

TOWN OF NEW WINDSOR

ZONING BOARD

May 9, 2016

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
 FRANCIS BEDETTI
 RICHARD HAMEL

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

 STEPHANIE RODRIGUEZ
 ZONING BOARD SECRETARY

ABSENT: PATRICK TORPEY
 HENRY SCHEIBLE
 GREGORY BIASOTTI

MEETING AGENDA:

1. Matthew Granata
2. Gysel Giglio

REGULAR MEETING:

MR. KANE: Call the Town of New Windsor Zoning Board of Appeals May 9, 2016 meeting to order.

APPROVAL OF MINUTES DATED 4/11/16 & 4/25/16

MR. KANE: Motion to accept the minutes of 4/11/16 and 4/25/16 meetings as written. They were sent via e-mail on 4/26 and 4/28.

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI AYE

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MR. HAMEL
MR. KANE

AYE
AYE

PRELIMINARY MEETINGS:

MATTHEW GRANATA (16-09)

MR. KANE: Tonight's first preliminary meeting is Matthew Granata. Variance is requested to permit a proposed 12 foot by 24 foot detached garage to be installed in the unapproved area between the house and the street. Located at 524 Beattie Road in an R-I zone. Mr. Granata, you here?

MR. GRANATA: Yes.

MR. KANE: Come on up. So you know in New Windsor we hold the hearings, by law our decision has to be made in a public hearing, we do a prelim so that we make sure that we have enough information from you to make a decision. And if you don't you know that in other courts you fail. So this way we make sure you have the right stuff and then we have enough to make a decision, come back and do basically the same thing in a public version. Okay, so come up, tell us in your own words exactly what you want to do and speak loud enough for the young lady over there to hear you.

MR. CHANIN: Stand in the well so she can hear you, the board can hear you and the audience can hear you.

MR. GRANATA: Well back there?

MR. CHANIN: Yes.

MR. GRANATA: Can you hear me?

MR. CHANIN: Yes.

MR. GRANATA: Okay, great. I'm looking to install a 12 by 24 foot detached garage which is also a shed, it will not be a permanent foundation. It will be delivered from Mr. Shed in Newburgh in the front portion of my property which will be set back 100 and 73 feet from Beattie Road and 42 feet from my nearest neighbor that's Mr. Catalla (phonetic). I submitted all the proper paperwork, paid all the required fees. I spoke with Mr. Catalla, he doesn't have an issue with it. The reason I'm choosing this location on my property is because it's convenient and flat and it's along the driveway. Also that's the only flat area on my property where there's no mature trees, retaining walls, rock walls, it will be the easiest to clean up

the brush, pricklers.

MR. KANE: Less amount of vegetation and trees being cut down to put it in that specific area?

MR. GRANATA: Yes.

MR. KANE: Create any water hazards or runoffs with the building of this?

MR. GRANATA: No.

MR. KANE: Any easements going in that particular area?

MR. GRANATA: No.

MR. KANE: And it won't be visible from the road?

MR. GRANATA: No. There will still be enough wooded brush and shrubbery to shield it from the road. It's also offset left of my driveway which will be also woods and not visible from the road.

MR. KANE: Any power running to it?

MR. GRANATA: No power, no. Also it's not going to be a steel structure, we're actually sparing no expense, it's going to identically match my house, vinyl siding, matching shutters, matching doors and same color roof.

MR. KANE: Okay, very good. Questions from the board?

MR. BEDETTI: Yeah, you said that the garage will not be visible from Beattie Road, is that correct?

MR. GRANATA: Correct.

MR. BEDETTI: Okay, I didn't know whether this intersection was from Beattie Road.

MR. GRANATA: I could show you the picture if I can approach?

MR. KANE: Sure, absolutely.

MR. GRANATA: Maybe I can clarify what you're looking at.

MR. BEDETTI: I'm not sure where that--

MR. GRANATA: So, if you look at that pole, that utility pole there is basically going to be the front of the garage. I threw the tarp down as a visual aid so that would be the location of the garage.

MR. BEDETTI: So that's up around here?

MR. GRANATA: Correct. And from Beattie Road to the back of my garage would be 173 feet.

MR. BEDETTI: Got it.

MR. KANE: Frank, if you look on that map you can see the footage.

MR. GRANATA: So there will still be quite a bit of brush and greenery protecting it from the road.

MR. BEDETTI: I just have one other question. What's the nature of the land near the house where you could put the garage or can't put the garage because of some topographical disturbance or something, is there rocks there?

MR. GRANATA: Yes, the survey does not show it but on the we'll call it the western side of my home it's all woods with a retaining wall about two feet, a handmade retaining wall, so there's really only in the back areas by the pool there's really only a 10 to 15 foot area of grass, the rest is all mature woods, trees and rock walls.

MR. KANE: How close would that bring it if it was in that area how close would that building bring it to your pool, how far away from the pool?

MR. GRANATA: Within feet.

MR. KANE: Which might be illegal, you need at least four feet.

MR. GRANATA: Yeah, it would be close.

MR. BEDETTI: How about at the end of the driveway there, I see it says there's a retaining wall there but--

MR. GRANATA: Correct.

MR. BEDETTI: You know, if it was right adjacent to it

where it says two story frame building.

MR. GRANATA: I'm not quite sure I understand what you're talking about.

MR. BEDETTI: On this side of the house if it were placed over here.

MR. GRANATA: That's the, that's my two car garage, that's where you enter the garage.

MR. BEDETTI: You have an existing garage?

MR. GRANATA: Right, that's the actual garage of the home, that's the driveway where you would enter.

MR. BEDETTI: It didn't indicate there was a garage.

MR. GRANATA: Right, so it's a two story home, that's the two car garage.

MR. BEDETTI: There's a garage under the house?

MR. GRANATA: Right under the house.

MR. BEDETTI: So is this just a shed or--

MR. GRANATA: They're wording it as a garage I guess because of its size but it's technically a shed, it will be delivered prefabricated on a flatbed truck, laid down on tamped item stone.

MR. KANE: Your intent to store in that is?

MR. GRANATA: Everything from a lawn mower to snowblower to kids' bicycles, no cars.

MR. KANE: Further questions? If not, I'll accept a motion to set up a public hearing.

MR. BEDETTI: I'll make a motion we schedule a public hearing for Matthew Granata for a proposed 12 by 24 detached shed to be installed in an unapproved area located at 524 Beattie Road in an R-1 zone.

MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI AYE

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MR. HAMEL AYE
MR. KANE AYE

MR. KANE: Your next steps, okay? Have any questions,
give Stephanie a call.

MR. GRANATA: Thank you gentlemen, have a good evening.

MR. KANE: Take care.

PUBLIC HEARINGS:

GYSEL GIGLIO (16-07)

MR. KANE: Tonight's only public hearing Gysel Giglio. Variance of 18 foot three inches is requested to permit a proposed 14 by 26 foot side addition that will not meet the minimum 30 foot side yard setback. Located at 324 Chestnut Avenue in an R-4 zone.

MR. MINUTA: Good evening everyone, Joseph Minuta with Minuta Architecture representing the project. Just quick question, do we have a quorum?

MR. KANE: Three but we'll do what we normally do in this situation and after the end of the hearing going through before we put it up to a vote we'll give you the option to wait for the full board to make the vote, absolutely.

MR. CHANIN: Obviously, the reason for that is if you want us to go forward with the vote, you'll need a unanimous vote among the three. Whereas if you have a full board, you'd only need 60 percent in favor. So if you don't want to take your chances, it's your choice, if you don't want to take your chances you can wait for the decision to be made on an evening when the other board members are present.

MR. MINUTA: Thanks for the explanation. Okay, so last we were here there were some questions which our new submission answers. We showed the addition that was permitted in April of 2016. And we also included photographs of the other parcels of property around it cause you had a question with regard to similarity of size. And as you can see, there's some pretty large, it's a mix throughout that area, but there's some very large homes and there's some very small homes. And just to recap the zoning changed over the course of the years, various additions were adopted for the zoning laws. So when the lot was originally formed, the setbacks were not 30 foot, they were somewhere around 15 at that time. So, anyway, the new zoning has made it more stringent. But with respect to the parcel, had they known that then they may have situated the lot a little differently. In this case the configuration of the interior of the house is very costly if we were to put the addition off to the garage side because we'd have to reconfigure every single room just to gain access to the addition. So the addition is being

proposed here which would leave us a side yard of 11 foot seven inches, just check that, 11 foot two on the back side, it's an odd shaped lot, it's not square to the property. So with respect to that, we ended up with a combined side yard of 64 feet four inches which exceeds the required 60 feet side yard just due to where the house is situated. So if there's any questions, I'd be happy to answer them.

MR. KANE: The home where the proposed addition is going to be on that property line, how far, yeah, that property down there, how far is that home from the property line?

MR. MINUTA: Don't have that information.

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

MR. MINUTA: No.

MR. KANE: Creating any water hazards or runoffs?

MR. MINUTA: No.

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

MR. MINUTA: No.

MR. KANE: And on your property as proven before this is the best place with your explanation that we can put this addition?

MR. MINUTA: Correct.

MR. KANE: So it's the least amount of variance that you need?

MR. MINUTA: That is correct. It would be a financial hardship to place it on the other side.

MR. KANE: Okay, and the garage runs underneath the house?

MR. MINUTA: Yes.

MR. KANE: I'll open it up to the board for further questions at this point?

MR. BEDETTI: Relative to the photographs that we have of the building itself?

MR. MINUTA: May I approach?

MR. BEDETTI: Yeah. Now, which side is the addition going to be on?

MR. MINUTA: On this side of the house, the garage is to the left.

MR. BEDETTI: That's on the other side?

MR. MINUTA: Correct. And my client just indicated that the other property, the house is situated far away from that side.

MR. BEDETTI: What's that?

MR. MINUTA: The property to the south here, the adjacent lot that the house is situated far away from the property.

MR. BEDETTI: Okay.

MR. KANE: With the addition, the size of the house is going to be similar in nature and size to other homes that are in that neighborhood?

MR. MINUTA: Yes.

MR. KANE: Okay, at this point, I'm going to open it up to the public and ask if anybody's here for this particular hearing and if they have any questions? No one, so we would close the public portion of the meeting, bring it back to Stephanie and ask how many mailings we had?

MS. RODRIGUEZ: On the 6th day of April 2016, I compared 41 addressed envelopes and mailed them out and got no response.

MR. KANE: Bring it back to the board for any further questions?

MR. BEDETTI: I'm good.

MR. KANE: Any questions? You're good?

MR. CHANIN: Now is the question.

MR. KANE: Now, Joseph, you can have door number two. No. Pretty much you can go with the three of us which would require a unanimous vote, up to you. If not, we wait for the board and have the full board vote which isn't unanimous, it has to be majority.

MR. MINUTA: Understood. If the attorney could explain what happens if there's not a unanimous vote and it is in fact denied, what's the next course for my client?

MR. CHANIN: Next course would be one of two choices. If you wanted to resubmit the same application, you'd have to wait six months. You could submit an application in less than six months but it would have to be substantially different, doesn't have to be entirely different, but it would have to be significantly different so that it could be regarded as a new application and then you wouldn't have to wait the six months.

MR. MINUTA: I understand or we wait two weeks. Excuse me for a moment.

MR. KANE: Absolutely.

MR. CHANIN: Off the record.

(Discussion was held off the record. Whereupon, following which, these further proceedings transpired.)

MR. CHANIN: Just so you know, our next meeting is in two weeks, May 23.

MR. MINUTA: Okay, thank you. We would like the board to vote this evening, please.

MR. KANE: Okay, I need a motion, they're going to go forward, so I need a motion.

MR. BEDETTI: I'll make a motion that we approve a variance of 18 feet three inches which is a request for a proposed 14 by 26 size addition that will not meet the 30 foot side yard setback. Located at 324 Chestnut Avenue in an R-4 zone for Gysel Giglio.

MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MR. KANE: Have a good evening, take care. Good luck to you.

FORMAL DECISIONS

1. Carpet Mill Outlet
2. Kenneth & Anna Kiskis
3. Jointa Lime

MR. KANE: We have three formal decisions, if you want to take them in one vote, make the motion.

MR. BEDETTI: I'll make a motion that we accept the formal decisions listed as Carpet Mill Outlet, 16-06, Kenneth and Anna Kiskis identified as 16-08 and Jointa Lime, 16-03 as written and distributed by e-mail.

MR. CHANIN: Do you want to vote on those collectively?

MR. BEDETTI: Yes.

MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer