind her home, but she wound up removing the deck that was attached to her own home.

So basically the gist of Miss Baker's letter as well as Miss Pompilio's letter is a concern for fire safety particularly in light of the recent events in March.

Before we open the public hearing do any members of the Board have any other additional questions for the applicant? Hearing none we will open the public hearing.

MR. SCHEIBLE: I'd like to open up the meeting to a public hearing representing anyone to speak about Resto Corporation. Is there anyone present that has anything to say? No one here.

MR. CHANIN: Any other questions of the Board? Take a motion.

MR. BEDETTI: I'll make a motion that we grant to the Resto Corporation for Stephen Coyle a variance of 12 feet required for a rear yard setback for a proposed rear deck located at 41 Vails Gate Heights Drive in an R-5 zone.

MR. HAMEL: Second.

ROLL CALL

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

PUBLIC MEETINGS:

MICHAEL & ELAINE VENEZIALI (14-19)

MR. CHANIN: The second public hearing we have on tonight is for Michael and Elaine Veneziali, application number 14-19. Who is here for the applicants?

MRS. VENEZIALI: Hi.

MR. CHANIN: Speak loud enough for our stenographer and the public to hear you. Your name please?

MRS. VENEZIALI: Elaine and Mike Veneziali.

MR. CHANIN: Welcome. Tell us again briefly why you're requesting this variance.

MRS. VENEZIALI: Because the building permit ran out and we didn't know about it and we didn't want to sell it or build on the property.

MR. CHANIN: And that was a permit allowing you to do what?

MRS. VENEZIALI: To build on the property.

MR. CHANIN: And what is it that you want to build?

MRS. VENEZIALI: Probably a ranch house. We're going to build a house.

MR. CHANIN: Right now the property is a vacant lot and you want to build a house on it?

MRS. VENEZIALI: Yes.

MR. CHANIN: Is it true that the specifications of the house that you want to build require you to apply for variances?

MR. VENEZIALI: Yes.

MRS. VENEZIALI: Yes.

MR. CHANIN: Is that correct? Those variances include for minimum lot area, is that right?

MR. VENEZIALI: Yes.

MRS. VENEZIALI: Yes.

MR. CHANIN: Our paperwork says previously approved for a total subdivision by the Zoning Board of Appeals on June 22nd of 2009, which is more than five years ago, but the permit for lot number two was never issued and the approval has now expired.

MRS. VENEZIALI: Right.

MR. VENEZIALI: Yes.

MR. CHANIN: Is that accurate?

MRS. VENEZIALI: Yes.

MR. VENEZIALI: Yes.

MR. CHANIN: If this were approved would you be doing any cutting or taking down any trees or vegetation?

MRS. VENEZIALI: No, there's none on the property really.

MR. CHANIN: Would the proposal require you to do work that would possibly result in drainage or ponding or other erosion?

MRS. VENEZIALI: No.

MR. CHANIN: And would you encounter any easements on the property?

MR. VENEZIALI: No.

MRS. VENEZIALI: No.

MR. CHANIN: Board members, any other questions?

MR. BEDETTI: I have one question. How does this application differ from the original one that you put in that has expired?

MR. VENEZIALI: Same thing.

MRS. VENEZIALI: I think it's the same.

MR. BEDETTI: There's been no major changes from the original --

MRS. VENEZIALI: No.

MR. VENEZIALI: No.

MR. BEDETTI: -- from your original request? Okay, thank you.

MR. SCHEIBLE: Just curious, did you apply for a building permit at that point in time or not?

MR. VENEZIALI: No.

MRS. VENEZIALI: No because we thought it was already approved when we bought it off the people when they separated the house. There was already a building permit.

MR. SCHEIBLE: So when you got this approval for the subdivision or whatever you never --

MRS. VENEZIALI: We just bought the property and then we found out that it ran out. So at this point reissuing a building permit so we could sell it or else build a house or sell.

MR. BIASOTTI: Just for disclosure, as I mentioned at the last meeting William Hildreth did the survey and the subdivision for this property and I had worked for him at the time.

MRS. VENEZIALI: Yes.

MR. BIASOTTI: As his crew chief.

MR. CHANIN: Then I'm going to ask Michael and Elaine Veneziali if they have any objections to Mr. Biasotti sitting on this Board to make a decision on your application?

MRS. VENEZIALI: No.

MR. VENEZIALI: No.

MR. CHANIN: I'm going to ask you another question, as you can see we only have four Board members present. And the full compliment of a Board, if everybody were in attendance, would be five. Now, mathematically speaking it's easier to get three votes when you have five people present than it is to get four. So since one of our members, one of our seats is vacant tonight if you would rather postpone this until we have a full Board you're welcome to do that.

MR. VENEZIALI: No.

MRS. VENEZIALI: No.

MR. CHANIN: If you do not want to postpone it you can go ahead, you must understand that if you are seeking an approval it's going to require a minimum of three out of the four Board members present.

MRS. VENEZIALI: Okay.

MR. CHANIN: Do you understand that?

MRS. VENEZIALI: Yes.

MR. SCHEIBLE: At this point in time we'd like to open this to the public. Is there anyone here present that has anything to say about this project? Is there anyone here for this public hearing?

MR. CHANIN: Hearing none then we'll close the public hearing and we'll ask Cammy how many mailings we have.

MS. AMMIRATI: On the 9th day of September 2014 I compared 51 addressed envelopes containing the public hearing notice with no responses.

MR. CHANIN: All right, back to the Board. Any other proceedings, gentlemen?

MR. BEDETTI: No, I'm good.

MR. SCHEIBLE: Now that you have applied for this are you ready to start building, is that in the near future?

MR. VENEZIALI: In the near future.

MR. SCHEIBLE: Another five years?

MRS. VENEZIALI: No, we're going to do it.

MR. VENEZIALI: Near future.

MR. CHANIN: Take a motion.

MR. SCHEIBLE: Motion?

MR. BEDETTI: I will make a motion that we grant Michael and Elaine Veneziali a variance of 17,500 square feet for a minimum lot area for a property located at 222 Spruce Street in an R-4 zone.

MR. HAMEL: Second.

ROLL CALL

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

FORMAL DECISIONS

MR. CHANIN: Gentlemen, we have two formal decisions which you can vote on separately or collectively as you wish for Margaret Hauser Trustee for the Ahl Trust and for Robert and Vicky Fleming.

MR. BEDETTI: I'll make a motion that we accept the formal decision issued for Margaret Hauser trustee for Georgina M. Ahl Trust identified as 14-18 and one Robert and Vicky Fleming identified as 14-20 as issued and submitted by e-mail.

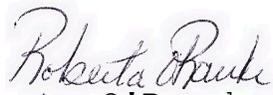
MR. BIASOTTI: I'll second.

ROLL CALL

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

MR. CHANIN: The next meeting is October 27th. Enjoy the next four or five weeks and we'll see you then. Meeting adjourned.

Respectfully Submitted by:


Roberta O'Rourke
Stenographer