

TOWN OF NEW WINDSOR

ZONING BOARD

August 8, 2016

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
 FRANCIS BEDETTI
 HENRY SCHEIBLE
 RICHARD HAMEL
 PATRICK TORPEY

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

 STEPHANIE RODRIGUEZ
 ZONING BOARD SECRETARY

MEETING AGENDA:

1. Best Fudgin Cakes
2. Anthony Vence
3. Bohmann
4. Acierno

REGULAR MEETING:

MR. KANE: I'd like to call to order the Town of New Windsor Zoning Board of Appeals regular session for August 8, 2016.

PRELIMINARY MEETINGS:

BEST FUDGIN CAKES (16-16)

MR. KANE: Tonight's first preliminary meeting Best Fudgin Cakes. Variance for off-street parking is required, 13 spaces required, five provided, eight variance required. Located at 1 Quassaick Avenue in a future NC zone. Come on up. So you know and also the next applicant knows for preliminary meetings in New Windsor we hold two meetings. We hold a preliminary so we can get a general idea of what you want to do and make sure that we have enough information to make a proper decision here. All our decisions have to be made in public. At that point, the next meeting with the public will be very similar to what goes on now but the public will be part of that meeting and ask any questions. And at that point, we'd make our decision. Speak nice and loud and clear so this young lady over here can hear you and tell us exactly what you want to do.

MS. GUIFFRE: Well, I want to open up a bakery that caters to restaurants and caterers, mostly it's going to be an online bakery where you can go on the computer, order your cakes and come pick up. So it's not going to be your average retail bakery where you have to have a lot of parking, it's not going to warrant that because it's mostly going to be a kitchen where I'm producing baked goods and it's not going to be like Italian bakeries where you get your cannolis and muffins in the morning. It's more of specialty shop, wedding cakes, cheesecakes, platters and pies and stuff for holidays. So it will be more of a commercial bakery rather than a retail. I'll probably eventually open up a small amount of retail but very limited hours as far as that goes, as far as traffic, so we're looking for a variance for parking because it's a very small lot as far as for parking. We have five spots currently and we're looking to add eight spots to, well, a variance for it.

MR. GARRITY: We were able to get an easement in the negotiation of the property from the neighbor next door to add two more spots cause there's just no land.

MR. KANE: How many employees do you have?

MS. GUIFFRE: Currently, I have no employees.

MR. KANE: Or will?

MS. GUIFFRE: Between three and five, possibly, I guess it warrants how much business I do at first. I also am a pastry chef, I teach at Yorktown BOCES so I have a great amount of employees that want to work for me.

MR. CHANIN: Sir, just for the record, would you please state your names?

MS. GUIFFRE: Jennifer Guiffre.

MR. GARRITY: Matt Garrity.

MS. GUIFFRE: There's a caretaker's apartment which if everything goes as planned the employees might be using that as well. So that will alleviate the parking and keep them on time for work.

MR. KANE: Normal questions would be cutting down any substantial vegetation in this particular request? I have to ask anyway.

MR. GARRITY: No.

MS. GUIFFRE: No.

MR. KANE: Creating any water hazards or runoffs?

MR. GARRITY: No

MR. KANE: Any easements running through the property?

MR. GARRITY: Not on that piece of property, the property is pretty much mostly building. I think it's .17 acre and it's mostly building, it was there a very long time.

MS. GUIFFRE: It was built in the 1890s.

MR. CHANIN: I assume this is true but I would like you to answer the question on the record. Have you been in communication with the town building department to make sure that your proposed work here is going to be sufficient to accommodate emergency response vehicles?

MR. GARRITY: I'm currently working with the building department, the previous owner had expired some building permits, I reopened those permits and I'm working with the department to be able to satisfy and

close those permits before we do any other work.

MR. CHANIN: Do you think you're going to have to resolve those questions before you come here for a final approval?

MS. GUIFFRE: With the safety I don't know, I think it would be real easy to get to the building because it's right off 9W, there's that little road.

MR. KANE: Are you working with the planning board on this?

MR. GARRITY: Yes.

MS. GUIFFRE: Yes, we've have been at Town Hall a lot, I think they know us very well.

MR. KANE: They were before the planning board and the planning board sent them here for parking.

MR. SCHEIBLE: Just curious when you say you're off 9W, I'm trying to reconstruct in my mind where that might be.

MS. GUIFFRE: Right across from Gus'.

MR. BEDETTI: The old Paffendorf building?

MR. GARRITY: The one with the blue tarp on top.

MR. BEDETTI: That's Columbus Avenue I think right alongside it.

MR. GARRITY: Correct.

MR. BEDETTI: Do you have any parking on Columbus, is there planned parking?

MR. GARRITY: Columbus is a one way street that's pretty tight.

MR. BEDETTI: Coming out.

MR. GARRITY: Yes, per town code any formal parking space they're not allowed to back out in any traffic so really difficult to figure out the way that cars would move that it wouldn't violate that. So, you know, whether there may be other parking on that street that has nothing to do with us that they're currently doing

that we're trying to avoid all that.

MR. BEDETTI: So you don't have any off-site parking in other words?

MR. SCHEIBLE: Have you negotiated with the neighbor?

MR. KANE: Yes, and they picked up two spots.

MR. BEDETTI: Is that included in the five?

MR. KANE: Yes, that's included in the five.

MR. GARRITY: Prior to that it would have only been three.

MR. BEDETTI: Okay, good, thank you.

MS. GUIFFRE: And the current owner of the building he said we could park even more so cause they're not using the space currently as the business, the Nanotechnology they don't use all their spaces anyway, if you ever need an extra space you can use it, but in the easement we have the two spaces that was legally.

MR. BEDETTI: The upstairs not currently occupied?

MS. GUIFFRE: Not yet, we have to do the fire walls and fill out the permits.

MR. BEDETTI: If that becomes occupied, they're entitled to I guess at least two spaces.

MS. GUIFFRE: Yes.

MR. GARRITY: In the overall calculation of the parking spaces that square footage and that usage was included so every square--

MR. KANE: It's a legal apartment, it should be included.

MR. BEDETTI: I didn't know whether it was included here or not.

MR. SCHEIBLE: I see you have, it's a nice garage level there, is that where the work area is going to be?

MR. GARRITY: No, actually, that will be parking which is great. No, the work area--

MS. GUIFFRE: Is inside the building on the level that's, I don't though know if you're familiar with the building but it's the one that's the flat roof, it's kind of stand alone where the kitchen would be. Then my decorating room would be in the other room, it's really good to have humidity and climate control, keep it away from the oven, real buttercream doesn't like heat, keep it out of there and that would be my decorating room.

MR. KANE: Any further questions at this point for the board? If not, I'll accept a motion.

MR. HAMEL: I'll make a motion that we schedule a public hearing for Best Fudgin Cakes for a variance for the off-street parking.

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: Your next steps.

MS. GUIFFRE: Thank you.

ANTHONY VENCE (16-17)

MR. KANE: Variances are requested to permit an existing second kitchen in basement as well as an existing 10 x 12 shed which projects nearer to the street on which the principal building fronts. Located at 1018 Rolling Ridge in an R-3 zone. You heard all I had to state before about the, what we do here with a prelim meeting?

MR. VENCE: Yes.

MR. KANE: Please state your name and address and tell us in your own words exactly what you want to do.

MR. VENCE: Anthony Vence, 1018 Rolling Ridge, New Windsor, New York.

MS. VENCE: Tracy Vence, 1018 Rolling Ridge, New Windsor, New York 12553.

MR. CHANIN: What are you asking this board to do for you?

MR. VENCE: We have a second kitchen in the basement for my parents, my father's alive so it would be a handicapped basement with a second kitchen. It's a one bedroom with two windows, you know, and that's really it. The shed I was told it's not directly behind my house because I'm on a corner lot.

MR. KANE: So you've got two front yards?

MR. VENCE: Yeah, so it's off to the side a little bit but it's, I put it between two trees because if I move it anywhere, I have to take down trees or move my pool and I didn't want to disturb.

MR. KANE: Looking at this, if you weren't on a corner lot with two front yards you probably wouldn't be here in the first place.

MR. VENCE: Right.

MR. KANE: Okay, the intent of the second kitchen downstairs your intent is to use that as a single-family home?

MR. VENCE: Single-family home.

MR. KANE: No intent to rent that space out to anybody?

MR. VENCE: Never to rent, never to block anything off.

MR. KANE: Electric and gas coming from the apartment is all on one meter coming into the house?

MR. VENCE: Yeah, nothing's changed.

MR. KANE: Ease of entrance from that area to the rest of the house, no locked doors?

MR. VENCE: Wooden staircase with a door with no lock.

MR. KANE: Is there external access through a door to that area?

MR. VENCE: There was a sliding door with, we made it into a bifold, you know, bifold door.

MR. KANE: Got it. Further questions?

MR. SCHEIBLE: Exactly in what vicinity is this? I've only lived here for 74 years and I can't remember Rolling Ridge.

MR. VENCE: It's in Forest Glen development next to The Reserves off of Dean Hill.

MR. SCHEIBLE: I lose track down there.

MR. VENCE: There's a lot of homes there.

MR. BEDETTI: The shed on the Forest Glen end of the property or is it on the other?

MR. VENCE: Yes, it's, my house is on Rolling Ridge, yeah, it's on Forest Glen but you can't see it from the street, it's blocked by trees, yeah. There's a picture that you just see all trees, that's the side view from the street.

MR. KANE: Is the shed similar in size and nature to other sheds that are in your neighborhood?

MR. VENCE: Yes.

MR. KANE: Create any water hazards or runoffs in the placement of the shed?

MR. VENCE: No, it's on Item 4 built up a little bit.

MR. KANE: Cut down any trees or substantial vegetation in the building of the shed?

MR. VENCE: No.

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

MR. VENCE: No.

MR. KANE: Further questions?

MR. BEDETTI: This is written as requesting a variance for the second kitchen, is he actually asking for an interpretation?

MR. CHANIN: That's correct.

MR. KANE: It's an interpretation on the first.

MR. BEDETTI: Only real variance that needs to be offered here I guess is for the existing shed?

MR. KANE: Yes, for the shed, the shed is a variance and the kitchen's an interpretation.

MR. CHANIN: I love you guys, you're right on target, I really do, you guys are terrific. Do you understand what he was saying?

MR. VENCE: Yes.

MR. KANE: I'll accept a motion.

MR. BEDETTI: I'll make a motion we schedule a public hearing for Anthony Vence for a variance for a 10 x 12 shed that projects nearer to the street than the principal building and an interpretation for an existing second kitchen located at 1018 Rolling Ridge road in a R-3 zone.

MR. HAMEL: Second it.

ROLL CALL

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

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MR. TORPEY AYE
MR. KANE AYE

MR. KANE: This is your next set of instructions, if you have any questions, give Stephanie a call.

MR. VENCE: Thank you.

PUBLIC HEARINGS:

BOHMANN (16-15)

MR. KANE: Tonight's first public hearing Bohmann. A variance is requested to permit a six foot fence located between the principal dwelling and the street. Located at 6 Horse Shoe Bend in an R-4 zone. If there's anybody here for this particular hearing that wishes to speak, please put your name and address right on that for the stenographer. Name, address in your own words tell us exactly what you want to do.

MR. BOHMANN: Stephen Bohmann, 6 Horse Shoe Bend, New Windsor.

MS. BOHMANN: Catina Bohmann, same address.

MR. BOHMANN: Basically as we discussed before we're looking to put a six foot privacy fence, it will come out from the chimney and then basically eight foot and then run parallel to the house. I think it will still be at least 15, 20 foot from the road, it's for some privacy and also to help keep our dogs behind the house. We're going to put in chain link.

MR. KANE: Okay, not cutting down substantial trees or vegetation in the building of the fence?

MR. BOHMANN: No.

MR. KANE: Not creating any water hazards or runoffs in the building of the fence?

MR. BOHMANN: No.

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

MR. BOHMANN: To the best of my knowledge, no.

MR. KANE: And from the view I'm seeing on the pictures, the fence would not inhibit the view of any vehicles coming around either street?

MR. BOHMANN: No, it would not, it's running parallel and it's going to meet up with our neighbor's fence so--

MR. KANE: Yes, and the pictures show that too. And

the type of fence that you're putting up?

MR. BOHMANN: Probably wooden palisades, cedar, something like that.

MR. KANE: Gentlemen, questions?

MR. BEDETTI: I'm good so far, still going through the pictures. This existing white fence that's the neighbor's fence I assume?

MR. BOHMANN: Correct.

MR. KANE: You're going to go right to that fence if I remember correctly?

MR. BOHMANN: Yes.

MR. BEDETTI: And you're on a corner?

MR. BOHMANN: Yes, we are, sir, that's why we're here tonight.

MR. SCHEIBLE: How far off the street will this fence be that's, we're talking about the fence going alongside the road, is that correct?

MR. BOHMANN: No, no, well, if you look at--

MR. SCHEIBLE: Well, it says located between the dwelling and the street.

MR. BOHMANN: Because it's going to be, well, when you say alongside, it's not right on the road. Basically we're coming right off the edge of the chimney eight foot, so that's maybe a total of 10 foot from the house and it's going to run parallel so at least 15, 20 feet between the fence and the road.

MR. KANE: Is the end of the fence going to meet up with the end of the white fence from your neighbors?

MR. BOHMANN: Correct.

MR. KANE: If you look at that picture, you can see the end of the white fence that will give you a good idea of where it's going to hit. Okay, at this point, I'll open it up to the public at this point and ask if there's anybody here with any discussion on this particular hearing that wishes to speak?

MR. CLAYTIN: My name is Christopher Claytin, I live at 10 Horse Shoe Bend, I have no objection to their fence.

MR. KANE: Thank you very much, appreciate that. Anybody else wish to speak? Okay, at this point, we'll close the public hearing portion of the meeting, bring it back to Stephanie and ask how many mailings we had?

MS. RODRIGUEZ: So on the 11th day of July 2016, I compared 57 addressed envelopes containing public hearing notice, sent them out and got no response.

MR. KANE: I'll bring it back to the board and ask for further questions? If there are no further questions, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant a variance to Bohmann, a variance requesting a six foot fence located between the principal building and the street located at 6 Horse Shoe Bend in an R-4 zone.

MR. HAMEL: Second it.

ROLL CALL

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

MR. KANE: This will not be the last of your paperwork but here you go. Alright, have a great day, thank you.

MR. BOHMANN: Thank you.

GENNARO ACIERNO (16-14)

MR. KANE: Next on the agenda is Gennaro Acierno, excuse me if I murder the name.

MR. CLEARWATER: That's the way I pronounce it.

MR. KANE: Variance of 18.1 foot side yard and 23.16 foot total side yard is requested in order to permit a proposed 12 x 25 addition. Located at 7 Carpenter Road. Again, if there's anybody here for this particular hearing who would like to speak, just sign this, please.

MR. CLEARWATER: My name is James Clearwater, I'm a land surveyor with MJS Engineering here representing Mr. Acierno in his variance application. Mr. Acierno owns this lot and has an existing mobile home on it. This lot was created along with all the other ones in there. But in 1963 prior to the adoption of zoning in the Town of New Windsor, New Windsor zoning was adopted in 1966. All the lots in this development are smaller than what the code requires now and by extension all of the side yards, rear yards, all that are substandard based on compared to the current zoning. The dwelling that's there meets the side yard and front yard requirements that were implemented with the subdivision map when all these lots were created but, you know, substandard now as it sits. Mr. Acierno wants to add a 12 by 25 foot addition on the back of the dwelling and fix up the whole thing. The addition makes the side yard a little bit smaller, it goes from 24 1/2 to 21.9, six percent more non-conforming. And the same applies to the total side yard, both side yards are less than what the code requires now and the total would be three percent, a three percent increase in the non-conformity. Even if he was to tear down the house and start over again, we'd probably be back here for variances because any normal what we call nowadays a normal size house would still require side yard variances so that's the long and short of it.

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

MR. CLEARWATER: No, there are a few trees on the lot but I don't believe he's taking any down.

MR. KANE: Creating water hazards or runoffs?

MR. CLEARWATER: No.

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

MR. CLEARWATER: No, there is none. I submitted a couple photographs.

MR. KANE: Yes. And is that space the best space for him to put an addition that would minimize the amount of variances that he needs?

MR. CLEARWATER: Well, that's where he wants to put the addition.

MR. KANE: The question I asked is if there's not a better place to put it?

MR. CLEARWATER: To be perfectly honest, I couldn't say, I haven't been to the place.

MR. KANE: That's fine, it's an answer and it's up to the board. Questions?

MR. BEDETTI: The addition, what's the addition, is it a recreation area?

MR. CLEARWATER: It's living space, it's not a bedroom if that's what your--

MR. BEDETTI: Just trying to find out what it is.

MR. CLEARWATER: Just a little space to make the house a little bigger.

MR. BEDETTI: Not a dining area. Now, you said that the existing mobile home the spacing in fact is also non-conforming?

MR. CLEARWATER: Right, where it sits if we did not go, it's non-conforming, the front yard's fine.

MR. SCHEIBLE: In this area where this house is, you know, already and the addition, you know, being proposed are we in a water district or sewer district?

MR. CLEARWATER: It's on public water.

MR. SCHEIBLE: Public sewage?

MR. CLEARWATER: No, has its own septic.

MR. SCHEIBLE: Where is the septic?

MR. CLEARWATER: In the back, he wants to replace it Mr. Acierno does because it was put in in 1963.

MR. KANE: And in the showing on the map--

MR. CLEARWATER: It's substandard by anybody's definition so he wants to replace it.

MR. KANE: You can see right on the plat they have a whole thing for a new septic.

MR. BEDETTI: Which is probably a good idea because you're expanding the house too.

MR. CLEARWATER: Exactly.

MR. KANE: The addition itself is that going to just have internal egress, any outside doors?

MR. CLEARWATER: Just inside.

MR. KANE: At this point, I'll open it up to the public and ask the public if they have any questions, statements, five by seven color glossies, whatever you got?

MR. HUEBNER: My name is Steve Huebner, I live at 9 Carpenter Road. First off, I was under the impression that he was going to build a more permanent structure as a house, something more permanent and the trailer, I wasn't quite sure when it was built, obviously 1963 which makes it well over 53 years old.

MR. TORPEY: Fifty-three.

MR. HUEBNER: What's the life expectancy of the trailer number one. And to have additions put on it since it was put on there in '63 as well as the condition of the trailer right now, it hasn't been lived in for multiple years, it has had broken windows, they've had to try to cover up the windows from the inside, how viable is the trailer at this point in time?

MR. KANE: That honestly would be something that the building department as they're going through as they're doing their inspections before they'd get a C.O. that

everything would have to be up to code. We wouldn't be able to say one thing or another about that but anything that we approve here still has to go passed the building department and the building inspectors and they have to bring everything up to code to get the C.O. on that particular or any piece of property like that.

MR. HUEBNER: Cause obviously at this point I live there and I've been watching rodents run in and out of this thing underneath it, you know, for probably about six months now cause I've only lived there for about six months.

MR. KANE: Do you think it would be an improvement for them to try to fix this thing up meeting all standards that it's supposed to meet to the neighborhood?

MR. HUEBNER: Well, the neighborhood is trying to turn around, it's trying to get more permanent housing, actually building houses with foundations instead of trailers, you know. What is his final intent to do with it, just sell it or rent it?

MR. CLEARWATER: His brother, he wants to give it to his brother, that's what he said.

MR. HUEBNER: I haven't even seen the construction of it, okay, he's just going to--

MR. KANE: Show him exactly the addition that he's going to put on.

MR. HUEBNER: I can't say much more, you know, as long as, you know, it can be a viable structure when it's done.

MR. KANE: Again, it has to pass everything from the building department, they have to meet all the codes from the building department, they go in and check everything. Once they open that door with the building department they come on your property, they check everything that's there so, you know, I would feel the same way. But I know they do that, that's one of the reasons that we have people come in for the second kitchen is to come in and make sure everything's to standards and get them that it's not going to be used as an illegal apartment that doesn't have the right fire codes in it and that stuff. So they're pretty good at that. I'd be kind of confident that it's

either going to pass inspection or not be lived in.

MR. SCHEIBLE: Are you the direct neighbors?

MR. HUEBNER: Yes.

MR. SCHEIBLE: So what our chairman was just saying that before they would be able to use it they're using it right now but after the addition the town has to inspect it, the building inspectors would have to inspect it, make sure the sewer's correct, make sure everything is correct. So I think you're going, and maybe it may be better for the whole neighborhood.

MR. KANE: Honestly if there's an issue you bring that up to the building department, let them know that that's something you'd want them to take a look at, I've been there for a while, and the rodents, anything like that because of garbage let them know because they'll look at everything. They're not mandated to just look at that one room, when they walk on your property, they'll look at everything you've ever done, you know, and if it's not up to code, they'll write a note and violation and you'll have to get it fixed.

MR. HUEBNER: Alright, perfect.

MR. KANE: Alright?

MR. HUEBNER: Thank you.

MR. KANE: Anybody else wish to speak or have any questions? None? We'll close the public portion of the meeting and ask Stephanie how many mailings.

MS. RODRIGUEZ: So on the 26th day of July 2016, I compared 37 addressed envelopes containing the public hearing notice, sent it out and received no response.

MR. KANE: Any further questions from the board? If not, I'll accept a motion.

MR. SCHEIBLE: I want to offer a variance of 18.1 side yard and 23.16 side yard as requested in order to permit a proposed 12 x 25 addition located at 7 Carpenter Road in an R-1 zone, 53.2.11.

MR. HAMEL: Second it.

ROLL CALL

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

MR. KANE: You're all set, here you go next in the list of long paperwork. We have no decisions. Next meeting is August 22, we'll take it from there.

MR. SCHEIBLE: Motion to adjourn.

MR. BEDETTI: 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