

TOWN OF NEW WINDSOR

ZONING BOARD

June 22, 2015

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

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
ZONING BOARD ATTORNEY

CAMMY AMMIRATI
ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE, CHAIRMAN
PATRICK TORPEY

MEETING AGENDA:

1. Joseph Marino
2. Michael Grogan
3. Esteban Castillo

REGULAR MEETING:

MR. SCHEIBLE: Good evening everyone, welcome to the
June 22 zoning board meeting of 2015.

PRELIMINARY MEETINGS:

JOSEPH MARINO (15-09)

MR. SCHEIBLE: First on this evening's agenda is Joseph Marino, 15-09 seeking a variance of three foot each required for rear yard setback for two existing sheds located at 33 Park Hill Drive in an R-4 zone.

MR. CHANIN: Mr. Marino here?

MR. SCHEIBLE: You're here, okay.

MR. CHANIN: Stand there right where you are and you have to speak loud enough, this is not going to be easy, so that all the members of the board can hear you, the stenographer can hear you and the members of the public can hear you. So you have to spin around like a top. No, you don't have to do that.

MR. SCHEIBLE: The most important is our stenographer can hear what you're saying so we can all read it later on and find out what mistakes we made.

MR. CHANIN: I'm in charge of that department. So you're Mr. Joseph Marino?

MR. MARINO: Yes.

MR. CHANIN: You're here on behalf of 33 Park Hill Drive?

MR. MARINO: Yes.

MR. CHANIN: Tell us what you want to do.

MR. MARINO: We have two sheds which are too close to the property lines and they're beautiful sheds that match the house and we'd like to keep them exactly where they are.

MR. CHANIN: How long have you owned the house?

MR. MARINO: Thirty-nine years.

MR. CHANIN: How long have the sheds been there?

MR. MARINO: Well, there was a shed on the property, we replaced it with a larger shed.

MR. CHANIN: How long ago was that?

MR. MARINO: Twenty years probably, maybe a little longer.

MR. CHANIN: What do you use the sheds for?

MR. MARINO: Over the years stuff to maintain the property, snowblower, quad with a plow on it, lawn mower, bicycles and way back when the boys were home we had snowmobiles, things like that.

MR. CHANIN: Do you have an intention to use the sheds for other uses other than what they've been used for up until now?

MR. MARINO: No.

MR. SCHEIBLE: You're not going to keep cannons or ammunition there?

MR. MARINO: Not all the.

MR. CHANIN: Are there other sheds in the neighborhood?

MR. MARINO: Yes.

MR. CHANIN: How would you compare the other sheds?

MR. MARINO: Ours are from Mr. Shed, they're nice sheds, some of the sheds were homemade in the neighborhood or not the quality that we bought years ago.

MR. CHANIN: Did you ever get any complaints from anybody about your sheds?

MR. MARINO: No.

MR. CHANIN: How close are they to the neighbors? Do they interfere with the neighbors' view?

MR. MARINO: Not at all, it gives us privacy from our neighbor where they are.

MR. CHANIN: Did you do any cutting of any vegetation at any point along the way with respect to these sheds?

MR. MARINO: To put them in or anything, no.

MR. CHANIN: Is there a ponding or erosion problem there?

MR. MARINO: No.

MR. CHANIN: Or are you trespassing on anybody else's right-of-ways?

MR. MARINO: No.

MR. SCHEIBLE: Gentlemen, questions?

MR. BEDETTI: Yeah, I have a question. What prompted you to be here tonight? Was this, you say there were no complaints, are you selling the house?

MR. MARINO: Yes, we're trying to sell the house, we had it listed three months ago, I wish we could sell it as fast as you did but she's tired of the winters.

MR. BEDETTI: If it was necessary for you to move the shed to comply because it looks like there's plenty of room to move the shed could you?

MR. MARINO: There isn't really, the smaller shed to be moved forward would be too close to the house then they'd be in violation too close to the house and left or right would, it's right, the bushes and shrubbery are alongside the shed either direction so it would destroy that to move it.

MR. SCHEIBLE: Is that identified as shed number two what you just mentioned?

MR. MARINO: Yes, the smaller one.

MR. SCHEIBLE: When you put it in there did a neighbor have any problem when you did it?

MR. MARINO: No, absolutely not.

MR. SCHEIBLE: That's the newer of the two or not?

MR. MARINO: Yes.

MR. SCHEIBLE: Okay.

MR. MARINO: I had to think about it for a minute.

MR. CHANIN: Any other questions?

MR. BIASOTTI: The sheds, are they on concrete slabs?

MR. MARINO: The large shed was on an existing concrete slab, the smaller shed I put down stone, I team it's on that.

MR. CHANIN: Mr. Biasotti, any questions?

MR. BIASOTTI: No.

MR. BEDETTI: No.

MR. HAMEL: No.

MR. BEDETTI: I'll make a motion we schedule a public hearing for Joseph Marino for variances, for a variance for two sheds, two existing sheds located at 33 Park Hill Drive in an R-4 zone.

MR. HAMEL: I'll second it.

ROLL CALL

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

MR. SCHEIBLE: Come up and get all the rest of the information.

MRS. AMMIRATI: That's what we talked about on the phone, that's what you have to bring me.

MR. CHANIN: Follow the instructions and you'll work with Cammy and she'll work with you to put everything together that you need.

MR. MARINO: Okay, I brought it with me but I brought it just in case.

MRS. AMMIRATI: Come in before noontime.

MR. MARINO: I'll be in first thing in the morning. Thank you all, have a good night.

MR. SCHEIBLE: Good night now.

MICHAEL GROGAN (15-10)

MR. SCHEIBLE: Next on this evening's agenda is Michael Grogan. An area variance of 26 feet is required for a front yard setback for a proposed above-ground pool. Also the proposed six foot fence will project between the principal building and the street located at 35 Ona Lane.

MR. CHANIN: You're Michael Grogan?

MR. GROGAN: Yes.

MR. CHANIN: And you're here on behalf of 35 Ona Lane?

MR. GROGAN: Yes, I am.

MR. CHANIN: Speak loud enough for the board members and the members of the public to hear you and tell us exactly what you want to do.

MR. GROGAN: We have a corner lot on 35 Ona Lane, we wish to put up a six foot privacy fence alongside the driveway and parallel to Park Lane and then above-ground pool on the opposite side of the fence.

MR. CHANIN: With respect to the improvements that you're making or you're proposing to make, are you cutting down excessively any trees or vegetation or anything like that?

MR. GROGAN: No, sir.

MR. CHANIN: Is the work that you're proposing to do going to cause any ponding or erosion problems?

MR. GROGAN: No, it will not.

MR. CHANIN: And are any of the things that you're proposing to do going to transgress upon any right-of-ways or easements?

MR. GROGAN: No, there will not.

MR. CHANIN: Are there other pools in the neighborhood?

MR. GROGAN: Yes, there are.

MR. CHANIN: How would you compare the pools in the neighborhood to the one you're proposing to put up?

MR. GROGAN: I believe the majority of the pools in the neighborhood are in-ground.

MR. CHANIN: And yours is?

MR. GROGAN: Above-ground.

MR. SCHEIBLE: Twenty-four foot oval?

MR. GROGAN: Circle.

MR. SCHEIBLE: Just out of curiosity, everybody worries about their pool breaking down, the water that would go from that pool, would it go over your driveway and I mean hypothetically and go downhill?

MR. GROGAN: It's actually kind of flat so it would stay in the back, it's flat, it would pretty much stay in the back yard, if you look at the, if I can come forward?

MR. SCHEIBLE: Sure you can.

MR. GROGAN: Right here along this property line between myself and my neighbor there's a culvert with a storm drain right in here so if it were to break or leak, it would be in the yard and go into the storm drain, it wouldn't flood anybody's yards.

MR SCHEIBLE: Gentlemen, any questions?

MR. BEDETTI: Is there a fence, I don't see, is there a fence between your property and your adjoining neighbor?

MR. GROGAN: No.

MR. CHANIN: Are you planning on building a deck around the above-ground pool?

MR. GROGAN: Eventually, not this year, I don't have the money.

MR. CHANIN: Right now the only access that you will be able to have in order to use this pool would be climbing up the ladder?

MR. GROGAN: Climbing up the ladder with a lock on it that folds up, yeah.

MR. SCHEIBLE: Meet the codes?

MR. GROGAN: Correct.

MR. SCHEIBLE: Or else Cammy would be on your case.

MR. CHANIN: It's not, tonight is not time for the public hearing but just by conversation or otherwise have you informed your neighbors of what you want to do, are they aware of it?

MR. GROGAN: A couple of my neighbors know about it.

MR. CHANIN: Have they made any comments, questions, raised any issues?

MR. GROGAN: No.

MR. SCHEIBLE: Until we have the public hearing, we'll get that question answered.

MR. CHANIN: Mr. Biasotti, any questions?

MR. BIASOTTI: No.

MR. BEDETTI: I'm good.

MR. HAMEL: Yes, I have two questions. One question is the fence you're going to put up then is really just a privacy fence?

MR. GROGAN: Yes.

MR. HAMEL: It's not to enclose the pool?

MR. GROGAN: No, no.

MR. HAMEL: And perhaps the second question is maybe when you come back for the public hearing maybe you could take a picture from here across the street so that we can see what's across the street?

MR. GROGAN: Alright.

MR. HAMEL: Yeah, the site map only, it doesn't show anything here on the other side of Park Hill and I don't know if it's houses or woods, you know what I'm saying over here?

MR. GROGAN: I'm right here.

MR. HAMEL: Yes.

MR. GROGAN: There's another home here and here.

MR. HAMEL: Maybe you want a picture coming the other way.

MR. GROGAN: Sure.

MR. CHANIN: You're describing the fence as a six foot privacy fence, six feet is the height?

MR. GROGAN: Yes, I believe it's just under six feet, I think that the actual measurements are 5'10" or something, 5'8".

MR. CHANIN: What's the fence going to be made of?

MR. GROGAN: Vinyl.

MR. CHANIN: What color is it going to be?

MR. GROGAN: White.

MR. CHANIN: How high is the edge of the above-ground pool?

MR. GROGAN: I believe 52 or 54.

MRS. AMMIRATI: Hold on, it's right there.

MR. CHANIN: Four feet four inches, so the fence will be above the level of the top of the pool?

MR. GROGAN: Correct.

MR. CHANIN: How long around will the fence be?

MR. GROGAN: Right now just along the section of my property that's parallel to Park Lane.

MR. CHANIN: Any other board questions?

MR. BIASOTTI: Just one, that fence then will obstruct your view going in and out of the driveway?

MR. GROGAN: No, it will be approximately four to five feet off of the road and it's a long stretch where

you'd be able to see people coming down the road and have a clear view of cars coming in and out of the driveway.

MR. SCHEIBLE: And there would be an emergency, you know, exit egress?

MR. CHANIN: Emergency vehicles can get in and out.

MR. GROGAN: Yes, there will be a, I believe it's a four foot gate, 4 1/2 foot gate but the back of the yards will not be fenced in at this time so it's just kind of, again, if I can, the fence would run parallel to the driveway and then parallel to the road kind of just kind of to block the pool for now and that's it.

MR. SCHEIBLE: Okay, sir.

MR. BEDETTI: You said pool will have a retractable ladder for safety reasons?

MR. GROGAN: Yes.

MR. BEDETTI: Being that's there's no fencing all the way around needs to be some safety feature.

MR. GROGAN: Right, along with the pool alarm.

MRS. AMMIRATI: He couldn't get his permit without it, something like that.

MR. BEDETTI: That's why I asked rather than--thank you.

MR. CHANIN: Any other questions? Mr. Scheible, do you have any questions?

MR. SCHEIBLE: No.

MR. CHANIN: We need a motion.

MR. HAMEL: I have one more question. Hypothetical question, what if he wanted to enclose the pool, would there be a problem as would he need a variance to put up a fence along? I didn't know if that's Park Hill Road?

MRS. AMMIRATI: No.

MR. HAMEL: Probably not.

MRS. AMMIRATI: No, the only reason why he needs a variance is cause he's on a corner lot and he's considered to have two front yards and in your front yard you're only allowed a four foot fence height maximum so that's why he's coming for the variance because where he has the six foot in quote unquote his second front yard he's going for a six foot instead of a four foot.

MR. HAMEL: Okay, thank you.

MR. CHANIN: Need a motion.

MR. BEDETTI: I'll make a motion we schedule a public hearing for Michael Grogan for an area variance 26 feet required for a front yard setback for proposed above-ground pool located at 35 Ona Lane in an R-4 zone.

MR. BIASOTTI: I'll second that.

MR. CHANIN: How about the six foot fence?

MR. BEDETTI: Okay, also the proposed six foot fence will project between principal building and the street.

MR. CHANIN: Also what about the height of the fence, is that also something requiring a variance?

MR. BEDETTI: It's not listed as such.

MRS. AMMIRATI: That's really not what he wrote it up for, just basically the height has to do with the projection between the house and the street.

MR. CHANIN: Alright, so there's a motion, is there a second?

MR. BIASOTTI: I'll second it.

ROLL CALL

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

PUBLIC HEARINGS:

ESTABAN CASTILLO (15-05)

MR. SCHEIBLE: Next on this evening's agenda is a public hearing for the Esteban Castillo variance for interpretation is required for an existing single-family dwelling with a second kitchen in the basement located at 6 Cimorelli Drive in an R-4 zone.

MR. CASTILLO: That's me, sir.

MR. CHANIN: Are you Mr. Castillo?

MR. CASTILLO: Yes, sir, I am.

MR. CHANIN: Speak loud enough so the stenographer and everyone else will hear you, tell us quickly and briefly why you're here.

MR. CASTILLO: Well, we got all the information here, you just said it, I applied for a second kitchen in my basement.

MR. CHANIN: And the second kitchen is there already?

MR. CASTILLO: Yes, sir.

MR. CHANIN: Okay, and so that's why you need a variance?

MR. CASTILLO: Yes, sir.

MR. CHANIN: Okay, and what are you asking the board to do, are you asking the board to maintain the status of your house as a single family that has a second kitchen or do you want to change it from single family or something else?

MR. CASTILLO: I just want to leave it as a single family.

MR. CHANIN: That happens to have a second kitchen, is that right?

MR. CASTILLO: Yes, sir.

MR. CHANIN: Okay, questions from the board?

MR. BEDETTI: Have there been any complaints about the

second kitchen that you have from neighbors or anything like that that you're aware of?

MR. CASTILLO: Not at the moment.

MR. BEDETTI: That you're aware of?

MR. CASTILLO: No, till now, no.

MR. BEDETTI: Cammy, do we have any complaints?

MRS. AMMIRATI: I don't know if something happened with like a gas leak at one point in time where the fire inspector had to go out there and kind of stumbled upon it.

MR. CASTILLO: My neighbor.

MRS. AMMIRATI: Then there was a complaint through that they just kind of like found it because they had to go into the house.

MR. BEDETTI: Complaint from a code enforcement officer?

MRS. AMMIRATI: Correct.

MR. BEDETTI: It was not a neighbor?

MR. CASTILLO: No, not a neighbor.

MRS. AMMIRATI: No.

MR. SCHEIBLE: Anyone here have anything to say about this project that's going on right now? Is there any neighbors or anyone have any questions?

MR. CHANIN: Is there anybody with a public comment? Alright, the public hearing is now open, step forward, Mr. Castillo, just step to your left and state nice and loud for the stenographer your name.

MS. WILKINS: Nancy Wilkins.

MR. CHANIN: Miss Wilkins, tell us what you want to tell us.

MS. WILKINS: I just want to make sure it's still as a one-family house. I don't want to have a two-family house be zoned into a two family and have multiple

families living there when they sell, they can sell it as a, to rent it out.

MR. CHANIN: Which is exactly why I asked Mr. Castillo that question which he answered he wants to stay as a one family.

MS. WILKINS: That's why I was here.

MR. CHANIN: I'm not going to predict what the board is going to do, but if the board approves his request then what the legal status of Mr. Castillo's house will be a single-family house that can only be used as a single-family house that happens to have a second kitchen in it. Is that right, Mr. Castillo?

MR. CASTILLO: Yes.

MR. CHANIN: Does that answer your question?

MS. WILKINS: Yes.

MR. CHANIN: Do you have anything else to say?

MS. WILKINS. No.

MR. CHANIN: Thank you, is there anybody else who wants to make a comment at the public hearing?

MS. GENTRY: Yes, sir.

MR. CHANIN: Step forward please and speak loud enough for the stenographer to hear you.

MS. GENTRY: My name is Becky Gentry and I have the house at 5 Cimorelli Drive. I have just put my house on the market for sale and the question that I get from people from out of town is is this a single-family residential area. And that's why I bought the house that I have and so far I've been able to say to them yes, it is, and that's what I'm looking to have happen is that this is still a single-family neighborhood.

MR. CHANIN: Okay, so like Miss Wilkins, you want Mr. Castillo's dwelling to remain classified as a single family and nothing else?

MS. GENTRY: Correct, yes.

MR. CHANIN: Did you hear the conversation we had about

that?

MS. GENTRY: Yes, I did.

MR. CHANIN: Do you have any questions about that?

MS. GENTRY: No additional questions.

MR. CHANIN: Thank you. Any other public comments? The room is filled with people just waiting to make a comment. Alright, the public hearing will be closed and ask Cammy about our number of mailings.

MRS. AMMIRATI: On the 9th day of June 2015, I compared 57 addressed, self-addressed stamped envelopes with a public hearing notice with no responses.

MR. CHANIN: Mr. Castillo, has anybody made any comments to you on the street or in conversation around the, or on the telephone about your proposal or about your house or about your kitchen?

MR. CASTILLO: Nobody.

MR. CHANIN: Board members, any other questions? If not, then we'll have a motion.

MR. BEDETTI: I move--

MR. CHANIN: Granting Mr. Castillo an interpretation that his house is and shall remain a single-family dwelling with a second kitchen in the basement and not a two-family house.

MR. BEDETTI: Did you make that motion?

MR. CHANIN: I'm not a board member, I'm not allowed to make the motion.

MR. BEDETTI: I'll make a motion for the application of Esteban Castillo regarding an interpretation for an existing single-family dwelling with a second kitchen and that interpretation is that this residence is located at 6 Cimorelli Drive in an R-4 zone, is a single-family dwelling, will remain a single-family dwelling, cannot be rented nor sold as anything other than single-family dwelling.

MR. HAMEL: Second it.

ROLL CALL

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

MR. CASTILLO: Thank you.

APPROVAL OF MINUTES DATED 5/11/15

MR. CHANIN: We skipped over the motion to accept the minutes of the May 11, 2015 meeting as written, is there a motion?

MR. BEDETTI: I'll make a motion we accept the minutes for the 5/1/15 minutes written and distributed by e-mail on 6/1/15.

MR. HAMEL: Second it.

ROLL CALL

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

FORMAL DECISIONS

1. James Wallace
2. Joseph Tudisco
3. Thomas Lucchesi

MR. CHANIN: If it's the board's pleasure, you can vote collectively, meaning you only have to vote once if you want to approve all three formal decisions in the cases of James Wallace, Joseph Tudisco and Thomas Lucchesi, application numbers 15-06, 07 and 08 respectively. Is there a motion to vote collectively?

MR. BEDETTI: I'll make a motion we vote on formal decisions collectively.

MR. BIASOTTI: Second it.

ROLL CALL

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

MR. BEDETTI: I'll make a motion that we accept the formal decisions listed as James Wallace, 15-06, Joseph Tudisco, 15-07 and Thomas Lucchesi, 15-08 as written and distributed by e-mail.

MR. HAMEL: Second it.

ROLL CALL

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

MR. CHANIN: Meeting adjourned at seven minutes before eight.

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer