

TOWN OF NEW WINDSOR

ZONING BOARD

January 11, 2016

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

ALSO PRESENT:      GEOFFREY CHANIN, ESQ.  
                             ZONING BOARD ATTORNEY

                             STEPHANIE RODRIGUEZ  
                             ZONING BOARD SECRETARY

ABSENT:      PATRICK TORPEY

MEETING AGENDA:

1.    Emergency One
2.    New Windsor Fire Dept.
3.    Eileen Sharrow
4.    Thomas Palmer

**REGULAR MEETING:**

MR. KANE:    I'd like to call the Town of New Windsor Zoning Board of Appeals regular session for January 11, 2016 to order.

APPROVAL OF MINUTES DATED 12/14/15

MR. KANE:    Motion to accept the minutes of 12/14/15 meeting as written sent via e-mail on 1/5/16.

MR. BEDETTI:    So moved.

MR. HAMEL:    Second it.

ROLL CALL

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

January 11, 2016

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PRELIMINARY MEETINGS:

EMERGENCY ONE (15-20)

MR. KANE: Tonight's first preliminary meeting  
Emergency One is canceled by the applicant.

## NEW WINDSOR FIRE DEPARTMENT (15-21)

MR. KANE: Second preliminary meeting New Windsor Fire Department. Area variances required for gross and net area, width, side yards and frontage for a four lot subdivision. Lot 1, 28,380 square feet gross and net, lot 2, 27,540 square feet gross and net, lot 3, 27,540 square feet gross and net and lot 4, 27,493 square feet gross and net. All lots require 87.5 foot lot width, 18 foot side yard, 36 foot total side yard and 7.5 foot frontage. Located on Walnut Street in an R-4 zone.

MR. KANE: In a preliminary meeting everything by law that we decide has to be done at a public hearing. In New Windsor we choose to hold two meetings for these particular things to make sure that we have the information we need and then you have a chance to give us the proper information. Other towns you go in, you don't have the right stuff, goodbye, don't see you for six months. So speak loud enough for this young lady over here to hear you and state your name and address please.

MR. DRABICK: Good evening, my name is Steve Drabick. I'm a licensed land surveyor and I'm here this evening with Jack Babcock, on the board of the New Windsor Fire Department and the application that's before you tonight. As I start here I'd just like to give you a brief history of the property that we're looking at here. The fire company first acquired this property back in 1953 from the New Windsor Land Company. At that time, it was approximately 250 feet wide and 165 feet deep. In 1993, they acquired a 15 foot strip running from the rear of the property in the southeasterly direction to Cedar Avenue from the adjoining property owner to the northeast. When the New Windsor Little League acquired that same property, the adjoining property to the northeast, the New Windsor Fire Department entered into a lot line change agreement with them whereby they exchanged that 15 foot strip for a parcel equal in area along the rear of the original parcel. It added, the original 15 foot strip only added about 2/10 of an acre to the overall acreage of the original parcel and that's the parcel that they currently have today. It's a vacant lot 250 feet wide approximately just shy of 200 feet deep with an area of just a little over an acre in size, 1.13. Now I think it's important that at this point to state the intent of the fire company here. Now they've had this property for a long time and they're not looking to get

rid of it or develop it any time soon. Instead, what they're looking to do is to maximize the value of it for future revenue which they would use to help fund and pay for various programs and events that they put on for the local community. So to that extent, we're looking to subdivide the existing single lot into four buildable lots for single-family dwellings. And obviously under the current zoning regulations, we need variances to do that. The plan that you have before you and as I have up here shows one possible way to develop the property. The variance that we're asking for would in fact allow us to configure the four lots as I've shown here, each of the lots would be 62 1/2 feet wide again by approximately just shy of 200 feet deep. They would range in area from the smallest lot being lot one at 11,600 square feet to the largest lot lot four having an area of 12,500 feet plus or minus. And also the variances that we're asking for probably more importantly would establish the building envelope on each of the proposed lots. Now, that building envelope would define and limit what potential dwelling single family may be built on the proposed four lots. Under the current zoning, we can meet the front and rear setbacks and I do believe there's a section in the zoning that would even allow us to shorten the front setback to meet the line of the setbacks of the existing houses up the street. But the side yards in creating this building envelope for each of the lots is what we're asking the variances for. And when doing this I modeled the side yard setbacks to the existing zoning code for existing, non-conforming lots with a lot width that would be the same as the lot widths that we're proposing on the subdivision. Now we chose four lots cause we felt that four lots is a maximum we could do on a property and still make it fit.

MR. KANE: Still push it.

MR. DRABICK: Well, within the existing immediate neighborhood. And when I say existing immediate neighborhood, I'm looking at the area of the existing residential properties that lie between MacArthur Avenue and Cedar Avenue on both sides of Walnut Street. Now, in that area, there's 19 developed residential lots. Now, out of those 19 lots, 10 of the lots are 50 by 150 feet in size, 7,500 square feet, four of the lots are 75 feet by 150 feet, which is 11,250 square feet, two lots are 100 by 150, it's 15,000 square feet and one lot is 150 by 150 which is 22,500 square feet. Now, the proposed lots in the subjects are larger in

area, lot width and frontage than 14 of those 19 lots approximately 74 percent. In addition, the site itself has a gentle grade, it's open, there is some natural screening along the rear on the left side of the property with the existing evergreen trees that are there. So there's municipal water and sewer as well as gas and wired electrical utility services in Walnut Street. Now, all those factors lent to the conclusion that if the parcel was developed as proposed here, it would simply become an extension of the existing neighborhood. And when and if it is developed that way and I want to go back, I want to go back just a moment to the when and if because as I mentioned, the fire company has had this property for a long time. And again, they're not looking to get rid of it any time soon. You know, they look and there's certainly been between 1953 and now there's certainly been better economic times to do so. They look at that property as money in the bank and the proposed subdivision here would just allow access to more money by increasing the value of the property and it would also provide them with the ability to sell off the lots when and if they needed to individually instead of just selling it off as the one whole lot that they have now. Now, I'm sure I don't have to tell anybody in this room that the fire department has been, is and will always be a good neighbor. And when the time comes that something would be done on this property, you can be rest assured that it will be done in a manner as illustrated with how they constructed the new firehouse on Quassaick Avenue. It will be done in a manner that it will become an asset to the community. So to that extent we respectfully are asking the zoning board to grant the requested variances so that we can move forward.

MR. KANE: Cutting down any trees or substantial vegetation in the building of these lots?

MR. DRABICK: What's that?

MR. KANE: Cutting down any trees or substantial vegetation?

MR. DRABICK: No, the site is fairly open really, the only trees that are existing are those evergreen trees.

MR. KANE: Creating any water hazards or runoffs?

MR. DRABICK: No. As a matter of fact in this particular case, the overall proposed disturbance for

the development of the four lots as I've got shown on here which is probably the maximum that you would do on each of the lots is under an acre disturbance.

MR. BABCOCK: If I might add to give you a little bit of background of the property, when we were looking for a site for a new firehouse, that was one of the properties because we owned it, it was being considered. And of course, the neighbors were not too happy to have a firehouse next to them so we scrapped it. But before that what we did was we had applied for a mining permit and DEC required us to do all these things and screening in the back so the wind didn't bother the neighbors in the back or the little league and so on and so forth. So being good neighbors, we did exactly what we were told to do and we maintain the property to be a good neighbor.

MR. KANE: Okay.

MR. BABCOCK: We mow it on a weekly basis, we keep the property clean and we police it ourselves, we chase the all-terrain vehicles off and all that kind of stuff. But our needs of the fire company right now we have fundraisers all the time and if they should dry up, we have a place where we can still continue to do all those wonderful things that we do in the community, like Community Day and children's Christmas parties. And so in order to do those things, we fund raise. If the fundraisers dry up like everything else then we have a bank, we can go sell a lot, use that money to continue do the services that we do for the community. And the lots as we're proposing don't meet current zoning regulations but they're much bigger than the existing lots on the street as Steve said. And I feel or we feel that, the fire company feels that we won't be changing or altering the character of the neighborhood. In fact, we feel this would be a perfect fit because as good neighbors, we'd like to keep those lots to conform to the rest of the lots on the street.

MR. KANE: I understand. As you know, Jack, one of our jobs is to make sure that we minimize any variances that we do get.

MR. BABCOCK: That's correct.

MR. KANE: I just would like you to consider going towards the public hearing in looking at the numbers really quick if you want with three lots on that. It

would dissolve a lot of the variances on the side, frontage, that kind of stuff and it would also cut, that would give you another, what were the numbers, divide that by three, that's going to take you from 62.5 and that would get you pretty close to being clear up front. I'm not trying to persuade you but going with the lesser variances it would be a way to look at it together but again, a suggestion so when we go public, something to think about. Let me just finish up. Any easements running through that particular lot?

MR. DRABICK: No, there aren't.

MR. KANE: One other question before we go any further, okay, just noticing this, I saw all of the declines on there but I'm looking at livable area and it shows 1,500 square feet as the minimum livable area and you're showing 1,152 which would need a variance, correct?

MR. DRABICK: Yes, that's correct.

MR. KANE: Get that added on, get in touch with the building inspector, get that added on for each of the lots.

MR. DRABICK: That's subject to the type of house.

MR. KANE: I wanted to just point that out to you.

MR. DRABICK: We could go with larger houses just to make that up.

MR. KANE: Would a larger house make more of a variance for your side?

MR. DRABICK: No, no, we could fit. The whole idea in asking the variance is to create this particular building envelope within each of these four lots to afford us an area that you could, you could fit a particular type of house and we could make any particular dwelling could meet that 1,500 square foot standard.

MR. KANE: Just wanted to point that out since it was an error.

MR. BABCOCK: I also have pictures of the site I'd like to share with the board.

MR. KANE: Absolutely.

MR. BABCOCK: And it shows the types of houses that are on the street, small cape cods, small ranches, so I have those pictures I'll share with the board.

MR. KANE: Yeah, happy to see them. I mean, I think it's a good plan going through, I think three takes the variance request down to a minimum amount but again, that's part of our job that we need to look at. Thank you, Jack. Can we put these on the record?

MR. BABCOCK: Yes, yes and I wrote on the back where the views are, where you're looking at them from and shows the types of houses that are presently on the street, existing homes.

MR. KANE: Got it. I'll open it up to the board right now for any further questions from them?

MR. BEDETTI: Going to a question that he just proposed or recommendation actually, how many lots would you wind up with to actually meet the code, two, three?

MR. KANE: Maybe two.

MR. DRABICK: Maybe two, maybe two.

MR. KANE: Forty thousand square feet.

MR. DRABICK: I mean we still, I believe we still would need variances for obviously the lot area. The current for the side yard is 30 and 60 so 30 and 30 chances are we would need variances for side yards with the three lots also.

MR. KANE: Right, and the reason I didn't bring up two or go that route because it does fit the neighborhood down there.

MR. BEDETTI: That's good.

MR. KANE: Further questions?

MR. CHANIN: Just so I understand correctly, hi Steve, did you say that the reason why you want these variances was because it's your intention to qualify these lots for the construction of single-family homes on each one, is that right?

MR. BABCOCK: Correct.

MR. DRABICK: That's correct.

MR. CHANIN: The purpose for that is so that you can at some future time perhaps sell them and generate revenue for the fire company, is that right?

MR. BABCOCK: Yes.

MR. CHANIN: New Windsor Fire Department, what kind of a corporation is that?

MR. BABCOCK: Good question.

MR. CHANIN: Let me put it to you this way. Even though the title of your entity is the New Windsor Fire Department, this fire department is not part of the New Windsor town government, is it?

MR. BABCOCK: No, no, let me clarify that we have a fire district which owns the building that we built recently and we have a fire company.

MR. CHANIN: Okay, and the reason--

MR. BABCOCK: Separate.

MR. CHANIN: And the reason why I ask you that question is because if it were a town fire department, in other words, if the town included in its governmental organization this fire company and if the firemen were employees of the town, you wouldn't need to come here for a variance because the town is immune from its own regulations but that's not the case, this is separate from the town.

MR. DRABICK: Exactly.

MR. BABCOCK: That's correct.

MR. CHANIN: Thank you.

MR. KANE: Further questions from the board? No further questions at this time, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for the New Windsor Fire Department for variances as requested for a four lot subdivision located on Walnut Street in an R-4 zone.

MR. CHANIN: Now, he said that the motion was for the variances as requested, do you want to include in that motion the amendments, for example, if you have to add a variance for livable area?

MR. KANE: Yes, not just as requested or any corrections needed.

MR. DRABICK: If I may just to throw something in here I think when I was figuring up the livable areas on these as I've got shown on the plan I had figured it as a single, as a one story structure. So if we, if it were to go to a two story or even half of the building a second story, we would be able to meet that, we would be able to meet that livable square foot area and basically not go with a bigger building.

MR. CHANIN: And that's fine but we don't know what that's going to turn out to be yet and so you want, I'm trying to do you a favor, if we amend the motion to include not only what you've presently requested but also a little flexibility in case you decide that you also want the variance for livable area then I want to make sure the motion, assuming it's going to be seconded, is flexible enough to allow you to do that without requiring you to come back and start all over again.

MR. KANE: Once we send the mailings out--

MR. CHANIN: Once the mailings are out, you're stuck with it.

MR. DRABICK: Right, because the majority of the other houses on that street are smaller square footage.

MR. CHANIN: Will Mr. Bedetti amend his motion?

MR. BEDETTI: Yes, but just as a followup to that question, that suggestion is are you planning on developing these lots including the house or are you just planning on marketing it when time comes marketing each lot?

MR. CHANIN: As previously approved, that's right.

MR. BEDETTI: We're not addressing the dwelling that's going to be on this, we're only addressing the--

MR. KANE: We are but since it's stated on the plans as 1,500 and then showing 1,152, 1,152, 1,152 better off covering that base to make sure there's no question about it, just that they intend to meet that minimum 1,500.

MR. CHANIN: But you're correct we're not the planning board, you're correct.

MR. KANE: Planning board will dive into it but I'd rather cross every T and dot every I.

MR. BEDETTI: I will amend my recommendation to include the livable space for each of the four lots to 1,500.

MR. CHANIN: If you decide to go that way and if you don't, doesn't matter but at least you're covered. We need a second.

MR. BIASOTTI: Second it.

MR. BABCOCK: We don't want to come back.

MR. KANE: No.

MR. CHANIN: Most people get to know us don't want to come back.

MR. KANE: Not if you want to save money.

ROLL CALL

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

MR. KANE: You're all set. Next stages, have a great evening.

EILEEN SHARROW (15-22)

MR. KANE: Tonight's next preliminary hearing is Eileen Sharrow. A use variance and an interpretation is required to permit two single-family dwellings not permitted on a single lot. Located at 19 Lawrence Avenue in an R-4 zone. Hi, just speak your name and address loud enough for this young lady over here to hear you and tell us exactly what you want to do.

MS. SHARROW: Eileen Sharrow, 19 Lawrence Avenue in New Windsor. I have an apartment over top of my garage which was meant for my son only, I realize that. It's two separate entrances. It's only connected through a breezeway with piping and stuff and you can't get into one without the other, you know, another entryway. I, my son left, he abandoned and moved across the river and lives closer to his job in the city and now has a family and wants nothing to do with it. So I had to go eight months and change my deed and my mortgage and in the meantime, my mother got kicked out of her apartment right down the street, 40 years she was in it, 86 years old she now lives with me in my house. And between both our Social Securities we're not going to make it unless I rent it.

MR. KANE: Okay, so you're really looking to get a use variance. A use variance is extremely difficult, it's dictated by the state, it's way different than an area variance. I'm going to say a couple things and my suggestion to you is to actually contact a lawyer and talk to a lawyer, it's that complicated. Basically, there are five areas that you have to meet and forget the hardest one that you're going to run into is to change a use of a building in a specific zone which is, comes down to spot zoning to a degree. You have to prove to the board in dollars and cents that you cannot sell that building for its stated use as a single-family home for a reasonable return before we can throw that in. The only example, there's only been one in the 20 years I've been on this board and that was the funeral home down in Ducktown, that's such a mish-mash down there and basically, it was a rat infested, brick building, wasn't big enough for any kind of industry or commercial use one way or the other. And they actually had a realtor come in and prove they couldn't even sell, wouldn't even be worth knocking down and building something new in that place for its required zoning. So he was able to prove that and pass it. So you would have to go out and get a

realtor, get accountants to show that you couldn't sell your home as a single-family home for a reasonable return. Reasonable return does not mean a profit at all, it means getting money back on it.

MS. SHARROW: On my taxes it says single family, now it says residential multiple.

MR. KANE: It doesn't matter, it's not zoned for it and I'm telling you what you need to pass and that's the most difficult one. The second one is a self-created hardship that comes in, its very, very difficult to change the zoning in a specific zoned area, very unusual.

MR. CHANIN: For a use variance.

MR. KANE: For a use variance, not for area variance which is totally different than use variances.

MS. SHARROW: Would it make it easier if I changed all the plumbing and electrical?

MR. KANE: Nothing to do with it. That area is zoned for single family, not multiple family at all. If there's an issue with your taxes on that, my suggestion is go talk to the tax department and show that it's been used as a single-family home this whole time.

MS. SHARROW: They raised my taxes 60,000.

MR. KANE: I can't direct you on that but a use variance is very difficult, very difficult. Again, best thing I can tell you get in touch with a lawyer, speak to him about it and he can really get into it for you. It's extremely difficult.

MS. SHARROW: So I live in my, I'm just blurting out here, I live in my home for 40 years, my son leaves, I have depleted all my money, my 86 year old mother lives with my now and the only way to hold on to my 40 year old home is to rent out that apartment.

MR. KANE: And without a use variance, it's illegal and if somebody got hurt in there then you would be subject to everything that comes with that. It's a dangerous path.

MS. SHARROW: So I lose my home.

MR. KANE: Ma'am, I can't say anything else. It's New York State Law, our hands are tied on this. This is not a use variance, not that we can do anything we want with area variances in here, we have requirements. But yeah, we can take hardship considerations and we do that with mother-daughters, with apartments we do it all the time with that. But a use variance is a different world, totally different and it's really out of our hands, we're dictated by New York State on how we handle that.

MS. SHARROW: So I need to get a lawyer.

MR. KANE: Speak to him and he can delve into it for you.

MS. SHARROW: And I would be able to bring him?

MR. KANE: You would need him, he'll give you the advice, you'd need him, a realtor with all the facts about your home, what the value is, what you could sell it for, what the value of the homes in your area are, it's complicated.

MR. CHANIN: If you want to wait until the end of the meeting, I'm the attorney for the board, not yours, I can discuss it in a little more detail, I'd be glad to do that. Why don't you just have a seat and I'll talk to you after the meeting.

MS. SHARROW: Thank you, thank you.

MR. KANE: You're welcome. Actually so no vote needed on that. And that ends the preliminary meetings.

## PUBLIC HEARINGS:

THOMAS PALMER (15-19)

MR. KANE: Tonight's public hearing is Thomas Palmer. An area variance of 20,000 square feet is requested for a proposed single-family dwelling without minimum lot area, minimum side yard setback eight feet or minimum lot width 50 feet. Located at 199 Sycamore Drive in an R-4 zone. Since there aren't any other hearings, I know why you're all here. We need to just get a name and an address if you want to speak, this way the stenographer has the correct spelling and that kind of stuff, okay?

MR. CHANIN: Just for the record, Mr. Palmer was last here on December 14, 2015.

MR. KANE: You can proceed.

MR. PETERS: Good evening members of the board, my name is Zachary Peters from Mercurio, Norton, Tarolli and Marshall, 45 Main Street, Pine Bush, New York, we're the engineers and surveyors for Mr. Palmer for the proposed application. The project that we're here for tonight is an existing parcel located on Sycamore Drive. The lot is 100 feet by 200 feet, it's 20,000 square feet in the R-4 zoning district, minimum lot area required is 40,000 square feet, the minimum lot width required is 150 feet. So we'd be requesting variances of 20,000 square feet for the lot area as well as 50 feet for the minimum lot width. Those are both dimensions of the existing lot. What Mr. Palmer would like to do is construct a single-family dwelling on the lot, it would be approximately 21, excuse me 2,100 square foot bi-level which would be consistent with majority of the existing homes in the area. Based on the town tax rolls, the houses in the immediate vicinity range from 884 square feet to 2,512 square feet with the approximately 900 square foot dwelling being immediately adjacent to our site to the southeast and the largest dwelling just over 2,500 square foot dwelling being located directly across the street. The average square footage of the houses in the area is approximately 1,827 square feet, if you exclude the adjacent dwelling that's approximately 900 square feet, the average jumps up to just over 2,000 square feet. The next smallest home in the area is approximately double the size of the parcel on the adjacent lot. So based upon the proposed square footage of 2,100 square

feet and proposed bi-level dwelling we feel that the single-family dwelling is consistent with the rest of the existing homes in the area. The one other variance that we're requesting is eight foot side yard setback, the proposed dwelling is able to meet 30 foot minimum for one yard, we propose that on the northwesterly side of the site and then we have a 22 foot side yard setback on the southeasterly side of the site. The reason that we chose that side even though it's closer to the existing dwelling on the adjacent lot is because of the driveway and associated clearing he wanted to provide somewhat of a buffer on that side.

MR. KANE: Creating any water hazards?

MR. PETERS: No, sir.

MR. KANE: Removing substantial amount of trees or vegetation which if I remember in the prelim you said you didn't but you also didn't tell us a month before you cleared the lot, not good.

MR. PETERS: I was unaware of that.

MR. KANE: Okay, go ahead.

MR. PETERS: I know that from photos of the site previously there was some existing, there was some existing trees but largely had brush. There's also the applicant developed an existing well drilled and developed an existing well on the site. One of the concerns this application had previously been before the board I believe back in 2004, one of the concerns at the time was the water supply in the area. So the applicant basically drilled a test well on the site and had a return of approximately nine gallons per minute in this area. Based on existing information from DEC and from another well in the area that the applicant was involved in wells in the vicinity of this site range from five, seven to nine gallons per minute on this site. So based upon that, we do not believe that water supply while I understand is a concern there appears to be sufficient water capacity based upon that.

MR. KANE: The pictures are showing a little bit of a grade, you don't have any problem with runoff coming from that?

MR. PETERS: The site slopes generally from the north

to the south down towards Sycamore Drive but there's not any substantial runoff concerns, the site itself is under half an acre.

MR. KANE: Okay, and are you connected to town sewer?

MR. PETERS: We are proposing a connection to the existing town sewer along Sycamore Drive.

MR. KANE: Okay, I'll open it up to the board for questions.

MR. CHANIN: Any easements running through that property?

MR. PETERS: No, sir.

MR. KANE: Okay, here we go, we'll open it up to the public at this point and ask the public if they have any statements, questions, whatever, now's your time. Would you like to just state your name and address clearly enough so she can get it?

MR. JAFFEE: My name is Jay Jaffee, 331 Sycamore Drive. I'm the new kid on the block, been here about three years but this is my first rodeo. I was on a zoning board myself so you're not going to hear me get upset, holler, scream if we disagree but I've got a lot of concerns about this. First of all, in 2004 this board voted three times not to do this. Here we are several years later and they're asking for 20,000 square feet from I think it was 2,000, just under, how does it, you know what I mean? It's just getting bigger. We have different codes that are in place. This lot here I think at one time was actually four from the notes I have, sorry, I'm a little nervous, it's been a while since I've been in front of a lot of people here. But I do have, I read through this as you would always do on the zoning board and I don't believe this was ever according to what I've read approved at all for any time it was owned. You have I believe it was four parcels at one time in 1966, 1970, '71 or whatever, you also had since 2004 what has changed? The zoning has gotten bigger, right?

MR. KANE: Yes.

MR. JAFFEE: So the well issue hasn't changed, we haven't put in municipal water, I'm asking what has changed on that since you voted on not to do this three

times before?

MR. KANE: That has nothing to do with anything, sir, people can come up here once a year if they want to.

MR. JAFFEE: I'm saying nothing has rectified those issues that you had previously. You know, we have a well, I know you can drill a well but are we asking to come here to forgive for not asking for permission? I mean, we have a well now drilled on this property, trees have been taken down, not brush but actual trees.

MR. KANE: I know.

MR. JAFFEE: They're massive red oaks, they're gone. I have to look at this every day, I go by this every day. I'm not saying that people shouldn't be able to build but it seems to me we went ahead and did some things here that, you know, as a good neighbor, you know, at least the fire department comes in here and they're explaining it to be a good neighbor and they have been a good neighbor. I don't think that's a good neighbor what happened across the street from me or my neighbors. So I do have some issues here with this. You know, it's just, again, I read through this, the people before that you had lawyers in here before I guess going back and forth you had several different things going back and forth here, nothing has changed with this property. The only thing that's changed now you're asking for a bigger variance, 20,000 square feet compared to under 2,000. The wells, that hasn't changed, we haven't brought in municipal water, people did have wells go dry on them. Matter of fact, I don't even know how deep my well is so I'm going to have to go look into that, you know. And now we have an empty lot with a bunch of tree stumps and a well in front of my house. And I'd like you to consider that. I'm not saying you shouldn't or should not but quite a bit of things have went on here that probably shouldn't have went on. I think we put the cart before the horse.

MR. KANE: Problem with putting the cart before the horse is you have the bills to pay.

MR. JAFFEE: I'm not going to come and ask for forgiveness, I'm going to ask for permission before I do something like that.

MR. KANE: We prefer that.

MR. JAFFEE: As somebody who's been a zoning board member, I'm not going to give you my opinion but--

MR. KANE: Thank you. Anybody else?

MS. DREYER: Hi, I'm Tammy Dreyer, 336 Sycamore, I'm the little house adjacent to the lot. I was back here in '04, I'm sure you remember me, I was here every meeting. Nothing has changed as Mr. Jaffee has said we still have water problems, it hasn't changed. So to drill a well and I understand you don't need your permission to drill a well, the town clerk does that but somebody should of looked into it before a permit was issued for this that we already shot this down three times prior. I understand you can come in every six months, doesn't mean anything changed for the current residents and that's who the zoning laws are there to protect is the current residents that are there.

MR. KANE: Just as a statement, we don't know if there's a permit on that well, is there?

MS. DREYER: They do have a permit, I would have stopped it there and then, they did, I came here immediately, they do have one. I mean, you've heard prior testimony from all the other residents in the neighborhood that no longer live there cause they had to get out, they had to sell cause we were losing water, that they lost water all the time, every time a new house goes up, someone goes dry. Static levels are dropping. We already police ourselves, we don't wash our cars, we don't water our lawns so we're already policing ourselves. So it's going to have an adverse effect on the current residents. You had Hudson Valley Well testify to that back in '04 that we have a water problem, Beaver Dam Lake is known for it. You had the geologist also testified that there's a water problem and that was for the other side, he testified that there was a water problem out there. Mr. Bloom who was the attorney for the other side also admitted to have a water problem out there but that shouldn't affect his people, should only affect the current residents. It's just there's, we haven't changed, nothing's changed, not opposed to new neighbors, not opposed to a house, I'm opposed to losing water and paying \$11,000 for a new well. I don't have that kind of money on a single income, you know. And I've lived in this community for 43 years, I don't intend on leaving New Windsor, I'm very passionate about this, I'm, I love New Windsor.

It's a non-conforming lot and to ask for 20,000 square feet I think is just ridiculous. And I don't think this should occur and not because of the size of the lot but because of our water problems.

MR. KANE: Okay, thank you. Anybody else wish to speak? The only chance you got. Seeing as there's nobody else.

MR. PALMER: I'm the owner. I would just like to state that the trees were cleared prior to the preliminary meeting. I do heat my house with wood, that's the reason for clearing that and depicted in the photos that I provided prior to the preliminary meeting and also--

MR. KANE: But your answer to me in the preliminary meeting was no, you didn't cut down substantial trees and woods and it was substantial, I mean, these are some big trees and it's not brush. But that's neither here nor there.

MR. PALMER: Okay, sorry for that. But the other, for the data that I'd like to present to the board is I think, I believe he already spoke briefly about but 1,500 feet south is where I live and I just recently drilled a well in March of this year, produced five gallons per minute and had no adverse effect to the surrounding properties. Also on the DEC's website there's a well record 1,600 feet to the north on Vascello Drive for a well that produced seven gallons per minute, it was drilled for a new home in 2013 and there was no surrounding adverse effects to the neighbors and that well so just providing some additional data.

MR. KANE: Okay.

MR. PALMER: Thank you.

MR. KANE: Okay, we'll close the public portion of the meeting and bring it back and ask how many mailings we had?

MS. RODRIGUEZ: On the 29th day of December 2015, I compared 32 addressed envelopes containing the public hearing notice.

MR. KANE: Bring it back to the board.

MR. CHANIN: Any responses?

MS. RODRIGUEZ: There was no response.

MR. KANE: Further questions from the board?

MR. SCHEIBLE: You said you have a well there now, you already drilled how deep was that well again?

MR. PALMER: I believe it's around 500 feet.

MR. SCHEIBLE: About 500 feet and you're getting five gallons?

MR. PALMER: Nine gallons per minute.

MR. SCHEIBLE: And on your--

MS. DREYER: I'm not that far down yet.

MR. SCHEIBLE: Nine gallons is sufficient.

MR. PALMER: If you'd like this I can provide it for you.

MR. KANE: Further questions?

MR. SCHEIBLE: Is there anyone else here that are neighbors to this project?

MR. CHANIN: They don't have to speak if they don't want to.

MR. SCHEIBLE: Just curious.

MR. KANE: No other questions, I'll accept a motion.

MR. CHANIN: Motion should be phrased in the affirmative to approve, you don't have to vote yes but you should phrase the motion in the affirmative.

MR. BEDETTI: I'll make a motion that we grant to Thomas Palmer a variance of 20,000 square feet as requested for a proposed single-family dwelling without minimum lot area, minimum side yard setback eight feet or minimum lot width of 50 feet located at 199 Sycamore Drive in an R-4 zone.

MS. DREYER: It's the wrong address, that's the wrong address.

MR. KANE: Ma'am, please.

MS. DREYER: Sorry.

MR. HAMEL: Second it.

ROLL CALL

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

MR. KANE: Motion's denied one to four.

FORMAL DECISIONS

1. Richard Pisco
2. Frank and Gayann Puleo

MR. KANE: Formal decisions are next, we have two formal decisions, Pisco and Puleo. Gentlemen, want to take them in one vote or individually? I'll accept a motion.

MR. BEDETTI: I'll make a motion that we accept the formal decisions identified as Richard Pisco identified as 15-16 and Frank and Gayann Puleo identified as 15-17 as written.

MR. HAMEL: Second it.

ROLL CALL

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

MR. KANE: Our next meeting is January 25, we'll hold our reorganization meeting that night. We cant' do it tonight because Pat isn't with us so if anybody wants to run or whatever, I'll stay or keep it status quo? Motion to adjourn?

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer