

TOWN OF NEW WINDSOR

ZONING BOARD

February 23, 2015

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

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD CHAIRMAN

 CAMMY AMMIRATI
 ZONING BOARD SECRETARY

ABSENT: PATRICK TORPEY

MEETING AGENDA:

1. 119 Caesar's Lane, LLC
2. Vera Porath

REGULAR MEETING:

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals regular session for February 23, 2015 to order.

APPROVAL OF MINUTES DATED 1/12/15

MR. KANE: Motion to accept minutes of 1/12/15 as written, they were sent via e-mail on 1/14/15

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. SCHEIBLE

MR. BEDETTI
MR. HAMEL
MR. BIASOTTI
MR. KANE

PRELIMINARY MEETINGS:

119 CAESAR'S LANE, LLC (15-01)

MR. KANE: Tonight's first preliminary meeting is 119 Caesar's Lane, LLC. Proposed addition of over 54 percent expansion whereas 30 percent is permitted. A variance of 24 percent is requested. Located at 119 Caesar's Lane in an NC zone. For those of you here that haven't been through this, the Town of Windsor Zoning Board we hold two meetings, one to get a general idea of what you want to do, make sure that we have the proper information and that you have the proper information for us. After that as per law everything happens in a public meeting which we set up. Other towns sometimes do one meeting, you come in, you're not prepared, you lose, you can't come back for six months. So we do two meetings. Caesar's Lane, come on up.

MR. GILCRIST: My attorney isn't here.

MR. KANE: Then we'll wait and we'll move ahead to the public portion of the meeting.

PUBLIC HEARINGS:

VERA PORATH (14-30)

MR. KANE: We have a public hearing for Vera Porath, excuse me if I don't say it correctly. Variance of 28 feet required for rear yard setback for an existing screened porch. Located at 35 Clarkview Road in an R-4 zone. I will at this point ask if there's anybody here for this particular hearing? Seeing as there's not, we don't need to put out the list. Sir, come on up, state your name, address and tell us in your own words exactly what you want to do.

MR. PORATH: Sure, my name is Stephen Porath representing my mother, Vera Porath. We have an existing porch that's been on the back of the house, screened-in porch since I would imagine the early '80s. We discovered at the time my mother couldn't live in the house alone anymore, she couldn't handle it, we were looking to put the house on the market. At that time, we discovered that they'd never gotten a variance, I can't explain why, it's just the circumstances.

MR. KANE: Happens all the time.

MR. PORATH: We'd like to see if we can get a variance on that so we can leave the screened-in porch there so everything's in order in the event we do find a buyer for the home that everything will be in order.

MR. KANE: You understand that everything, if it does get approved tonight and passed, that you still are subject to passing everything through the building department?

MR. PORATH: Of course, of course.

MR. KANE: I know you weren't here for the prelim meeting, according to the gentleman that was here he estimated about--

MR. PORATH: I was here.

MR. KANE: Okay, so about 1985, early '80s on the building of this?

MR. PORATH: Yes.

MR. KANE: Any complaints formerly or informally about the deck?

MR. PORATH: To my knowledge and to my mother's knowledge there hasn't been any complaints.

MR. KANE: The deck itself similar in size and nature to other decks that are in your neighborhood?

MR. PORATH: Yeah, yeah, it's typical off the back of the house, like very common in that neighborhood.

MR. KANE: Do you remember was there removing of substantial trees or vegetation in the building of the deck?

MR. PORATH: No, no, there was, it was just the back yard.

MR. KANE: Any water hazards or runoffs?

MR. PORATH: Not at all.

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

MR. PORATH: No, there aren't.

MR. KANE: Gentlemen, further questions?

MR. BEDETTI: These photographs look like the screened-in porch is still in pretty good condition.

MR. PORATH: Oh, yeah, no, it's in good shape, yeah, there's not going to be any need for repair or anything like that.

MR. BEDETTI: I assume recent photographs?

MR. PORATH: Just right before the last hearing or the last meeting.

MR. BEDETTI: I'm good.

MR. KANE: Any further questions? At this point I'll open it open to the public, ask if there's anybody here 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 14th day of January 2015, I compared the 41 addressed envelopes containing the public hearing notice with no responses.

MR. KANE: Opening it back up to the board for any further questions? If not, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant the variance for 28 foot rear yard setback for a screened-in porch located at 35 Clarkview Road in an R-4 zone.

MR. SCHEIBLE: I'll second that.

ROLL CALL

MR. SCHEIBLE

MR. BEDETTI

MR. HAMEL

MR. BIASOTTI

MR. KANE

MR. KANE: Pretty straightforward, always paperwork.

MR. PORATH: Okay.

MR. KANE: Just follow that, any question give Cam a call. Good luck.

MRS. AMMIRATI: I'll give you a call when the permit is ready to be picked up.

MR. PORATH: Thank you, stay warm everyone.

MR. KANE: Safe home. That's a challenge.

PRELIMINARY MEETINGS: (CONTINUED)

119 CAESAR'S LANE, LLC (15-01)

MR. KANE: Welcome back to the preliminary meeting for 119 Caesar's Lane, LLC. What I'll need you to do is state your names and addresses, your connection with the project and we'll go from there. Tell us exactly what you want to do in your own words.

MR. DOUGHERTY: Sure, good evening ladies and gentlemen, my name is Paul Dougherty, I'm an attorney with Hartman Dougherty, 65 Route 4 East, River Edge, New Jersey 07661. I am the attorney for the applicant, 119 Caesar's Lane, LLC. I'll let Mr. Gilcrist introduce himself.

MR. GILCRIST: Good evening, John Gilcrist, architect and my office is in Montvale, New Jersey.

MR. KANE: Tell us what you want to.

MR. DOUGHERTY: Sure, this is an existing truck terminal that's located at 119 Caesar's Lane. The terminal is a pre-existing, non-conforming use in the NC zone. The applicant desires to build a 72 foot by 60 foot addition to the back of the truck terminal thereby increasing the total space of the terminal by approximately 54 percent. Under your town code, the maximum extension of a pre-existing, non-conforming use is 30 percent. As we laid out in our application, we feel that this addition is within the general scope of the project and we feel that a variance will not affect the neighbors in any material way while the benefit to the current tenant which is J.P. Express which is a truck terminal will be that they can expand their existing operation on this site. I don't believe it's going to cause anymore traffic flow though because this truck terminal is a place where freight moves in and out each day from the facility and I think that it's going to, the existing terminal is going to be in line with what, you know, assuming the board were to grant this application I don't think there's going to be an increase in traffic.

MR. KANE: For the record, how long has the terminal been in operation there?

MR. DOUGHERTY: It's been in operation since at least the 1970s. The current owner has had it since 2002.

MR. KANE: In the building of the addition will there be cutting down trees or substantial vegetation?

MR. DOUGHERTY: I'll let Mr. Gilcrist answer that.

MR. GILCRIST: None whatsoever. Basically, the area as shown in blue is paved so we're expanding over where it's already paved.

MR. KANE: Okay, some questions I have to ask even though they're obvious. Creating any water hazards or runoffs?

MR. GILCRIST: The runoff will be the same.

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

MR. GILCRIST: No.

MR. KANE: And since it's already paved we don't have to worry about any additional developmental coverage or anything.

MR. GILCRIST: No, no additional coverage.

MR. KANE: Okay.

MR. SCHEIBLE: Is the ingress egress, is that all on 9W or does it cover also Caesar's Lane?

MR. GILCRIST: It does not go out to 9W, Caesar's Lane of course goes out to 9W, the access is over a neighbor's property.

MR. SCHEIBLE: And the neighbor?

MR. GILCRIST: We have an easement here for this driveway.

MR. SCHEIBLE: And the neighbor, is that who owns that piece of property there?

MR. GILCRIST: You know, I don't know who owns it, it's the boat place.

MR. DOUGHERTY: There is a boat dealership to the side,

I believe they own the property.

MR. BEDETTI: Now that expansion, let me just back up, that blue area you said is all paved?

MR. GILCRIST: Yes, this is all paved.

MR. BEDETTI: The property line is where?

MR. GILCRIST: It's all that the balance of the property is wooded.

MR. BEDETTI: You went kind of quick.

MR. GILCRIST: Here's my lot, the middle of it is paved, wooded, wooded.

MR. BEDETTI: So you're not encroaching on the property line at all?

MR. GILCRIST: Not at all.

MR. BEDETTI: I was looking at the blue, I thought maybe that edge of the blue was the property line.

MR. GILCRIST: No, this is the existing pavement and it's got a fence.

MR. KANE: It's really not visible at all and once they open any traffic that might, might increase on that road is going to go away as soon as they open that bridge up next summer that road will go back to being--

MR. GILCRIST: The road itself is fairly high as it goes by our property so it's, again, it's even more hidden.

MR. KANE: Yes.

MR. GILCRIST: The property behind us is municipal use.

MR. SCHEIBLE: You say municipal use, sewer department?

MR. GILCRIST: Exactly, yeah. The property across the street is undeveloped residential property.

MR. KANE: Right. Okay, further questions gentlemen?

MR. BEDETTI: No.

MR. KANE: Then I'll accept a motion to set up for a public hearing.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for 119 Caesar's Lane, LLC for a variance of 54 percent expansion located at 119 Caesar's Lane in an NC zone.

MR. HAMEL: Second it.

ROLL CALL

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

MR. KANE: Paperwork, you're all set, gentlemen.

MR. DOUGHERTY: Appreciate it, thank you very much.

MR. KANE: Have a great evening, careful home. Motion to adjourn?

MR. HAMEL: So moved.

MR. BEDETTI: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer