



TOWN OF NEW WINDSOR

ZONING BOARD OF APPEALS - Regular Session AGENDA FOR - MAY 12, 2003

7:30 p.m. – Roll Call

PRELIMINARY MEETINGS:

1. **WILLIAM & LINDA FARRELL (03-20)** Request for:

2 ft. Required Side Yard – Proposed pool deck

5 ft. Required Front Yard for above-ground pool located in required front yard – Corner Lot
Existing 6' fence projects between the house and road – Corner Lot

All located on a corner lot at 302 Butternut Drive in a **CL** zone (78-6-13)

2. **JEFFREY STRINGER (03-21)** Request for 22 ft. Required Rear Yard Setback for proposed attached pool deck at 127 Glendale Drive in an **R-4** zone (25-5-49)

3. **DALE CLARK (03-22)** Request for 6.5 ft. Required Side Yard Setback for existing shed at 17 Creamery Drive in a **CL** Zone (78-1-11)

4. **JESUS & JOSEFA HERNANDEZ (03-23)** Request for 5.4 ft. Required Side Yard Setback for existing deck at 35 Cross Street in an **R-4** zone (40-3-7)

5. **JEAN LEWIS (03-24)** Request for 7 ft. Required Front Yard Setback and 14 ft. Required Side Yard Setback for proposed deck on 15 Shaw Road in an **R-1** zone (53-3-2)

6. **EUGENE & JACQUELINE SCARANO (03-25)** Request for 7 ft Maximum Building Height for proposed detached garage at 516 Union Avenue in an **R-4** zone (7-4-4-)

PUBLIC HEARINGS:

7. **RICHARD DICKERMAN (#03-15)** Request for 7ft. required Front Yard Setback for existing one-family home on Ona Lane in an **R-4** Zone (4-2-10)

8. **WILLIAM DALIOUS (#03-18)** Request for variance of Section 48-14(A)(4) of the Zoning Code - Existing shed projects closer to road than house on a corner lot at 607 Beattie Road in an **R-1** Zone (51-1-71)

9. **MICHAEL DOWD (#03-19)** Request for 9 ft. required side yard setback for proposed 24 ft. by 28 ft. addition to single-family home at 23 Parade Place in an **R-4** zone (45-4-14)

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

MAY 12, 2003

MEMBERS PRESENT: LAWRENCE TORLEY, CHAIRMAN
MICHAEL KANE
MICHAEL REIS
STEPHEN RIVERA

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: LEN MCDONALD

REGULAR MEETING

MR. TORLEY: I'd like to call the May 12, 2003 regular meeting of the New Windsor Zoning Board to order. Just for those of you in the audience, we hold these preliminary meetings as a way of helping you and the board come to have some idea of your problem. By state law, all of our decisions have to be taken only after a public hearing. So we have these preliminary meetings so you get the feel of what's going to happen at the public hearing and what kind of questions you'll be asked, what kind of information we'll need in order to make a rational decision. This way, nobody gets surprised cause I imagine most of you are hoping this is the only time in your life you'll have to do this.

PRELIMINARY MEETINGS:

WILLIAM & LINDA FARRELL (03-20)

MR. TORLEY: Request for 2 ft. required side yard, proposed pool deck, 5 ft. required front yard for above-ground pool located in required front yard, corner lot, existing 6 ft. projects between the house and road, corner lot.

Mr. and Mrs. Farrell appeared before the board for this proposal.

MR. TORLEY: So tell us what you want to do.

MR. FARRELL: It's a corner lot, the house actually faces Guernsey Drive though we have a Butternut address. The pool, in order to put the pool for safety reasons and to be more attractive, it needs to be in the side yard with the fence going around it, otherwise, the pool, you put to pool in any other location on the lot, it would be an eyesore in the neighborhood and would jut out on the side of the house which would actually be the front which makes absolutely no sense the way the lots were laid out. So the variance is for both the pool, the fence to surround it and the deck attached to the pool.

MR. KANE: So for the pool if it wasn't on a corner lot he wouldn't be here?

MR. BABCOCK: That's correct.

MR. TORLEY: Would he have enough rear yard clearance?

MR. BABCOCK: Yeah, he's ten feet exactly off the rear yard with the pool.

MR. KANE: Isn't Butterhill 12 feet, speaking from somebody that lives in Butterhill and the rest of New Windsor is 10?

MR. BABCOCK: That's what we're saying, that's what he's asking for.

MR. KANE: He needs 2 and it's 10?

MR. BABCOCK: That's correct.

MR. TORLEY: That would also cover the deck, looks like on the angle, it's kind of close.

MR. BABCOCK: Yes, that's for the pool, deck will, the pool he's looking for a five foot variance because it's attached to the house.

MR. TORLEY: Obviously, the fence is for safety reasons.

MR. KANE: Does it block any traffic view?

MR. FARRELL: Not at all.

MR. KANE: Creation of the deck with the pool are you going to be creating any water hazards or runoffs with the building of these?

MR. FARRELL: No, natural slope.

MR. KANE: Cutting down any trees?

MR. FARRELL: No.

MR. KANE: Deck and pool are similar in size to other decks and pools in the neighborhood?

MR. FARRELL: Yes.

MR. TORLEY: Gentlemen, do you have any other questions at this time?

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. KANE: Move that we set up William and Linda Farrell for a public hearing on their requested variances on 302 Butternut Drive.

MS. MASON: Should be 301.

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MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

JEFFREY STRINGER (03-21)

MR. TORLEY: Request for 22 ft. required rear yard setback for proposed attached pool deck at 127 Glendale Drive in an R-4 zone.

Mr. and Mrs. Jeffrey Stringer appeared before the board.

MR. STRINGER: The deck is coming from the second floor of the house and the steps from that deck down are pretty high, what I'd like to do is extend the pool deck to the main deck of the house so I have four steps going down to the pool deck and then three steps going down, four steps going down into the ground.

MR. TORLEY: In doing that, that deck attaches your pool and the deck to the house, that's why you get into the rear yard?

MR. STRINGER: Right.

MR. BABCOCK: That's correct.

MR. TORLEY: Do you have the fencing that you need around?

MR. STRINGER: I have 6 foot fence all the way around the back yard.

MR. TORLEY: And do you consider this an improvement in safety?

MR. STRINGER: Absolutely.

MRS. STRINGER: We're going to do away with the side step.

MR. STRINGER: Especially with her parents coming over, they're not too--

MR. KANE: With the deck you'll have to meet all the requirements.

MR. STRINGER: Absolutely.

MR. KANE: Going to create any water hazards or runoffs?

MR. STRINGER: No.

MR. KANE: Cutting down of any trees?

MR. STRINGER: No.

MR. KANE: Similar size to other decks and pools in the neighborhood?

MR. STRINGER: Yes.

MR. TORLEY: When you come to the public hearing, I see we have the photographs already, you'll be asked the same kinds of questions. One of the things you're going to be doing you'll be mailing out letters to your neighbors and it's not quite a form letter but it's close to it, so make sure you talk to your neighbors, tell them what this is about so they know you're talking about the pool, not that you're putting up a cell tower or toxic waste dump, let them know what's going on.

MR. STRINGER: Yes.

MR. TORLEY: Questions?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: Make a motion that we set up Jeffrey Stringer for his requested rear yard setback variance for 127 Glendale Drive.

MR. KANE: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

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MR. TORLEY

AYE

DALE CLARK (03-22)

MR. TORLEY: Request for 6.5 ft. required side yard setback for existing shed at 17 Creamery Drive in a CL zone.

Mr. Dale Clark appeared before the board for this proposal.

MR. CLARK: Good evening. I have an existing shed 3 1/2 feet from the property line, property line in question is 19 Creamery Drive, the shed pre-existed.

MR. TORLEY: 17 or 19?

MR. CLARK: I'm at 17 and the shed's 3 1/2 feet from the property line at number 19.

MR. BABCOCK: It's a 12 foot setback because I think he's in the CL-1 zone.

MR. KANE: He's in Butterhill, he should be, so it should be a 12 foot, so we need to adjust that to 8.5 if you're sure you're 3 1/2 feet off.

MR. CLARK: According to the survey dated 1988.

MR. TORLEY: Check your survey because we go by the numbers you give us. If somebody comes out and re-surveys your property and you need another three inches, you have to start all over again so check.

MR. CLARK: I'm 3 1/2 feet from the property line.

MR. BABCOCK: It is a survey telling us that.

MR. KANE: So with your permission, I'm going to change the request from 6.5 to 8.5.

MR. CLARK: Yes.

MR. TORLEY: Does this shed have any kind of a foundation?

MR. CLARK: It's on blocks.

MR. TORLEY: One of the things that you're going to be asked at a public hearing you're asking for an area variance and the board has to balance at the convenience to you or the benefit to you of being granted the variance versus any detriment to your neighbors. So one of the things is is it possible to, you'll be asked at the public hearing is it possible for you to move your shed. If not, why not.

MR. CLARK: And I have photographs here, it shows my property, it fairly slopes off from the location of the shed down towards Caesars Lane.

MR. TORLEY: Foundation is blocked up.

MR. CLARK: Very limited space in my back yard to relocate the shed.

MR. KANE: Creation of any water hazards with this?

MR. CLARK: No.

MR. KANE: Cutting down any trees? How long has the shed been up?

MR. CLARK: To my knowledge, since 1988, I bought the property in '92.

MR. KANE: Any complaints formally or informally about the shed that you know of?

MR. CLARK: No.

MR. REIS: What brings you to the board?

MR. CLARK: I'm selling the property and the issue came up.

MR. TORLEY: You do have a sloped back yard.

MR. CLARK: It's quite a severe slope.

MR. TORLEY: Dramatic slope. Gentlemen?

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MR. KANE: Accept a motion?

MR. TORLEY: If there are no other questions.

MR. KANE: Move we set up Dale Clark for a public hearing for his requested variance at 17 Creamery Drive.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

JESUS & JOSEFA HERNANDEZ (03-23)

MR. TORLEY: Request for 5.4 ft. required side yard setback for existing deck at 35 Cross Street in an R-4 zone.

Ms. Gabrielle Martinez appeared before the board for this proposal.

MS. MARTINEZ: There was a small porch there and we had added an extension to it, it was a side porch and we added an extension to the side porch and the work was already done, we didn't know that we needed to get the variance before we did the work.

MR. TORLEY: Mike, this looks like it's an exit from the house. What kind of an area are they permitted for that?

MR. BABCOCK: Well, they're only allowed the size of the door, Mr. Chairman, if it's a rear entrance and this is apparently five foot by eight foot or actually it's 9 foot 6 on the end.

MR. TORLEY: So the deck goes around the back of your house and wraps around the side, is that it?

MS. MARTINEZ: Yes, it connects the door.

MR. TORLEY: Connects the door with the deck.

MR. BABCOCK: Is there a door on the side of your house also?

MS. MARTINEZ: It's a kitchen door, it had a small deck that was, you know, like a small square.

MR. BABCOCK: So you can go into the first door or go around back to the house to go to the second door?

MS. MARTINEZ: Yes.

MR. TORLEY: Does that change any of the requirements?

MR. BABCOCK: No.

MR. KANE: Without the deck there or some kind of entry system, it would be considered a safety hazard to get into the entrances?

MS. MARTINEZ: Pardon?

MR. KANE: It would be considered a safety hazard if you didn't have anything there to get into the entrances?

MS. MARTINEZ: Yes, yes.

MR. RIVERA: Have you had any complaint since you put this up?

MS. MARTINEZ: No, not at all.

MR. REIS: What brings you to the board?

MS. MARTINEZ: What brought me here?

MR. REIS: What was the reason that you had to come?

MS. MARTINEZ: The porch was already done, we didn't know that we had to get permission to have it done first.

MR. REIS: You added the porch?

MS. MARTINEZ: Yes, well, it was a little piece there, we added the extension.

MR. TORLEY: Improved it.

MS. MARTINEZ: Right.

MR. KANE: Porch is similar in size or not overly big to other porches in the neighborhood?

MS. MARTINEZ: It's not bigger.

MR. KANE: Creation of any water hazards or runoffs?

MS. MARTINEZ: Not at all.

MR. REIS: No complaints from your neighbors?

MS. MARTINEZ: No.

MR. TORLEY: These are the same kinds of things you'll be asked at the public hearing, just so you're aware. We're doing this off a survey, so that's how we get the 9.6 feet?

MR. BABCOCK: That's correct.

MR. TORLEY: I'm always concerned that if we grant you a 5.4 foot variance and turns out somebody mis-measured and the bank comes in, has somebody else survey, turns out you need a 5.7 foot variance, sometimes the banks get sticky and you have to do it again to make sure of your measurements.

MS. MARTINEZ: We'll doublecheck the measurements, it was surveyed.

MR. TORLEY: Gentlemen?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: Make a motion that we set up Mr. and Mrs. Hernandez for the requested variance at 35 Cross Street.

MR. KANE: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

JEAN LEWIS (03-24)

MR. TORLEY: Request for 7 ft. required front yard setback and 14 ft. required side yard setback for proposed deck on 15 Shaw Road in an R-1 zone. You need to speak loudly. So what seems to be the problem?

MS. LEWIS: I'd like to put a deck over an existing patio walkway that I have around my house and it's within the, it's not far enough off the property line.

MR. TORLEY: So what your, you have a concrete pad, you want to put the deck here?

MS. LEWIS: Yes.

MR. TORLEY: So it covers the entire concrete area?

MS. LEWIS: Yes.

MR. TORLEY: How far off the ground would it be?

MS. LEWIS: It will be 15 1/2, 16 inches.

MR. TORLEY: When does it become a--did we ever figure that out?

MS. BABCOCK: Maybe we can clear this up. You're getting a little bit bigger than what the concrete slab is?

MS. LEWIS: Yes, about a foot maybe.

MR. BABCOCK: See the second line in Mr. Chairman, that's where the concrete would go and they're going just a little bit bigger to square it off.

MR. KANE: Will it be the same size as other decks in your particular neighborhood, similar?

MS. LEWIS: Similar, yes.

MR. KANE: Will you be creating water hazards or runoffs with the deck?

MS. LEWIS: No.

MR. TORLEY: I see by the map it's well and septic, so the survey shows that this will not impinge on either the well or septic?

MS. LEWIS: No.

MR. TORLEY: So the concrete itself is degraded and replacing the concrete with a wood deck will improve the value of the house?

MS. LEWIS: Oh, yes.

MR. TORLEY: Eliminate a safety hazard of rough concrete?

MS. LEWIS: That's right.

MR. TORLEY: Any questions at this time?

MR. KANE: You're not going to be creating any water hazards or runoffs?

MS. LEWIS: No.

MR. KANE: By the picture, I have to ask you, you won't be cutting down any trees?

MS. LEWIS: No.

MR. KANE: Have to ask.

MR. TORLEY: Gentlemen, are there any other questions?

MR. KANE: No, sir, Mr. Chairman. Accept a motion?

MR. TORLEY: Yes, sir.

MR. KANE: Move that we set up a public hearing for Jean Lewis on her requested variances at 15 Shaw Road.

MR. REIS: Second it.

ROLL CALL

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MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

EUGENE & JACQUELINE SCARANO (03-25)

MR. TORLEY: Request for 7 ft. maximum building height for proposed detached garage at 516 Union Avenue in an R-4 zone.

Mr. Scarano appeared before the board for this proposal.

MR. SCARANO: I want to put up a two car garage with storage up top and I need a 7 foot or an 8 foot variance.

MR. BABCOCK: Seven foot high?

MR. SCARANO: I want to take down the existing shed.

MR. TORLEY: So that existing shed from the photograph may or may not meet the codes as it stands?

MR. BABCOCK: Yes, it does.

MR. TORLEY: Some maybe he's certainly not increasing any variance request for setbacks back there, really just height.

MR. BABCOCK: Yeah, he's farther off the property line than what's required, it's just the height.

MR. KANE: The height on the proposed garage, is that higher than the existing home or houses in your neighborhood?

MR. BABCOCK: No.

MR. SCARANO: I don't think so, no. Here's a picture.

MR. TORLEY: Does this also serve as your office? I see you're a chiropractor.

MR. SCARANO: My home serves as my office, that's why I need to put up a two car garage.

MR. TORLEY: Does that make a difference, home office?

MR. BABCOCK: No, it doesn't make a difference whether he can have this or not, I mean, it might make a difference for his argument.

MR. TORLEY: Code sections?

MR. BABCOCK: No.

MR. TORLEY: You may not have your business operated out of the garage.

MR. BABCOCK: No, no, he operates his business out of his home.

MR. TORLEY: He's going to be on the record.

MR. SCARANO: Okay.

MR. TORLEY: I'm not sure he can store equipment for his business in there.

MR. BABCOCK: He's not, this is his private garage for his cars.

MR. TORLEY: So we'll say that again at the public hearing.

MR. SCARANO: Okay.

MR. KANE: Will you be creating any water hazards?

MR. SCARANO: No.

MR. KANE: Cutting down of any trees?

MR. SCARANO: No.

MR. KANE: You don't feel that the 7 foot additional height on the building is going to change the character of your particular neighborhood?

MR. SCARANO: No, I do not.

MR. TORLEY: This isn't going to get him into developmental area coverage?

MR. BABCOCK: No, he's got one of the bigger lots there, Mr. Chairman.

MR. TORLEY: You want to make sure you do it all in one shot so you don't have to do it again.

MR. REIS: Is there blacktop to the existing shed now?

MR. SCARANO: Yes, there is.

MR. REIS: You won't be expanding that?

MR. SCARANO: No, we'll be taking down the shed and expanding from the shed to the garage over about 12 feet.

MR. REIS: Blacktop area will not necessarily be expanded as well?

MR. SCARANO: No.

MR. BABCOCK: I'll get with Myra and give her that if that's a requirement, we'll have to do that.

MR. KANE: Because that will affect your developmental coverage.

MR. TORLEY: Developmental coverage means anything impermeable to water, concrete, asphalt, house.

MR. BABCOCK: We made him put this blacktop in for his chiropractor's office.

MR. TORLEY: If it's necessary to add that we can.

MR. SCARANO: Okay.

MR. KANE: Just want to make sure we cover all the bases while you're here.

MR. SCARANO: Okay. Don't understand, what was that?

MR. TORLEY: If you have a lot in a residential area, you can't put a house on the lot and fill the whole

thing up with a house or driveways, something called developmental area coverage. You have to have a certain fraction of your lot as grass and things like that and trees. Just want to make sure with the long driveway you have and the initial garage we're not impinging on that requirement.

MR. SCARANO: I got you, okay.

MR. TORLEY: Any other questions, gentlemen?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: I recommend that we set up the Scaranos for their requested variance at 516 Union Avenue.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

PUBLIC HEARINGS:

RICHARD DICKERMAN (03-15)

Alan Lewis, Esq. appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience besides the applicants who may wish to speak on this matter? Let the record show there's none. Before you start, got your letters?

MS. MASON: On the 29th day of April, 27 envelopes containing the public hearing notices were mailed out.

MR. TORLEY: Fine.

MR. REIS: Any responses?

MS. MASON: No.

MR. TORLEY: Okay.

MS. MASON: Yes, there is one, I received one in the mail today from Phyllis Larkin who did write in that she has no objection to the variance.

MR. REIS: Thank you very much.

MR. TORLEY: Yes, sir?

MR. LEWIS: Yes, good evening, my name is Alan Lewis. As you know, I'm counsel for Dr. Richard Dickerman. Dr. Dickerman sends his regards and his regrets at not being able to be here personally but he has already moved upstate and his wife is ill and he was unable to attend. The variance requested is basically for a 28 foot setback where a 35 foot front yard setback is required. The house was built as it stands now in 1967. It was, we understand, the third house on the block and all of the other houses are similar in character. Granting the variance certainly would not affect any change whatsoever upon the character of the neighborhood. It's been like that since 1967 and it is similar to the other existing structures. The only

reason that the need for a variance arose is because the house is under contract to be sold and in the title company's investigation and in preparing the necessary documents, it was developed that there's a non-conformity, so we're here to address that at this time. It won't change the runoff or result in any trees being cut down and certainly it's been that way since 1967, so I don't think that anyone could claim that it would in any way change the character of the neighborhood if this variance were granted. On the otherhand, the applicant would have an undue hardship because there's no other way to possibly have the house sold unless the variance is granted so that the non-conforming front yard setback would be eliminated.

MR. KANE: Does the house as it currently stands project closer to the road than other homes in the neighborhood?

MR. LEWIS: No.

MR. KANE: To your knowledge, has there been any complaints formally or informally about the home?

MR. LEWIS: No, not to our knowledge.

MR. TORLEY: When was the house built?

MR. KANE: '67, one year.

MR. REIS: Off the record.

(Discussion was held off the record)

MR. KANE: As absurd as it sounds, there was no creation of water hazards or runoffs from the home over all these years?

MR. LEWIS: No.

MR. REIS: Accept a motion?

MR. TORLEY: If there are no other questions.

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MR. REIS: I make a motion that we grant Mr. Dickerman his requested variance for his Ona Lane property.

MR. KANE: Second the motion.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

WILLIAM DALIOUS (03-18)

MR. TORLEY: Request for variance of Section 48-14(A)(4) of the Zoning Code - existing shed projects closer to road than house on a corner lot at 607 Beattie Road in an R-1 zone.

Daniel Bloom, Esq. and Mr. William Dalious appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience besides the applicant who wishes to speak on this matter?

MS. MASON: Twenty-six addressed envelopes containing the public hearing notice was mailed out on the 28th of April.

MR. BLOOM: Good evening, my name is Dan Bloom, I represent the applicant this evening, Mr. Dalious who is seated to my right. This is an application for an area variance, kind of a unique history to it. If you look at, and I believe you should have in your possession a copy of Mr. Dalious' original survey, going back to 1988, when he purchased it, you'll notice that there's a road, Wagner Drive, to the left-hand side of the property of the house as you look at it from Beattie Road. At the time my client purchased it, he told me, he tells me that Wagner had not been yet developed. So he purchased the house with the existing shed, fairly large structure about 25 feet by 12 feet and it's on a cement slab. It's an attractive looking shed, I believe you have photographs in front of you. And he indicated to me that not only was he not aware of the fact that there was any transgression of any municipal violations when he purchased it but in fact, I reviewed his file when he purchased it and he purchased title insurance which as your counsel will probably tell you has an unusual clause in it in the sense that the title company actually insured the survey which in turn insured the fact that there were no municipal violations. And normally, that's something that the title company will not even endeavor to try to do, but they did in this case. All the more reason why I'm suggesting that it was completely a surprise to my poor client to find out that here he's

living here under these circumstances with this particular structure all this period of time and now he's selling the house and now he has these problems. With that, the photographs if you look at the ones that have been presented to me by my client, you'll notice that the property is shrouded almost completely with forsythias and evergreens behind a gabion wall from Wagner, meaning that the shed is almost invisible from Wagner Road as you approach it. My client also advises me that he's never in all the years he's been there ever had a complaint from any of the neighbors about the fact that the shed protrudes closer to Wagner than it should under the circumstances closer than his existing residence. Based upon these developments and the history of the situation, I would respectfully suggest to this board that the granting of this variance will in no way impair the quality of the neighborhood, the aesthetics of the neighborhood, will cause any type of drainage problems to the neighborhood, certainly over the last 12 or more years, actually almost 14, 15 years it's not caused any problems which have generated any complaints and based upon that, I would respectfully request that the board favorably entertain my client's application for this variance.

MR. TORLEY: This is, from your photographs, this is a large, very attractive shed, almost a small barn, looks like it's on a solid foundation and would be impractical to move it?

MR. BLOOM: Yes, very impractical to move it, yes, it's on a concrete foundation.

MR. KANE: How long has the shed been in existence?

MR. DALIOUS: I believe since 1968.

MR. KANE: Again, to your knowledge since that time and since you've had the home, there's been no complaints formally or informally about it?

MR. DALIOUS: No.

MR. KANE: No creation of water hazards or runoffs that

you've noted?

MR. DALIOUS: No.

MR. TORLEY: Having moved there in '82, I can tell you that it was there then before Wagner Drive cause my kids used to ride in the orchards back there and it clearly became a front yard when they put the road in.

MR. TORLEY: Mike, if this structure is put up in the late '60s at that time the Town was probably not issuing C.O.s for sheds very often?

MR. BABCOCK: It didn't appear to be. I don't know that for a fact, but it didn't appear to be.

MR. TORLEY: Had a C.O. been issued for the shed at that time, he would not be here?

MR. BABCOCK: That's correct.

MR. TORLEY: All right, I'd like to open it up to the public.

MR. MULLIGAN: Ray Mulligan, I live on Museum Village Road, Monroe. I lived on Beattie Road from '63, 1963 to 1989 and I remember prior to Mr. Dalious, the VanDuzens owned the home and the house was on there previous before the building and development of Wagner like we discussed as a homeowner, well, as a landowner in the area, I have no problem with this being granted.

MR. TORLEY: We'll receive and file this confirming what you've said here. Where is the lands you own?

MR. MULLIGAN: I own the property, I own this property right here, it's been subdivided but there's 35 acres there.

MR. TORLEY: And you have no objection to the granting of this variance?

MR. MULLIGAN: I have no objection at all and I think it was built in 1968.

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MR. TORLEY: Is there anyone else wishing to speak? If not, I'll close the public hearing and open it back to the members of the board. Gentlemen?

MR. REIS: No more questions.

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. KANE: I move that we approve the requested variance by William Dalious for 607 Beattie Road.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. TORLEY: Off the record.

(Discussion was held off the record)

MICHAEL DOWD (03-19)

MR. TORLEY: Request for 9 ft. required side yard setback for proposed 24 ft. by 28 ft. addition to single-family home at 23 Parade Place in an R-4 zone.

Mr. Michael Dowd appeared before the board for this proposal.

MR. TORLEY: Before I begin, we have the letters.

MS. MASON: On the 2nd day of May, 70 addressed envelopes containing the public hearing notice was mailed and I have no responses.

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter besides the applicant and his family? Let the record show there is none.

MR. DOWD: Before when you read the variance request, I believe that Mr. Babcock last time he addressed a couple other issues, there's a front yard and also a side yard on the other side you guys kind of threw into the package.

MR. TORLEY: Yeah, I remember that.

MR. DOWD: So it's actually I think for three variances.

MR. TORLEY: You can tell us what the structure you're going to put up is.

MR. DOWD: Over the existing driveway, I plan an addition, 24 x 28 addition to the home. On the ground level will be a two car garage and above that will be an additional two bedrooms and one bath which will take the house from three bedroom, bath and half to a total of four bedrooms 2 1/2 baths.

MR. TORLEY: Mike, the applicant says it's my recollection too although it's foggier than yours I'm sure that at the preliminary hearing, we put in a couple other variance requests to clean up the whole property.

MR. BABCOCK: That's correct.

MR. DOWD: There's a front yard.

MR. TORLEY: No, it does protrude.

MR. KANE: Thirty-two feet at that one corner, right?

MR. TORLEY: Yeah, it's closer so it's front yard variance and side yard variance.

MR. BABCOCK: Both sides, actually both sides, we got a front yard required of 35, he's providing 32, so he needs a three foot front yard, one side yard required is 15 and he's proposing 6 foot so he needs a 9 foot side yard and the other side yard he's required 15, he's providing 7 so he would require an eight foot variance. This way, it clears everything up, there's no question.

MR. DOWD: Even though that one addition was put on the house many years ago, yeah, it clears the whole package.

MR. BABCOCK: You'll never have a problem. If you don't do it, you probably will. I probably shouldn't say you'll never have a problem.

MR. KRIEGER: It will somewhat diminish the chance of you having a problem.

MR. KANE: This addition doesn't get us into, it's going over an impermeable surface now, so it's not changing the developmental coverage?

MR. BABCOCK: Right.

MR. REIS: Just for the record, you're not cutting any trees down?

MR. DOWD: No trees.

MR. REIS: Not going to create water hazards or runoffs to your neighbors?

MR. DOWD: No, I'm not.

MR. KANE: With the addition on the home, you're not going to change any of the characteristics of the neighborhood? It will be a similar style house in size to the neighborhood?

MR. DOWD: It will blend in well, yes.

MR. TORLEY: Improve the neighborhood.

MR. DOWD: I think everybody else's property values are going to come up as a result of this going on, at least my immediate neighbors.

MR. TORLEY: Of course so will your taxes.

MR. DOWD: I already spoke to the gentleman in the assessor's office, it's about 900 a year they're going to go up he estimates.

MR. TORLEY: We don't have any problems with sheds, Mike, according to the site plan, we don't have a problem with the sheds? Just to get it all fixed, looks like there's a shed in the back, two sheds or something in the back, again, in the spirit of having everything fixed? Do you have a survey there?

MR. BABCOCK: Yes, I do, I'm just looking to see what paperwork's going with it.

MR. REIS: Looks like he's about three foot off the rear yard according to scale.

MR. TORLEY: There's a shed on what would be the northern part of it but in the southern part, I can't read what that says.

MR. KANE: Concrete pad, looks like C-O-N-C, unless I'm mistaken.

MR. TORLEY: So the structure, so you have a shed in the one corner of your back yard?

MR. DOWD: Sheds in both corners.

MR. TORLEY: So the one shed looks like it's pretty close to the back line.

MR. DOWD: On concrete pads there when we bought the house.

MR. BABCOCK: I don't really have the paperwork here, Mr. Chairman, to verify when they were built, when they weren't built and I don't know that we can do that.

MR. TORLEY: The only thing I can tell you is that you--

MR. BABCOCK: I don't think he's here because he's either selling or refinancing, he's building a deck. Right?

MR. DOWD: We're building on. I just mentioned to my wife all this stuff with sheds with the increased garage space, I actually plan on taking the sheds out.

MR. KANE: Then we don't have to worry about it.

MR. DOWD: Before anything's done with the house the sheds will be out.

MR. BABCOCK: We're trying to help you out because next thing you know, you'll be back here for the sheds. We want one stop shopping.

MR. KANE: Okay, so that's covered then.

MR. TORLEY: Do you have any other questions on this matter?

MR. REIS: Accept a motion?

MR. TORLEY: Yes, sir.

MR. REIS: Make a motion that we grant Michael Dowd his request for a three foot front yard, 9 foot side yard and 8 foot side yard at 23 Parade Place.

MR. KANE: Second the motion.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. DOWD: I just want to make a notation here of the wonderful help from the Zoning Board secretary, Myra Mason, she worked with me late into the afternoon on May 2 to assure that the mailings were done in a timely fashion and the ad that I was required to do did get into the local paper here, The Sentinel. I actually have a copy. Turns out that my wife knows the girl from softball or something that I spoke to on the phone, found out after the fact, but I just want to commend Myra and the wonderful job she did with me and I will be following up the thanks with a letter to George Meyers also.

MR. KANE: We'll try to make sure she doesn't get a pay cut.

MR. DOWD: She did a wonderful job.

MR. TORLEY: Motion to adjourn?

MR. REIS: So moved.

MR. KANE: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

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MR. TORLEY

AYE

Respectfully Submitted By:



Frances Roth

Frances Roth
Stenographer

5/14/03

TOWN OF NEW WINDSOR ZONING BOARD
PUBLIC HEARING FOR:

William Dalous

DATE: May 12, 2003

SIGN-IN SHEET

	NAME	ADDRESS
1.	<u>RAY MULLIGAN</u>	<u>387 museum village RD mndor</u>
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