

TOWN OF NEW WINDSOR

ZONING BOARD

June 8, 2015

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. Castillo
2. Wallace
3. Lucchesi
4. Tudisco

REGULAR MEETING:

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals regular session for June 8, 2015 to order.

ESTEBAN CASTILLO (15-05)

MR. KANE: First on tonight's agenda under preliminary meetings is Esteban Castillo. Variance for interpretation required for an existing single-family dwelling with a second kitchen in the basement. Located at 6 Cimorelli Drive in an R-4 zone. Just to let you know in the Town of New Windsor we hold two hearings, unlike a lot of other towns, prelims, we can get a general idea what you want to do, make sure you have all the information you need. And then as per law, everything is decided in a public hearing where the public at that point will be allowed to have any input or questions. So go ahead, state your name, address and tell us exactly what you'd like to.

MR. CASTILLO: My name is Michael Miele, I'm the engineer for the applicant. Mr. Castillo has a single-family house at 6 Cimorelli Drive. He has a second kitchen in the basement, he has two relatives of his wife's side who have moved in which he built the basement, I mean refinished the basement and did the kitchen for them. The issue came up about having a second basement, is it a two family, is it all this other stuff, pretty much it's really a single-family house with a second kitchen. All the utilities, single utilities, all the common areas, the laundry, the garage, the living room, everything is shared, there's just a, I didn't want to make it more simple than it is, there's just a second kitchen in the basement

MR. KANE: You made it extremely simple. There's some questions I have to ask, although you provided the information which was great. So your intent is to use this as a second kitchen in a single-family home?

MR. MIELE: Correct.

MR. KANE: There's no intent now or later to add any separate apartment in any way?

MR. CASTILLO: No, sir.

MR. KANE: The home with the second kitchen is on as noted by a picture that you sent is on one gas meter and one electric meter?

MR. MIELE: Yes.

MR. KANE: And the intent to keep it that way?

MR. CASTILLO: Yes, sir.

MR. KANE: You also noted that there's easy, open access from all areas to the house to both kitchens?

MR. CASTILLO: Yes.

MR. CHANIN: Is that right?

MR. CASTILLO: Yes, yes.

MR. MIELE: The garage goes into the living area which goes to the second kitchen which gives access to the stairwell for the bi-level to the second floor, to the laundry, it's all open.

MR. KANE: As you noted, this is for immediate family use?

MR. MIELE: Correct.

MR. KANE: Okay, answered all my questions. Gentlemen, any further questions on your part?

MR. BEDETTI: Do you have separate bathroom facilities downstairs as well as sleeping facilities?

MR. MIELE: They were all original, they were there before the second kitchen went in, nothing after the kitchen.

MR. BEDETTI: Alright.

MR. KANE: Any further questions from the board?

MR. TORPEY: Is it a nice kitchen?

MR. MIELE: See the picture, it is, it's nicer than my kitchen.

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

MR. BEDETTI: I'll make a motion to schedule a public hearing for Esteban Castillo for a variance for an interpretation of existing single-family dwelling with a second kitchen located in the basement. Located at 6 Cimorelli Drive in an R-4 zone.

MR. TORPEY: I'll second that.

ROLL CALL

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

MR. KANE: Mr. Miele, very nice job.

MR. MIELE: Thank you very much. Have a great night.

MR. CHANIN: Come here.

MR. KANE: This sheet explains your next steps. Any question, give Cam a call.

MR. MIELE: Very good, thank you guys.

MR. KANE: Take care, have a good evening.

PUBLIC HEARINGS:

JAMES WALLACE (15-06)

MR. KANE: Tonight's first public hearing, James Wallace. An area variance of 13 feet is required for a rear yard setback for a proposed rear deck located at 2822 Cherry Tree Way in an R-3 zone. Mr. Wallace, come on up. Is anybody here for this particular hearing that wants to speak during the public session? Okay, Mr. Wallace, same as the preliminary hearing, tell us in your own words exactly what you want to do.

MR. WALLACE: Yes, I want to build a deck 20 x 18 square feet in the rear, it's attached to my house. I have a, it's enclosed in a fenced area, it's not in my opinion infringing on my privacy with my neighbors. We have a, to the left and the right of me existing rear decks similar in size, nature.

MR. KANE: Cutting down any trees or substantial vegetation, obvious from the pictures but I've got to ask the questions, any trees or substantial vegetation in the building of the deck?

MR. WALLACE: No.

MR. KANE: Any easements going through that area where the deck is?

MR. WALLACE: No.

MR. KANE: Creating any water hazards or runoffs?

MR. WALLACE: No.

MR. KANE: And you said, the 20 x 18 size on the deck is similar in size and nature to other decks in your neighborhood?

MR. WALLACE: Yes.

MR. KANE: At this point, gentlemen, any further questions? At this point, I'll open it up to the public and once again ask if there's anybody in the public for this particular hearing that wishes to speak? Seeing as there's not, we'll close the public portion of the meeting, bring it back to Cam, ask her how many mailings we had.

MRS. AMMIRATI: On the 14th day of May, 2015, I compared 73 addressed envelopes containing the public hearing notice with no responses.

MR. KANE: The deck going up is also going to make access from the house through those rear doors a little safer than the steps that are currently there?

MR. WALLACE: That's correct, yes.

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

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

MR. TORPEY: I'll second that.

ROLL CALL

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

MR. KANE: There's always more paperwork. Any questions, give Cam a call. Have a great evening, take care.

MR. WALLACE: Thank you.

THOMAS LUCCHESI (15-08)

MR. KANE: Tonight's next public hearing Thomas Lucchesi. An area variance of 12 feet is required for a side yard setback for proposed 25 foot by 26 foot addition. Located at 19 Lannis Avenue in an R-4 zone. Good evening, how you doing? Is there anybody here that wishes to speak on this particular hearing? Okay, tell us same as the prelim, tell us exactly what you want to do in your own words.

MR. LUCCHESI: I'd like to do a 25 x 26 foot addition which would consist of a two-car garage with a bedroom above it.

MR. KANE: Cutting down substantial trees or vegetation in the building of the addition?

MR. LUCCHESI: No, sir.

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

MR. LUCCHESI: No.

MR. KANE: Creating any water hazards or runoffs?

MR. LUCCHESI: No.

MR. KANE: The addition is going to be a bedroom?

MR. LUCCHESI: A two-car garage with a bedroom above it.

MR. KANE: Okay, and that's taking place of the garage that's underneath that?

MR. LUCCHESI: Correct, the existing two-car garage I'm making into another bedroom.

MR. KANE: Okay.

MR. SCHEIBLE: As I'm looking in this one picture here, this picture that was taken shows the driveway going up, is that where it's going to be overlooking over this driveway?

MR. LUCCHESI: Correct, if you're looking at that picture just to the left.

MR. SCHEIBLE: Just to the left here?

MR. LUCCHESI: Right in this vicinity.

MR. SCHEIBLE: Okay.

MR. KANE: Further questions?

MR. BEDETTI: I have a question. The bedroom above the garage is for your use, it's not for a rental?

MR. LUCCHESI: It's going to be a master bedroom for me.

MR. BEDETTI: For you?

MR. LUCCHESI: Yes, correct.

MR. BEDETTI: Okay.

MR. KANE: At this point once again I'll open it up to the public, ask if there's anybody here for this particular hearing that wishes to speak? Seeing as there's not, we'll close the public portion of the meeting, bring it back to Cam, ask her how many mailings we had.

MRS. AMMIRATI: On the 18th day of May 2015, I compared 49 addressed envelopes containing the public hearing notice with no responses.

MR. KANE: I'll bring it back to the board for any further final questions? Seeing as there's none, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant an area variance of 12 feet as required for a side yard setback for proposed 25 x 26 addition located at 19 Lannis Avenue in an R-4 zone.

MR. SCHEIBLE: I'll second that.

ROLL CALL

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

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MR. KANE: And last set of paperwork. Any questions, please give Cam a call.

MR. LUCCHESI: Thank you, have a great evening.

MR. KANE: Thank you, take care.

JOSEPH TUDISCO (15-07)

MR. KANE: Tonight's last public hearing Joseph Tudisco. An area variance of three feet is required for maximum building height of a proposed 30 foot by 50 foot detached garage. Also the building will project closer to the street than the principal building. Located at 281 Bull Road in an R-1 zone. I'll ask if there's anybody here that wishes to speak at this particular hearing? Okay, Joseph, you're on, tell us in your own words exactly what you want to do.

MR. TUDISCO: I'd just like to build a 30 x 50 pole barn with two 12 foot by 12 foot doors and there's going to be no loft on top, no living quarters on top, just an open barn.

MR. KANE: You remembered.

MR. TUDISCO: Yes.

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

MR. TUDISCO: Negative.

MR. KANE: Creating any water hazards or runoffs?

MR. TUDISCO: No.

MR. KANE: Any easements running through the property at that point?

MR. TUDISCO: No.

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

MR. SCHEIBLE: Last time I think you were in here I asked the question how many acres is that there?

MR. TUDISCO: Four.

MR. SCHEIBLE: Okay.

MR. BEDETTI: I think we also asked whether the structure is higher than the house, is it higher than the house?

MR. TUDISCO: With the variance it might be going

higher than the house.

MR. BEDETTI: With the variance is it going to be going higher, okay, so with the extra three feet it will be higher?

MR. TUDISCO: Yes.

MR. KANE: How visible from the road will it be?

MR. TUDISCO: You won't be able to see it at all from the road.

MR. TORPEY: You can't see anything.

MR. TUDISCO: Just that one guy's driveway, that's it.

MR. TORPEY: It's a nice spot.

MR. HAMEL: Where is your driveway?

MR. TUDISCO: Is that the ariel view? Right here.

MR. CHANIN: Just make, excuse me, just make sure the stenographer can hear you.

MR. TUDISCO: Okay.

MR. CHANIN: So what was the answer?

MR. TUDISCO: It's below the page, it's about 400 feet.

MR. KANE: Going down there?

MR. TUDISCO: Yes, that's it right there.

MR. KANE: God, I hate those lots.

MR. HAMEL: It would be pretty much covered by everything?

MR. KANE: Yeah, everything. At this point, I'm going to open it up to the public and once again ask if there's anybody that wishes to speak at this particular hearing?

MR. FELICIANO: Just here to support my neighbor.

MR. KANE: And are you in favor as a neighbor? And your name and address?

MR. CHANIN: Stop for a second, come on up here.

MR. KANE: That's the lawyer.

MR. CHANIN: Please state your name for the stenographer.

MR. FELICIANO: Anthony Feliciano.

MR. CHANIN: What's your public comment?

MR. FELICIANO: I'm in favor of my neighbor's project.

MR. KANE: Do you live right next door?

MR. FELICIANO: I live across the street.

MR. KANE: Thank you very much, sir. Anybody else? Sir?

MR. MAEHRLEIN: My name is Charles Maehrlein, I live right behind Joe's house and within direct sight of the barn. I'm in favor of it.

MR. CHANIN: State your last name again for us please.

MR. MAEHRLEIN: MAEHRLEIN, M-A-E-H-R-L-E-I-N. And I'm thinking of changing it, it's too much trouble.

MR. KANE: Thank you, sir.

MR. SCHEIBLE: Well put.

MR. KANE: Seeing as there's--ma'am, do you want, you're the only one left, do you want to say anything?

MRS. FELICIANO: I'm with my husband, Feliciano.

MR. KANE: So you gave him permission to come up here?

MRS. FELICIANO: Yes.

MR. KANE: We'll close the hearing and bring it back to Cam.

MRS. AMMIRATI: On the 28th day of May 2015, I compared 38 addressed envelopes containing the public hearing notice with no responses again.

MR. KANE: Bring it back to the board for final questions.

MR. TORPEY: How much stuff are they keeping in the garage?

MR. SCHEIBLE: How many horses?

MR. TUDISCO: Those are my other neighbor's horses.

MR. KANE: I never want to talk about horses again, it's five years and I'm not over that. No comments, guys, no other questions? Then I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant to Joseph Tudisco an area variance of three feet for maximum building height of a proposed 30 x 50 detached garage which will also be project closer to the street than the principal building. Located at 281 Bull Road in an R-1 zone.

MR. TORPEY: I'll second that.

ROLL CALL

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

MR. KANE: Last piece of paperwork from us.

MR. CHANIN: How far ahead of the building will the barn project?

MR. TUDISCO: How far ahead?

MR. CHANIN: Closer to the road?

MR. TUDISCO: It's probably like two feet, you can't even notice it.

MR. CHANIN: That's all I wanted to know, thanks.

MR. KANE: Have a great evening.

MR. TUDISCO: Thank you very much.

FORMAL DECISIONS:

JOSE LUGO

MR. KANE: Gentlemen, we have one formal decision to vote on.

MR. BEDETTI: I'll make a motion that we accept the formal decision for Jose Lugo identified as 2015-3 as written and distributed by e-mail.

MR. SCHEIBLE: I'll second it.

ROLL CALL

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

MR. KANE: Motion to adjourn?

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer