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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APRIL 13, 2009

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KATHLEEN LOCEY
FRANCIS BEDETTI, JR.
PAT TORPEY
JAMES DITTBRENNER

ALSO PRESENT: ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON/NICOLE JULIAN
ZONING BOARD SECRETARY

REGULAR_MEETING

MR. KANE: I'd like to call the New Windsor Zoning Board of Appeals April 13, 2009 meeting to order.

APPROVAL_OF_MINUTES_DATED_MARCH_9,_2009

MR. KANE: Motion to accept the minutes dated March 9, 2009 meeting as written?

MR. DITTBRENNER: So moved.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. DITTBRENNER AYE

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MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

PRELIMINARY_MEETINGS:

NADIA_VENEZIA_(09-08)

MR. KANE: Tonight's first preliminary meeting is Nadia Venezia, request for 22 foot rear yard setback for existing 21 x 24 attached rear concrete deck at 2642 Liberty Ridge in an R-3 zone. For everybody that's here for preliminary meetings, what New Windsor does is we hold two meetings, one's a preliminary so we can get an idea of what you want and inform you of what we need to make a decision. A lot of towns it's a one shot deal, you walk in, you're not ready, you lose. So we do preliminary, we get a good idea and then we hear a public hearing because everything has to be done at a public hearing. At this point, it's basically the same thing but then at that point, the public is involved. Okay, so what you want to do is walk on up, tell us your name and address, what you want to do and speak loudly enough for that young lady over here to hear you.

MS. NADIA VENEZIA: My name is Nadia Venezia. I reside at 2642 Liberty Ridge, New Windsor, New York. And we're here to try and get a variance request for our deck that we built last year or in the process or building. According to R-3 zoning, the structure is, it exceeds the minimum setbacks that are required by the Town of New Windsor, therefore, we need to have a variance issued.

MR. KANE: Okay, couple of basic questions, creating any water hazards or runoffs in the building of the deck?

MS. VENEZIA: No.

MR. KANE: Some of the questions may be kind of, seem not good but I have to ask them anyway. Cut down any substantial trees or vegetation in the building of the

deck?

MS. VENEZIA: No.

MR. KANE: Any easements running through the area where the deck is?

MS. VENEZIA: Yes, the easement along where the trees you can see it there's a drainage right near the fence.

MR. KANE: But the deck doesn't cover that easement?

MS. VENEZIA: Not at all.

MR. KANE: Then the answer is no.

MR. KRIEGER: Nor would it interfere with it.

MS. VENEZIA: No.

MR. KANE: Deck itself is it similar in size and nature to other decks that are in your neighborhood?

MS. VENEZIA: Similar in size, yes, the materials used were unique.

MR. KANE: I can see from the pictures but size wise, it's about the same?

MS. VENEZIA: Yes.

MR. KANE: Further questions from the board? Before we set up the public hearing I would like to check with Mike in the building department on that difference between 30 and 50 that's in the bulk tables to make sure we have the right numbers going out for a public hearing.

MS. MASON: We can do that.

MR. KANE: What we have here is your denial and there may be something special where you guys are that says permitted use is a 30 foot rear yard setback, according to the bulk tables it's 50 foot but I think something has changed and Michael is not here tonight so I want to clarify that.

MS. MASON: Mike is not here anymore at all, he's retired.

MR. KANE: Yeah, we just want to clarify this because it has to be correct when it goes out to the public so cause if you want to double that, we'll follow up on that and make sure and what we need to do that.

MS. VENEZIA: You're saying the specifications within this bulk table here may not be correct?

MR. KANE: Well, basically, the one in this particular bulk table says 50 feet.

MS. VENEZIA: Right.

MR. KANE: Permitted rear yard setback, site plan approval right here says 30, I want to make sure of where we're at because it would make a difference for what you're requesting.

MS. VENEZIA: Okay.

MR. KANE: Follow?

MS. VENEZIA: Yes.

MR. KANE: Okay so and I want that to be correct going out so that's the one step that I have is that we doublecheck those numbers. Further questions from the board?

MR. KRIEGER: The new masonry patio will it be flush

with the ground or elevated?

MS. VENEZIA: It's elevated.

MR. KANE: We have pictures to show that.

MR. KRIEGER: So it's adjacent to the, it's substantially elevated, it's adjacent to an entrance or exit of the house?

MS. VENEZIA: Yes.

MR. KRIEGER: So if the patio weren't there, a person would fall down and be likely to sustain serious injury?

MS. VENEZIA: There were stairs, we ripped them off.

MR. KRIEGER: As it stands right now, they would fall, right?

MS. VENEZIA: Yes.

MS. LOCEY: You have to be able to prove to the board why you need this variance.

MR. KANE: This picture showing this, somebody walked out, they'd get hurt?

MS. VENEZIA: Absolutely, yes.

MS. LOCEY: You have a set of pictures here that shows is this, is this done?

MS. VENEZIA: It's still in progress, work has been stopped because we need a variance.

MR. KANE: Any further questions?

MS. LOCEY: It's just the one variance you need?

MR. KANE: Right. Any further questions?

MR. BEDETTI: This is all new construction now or something been there from a year ago?

MS. VENEZIA: This is all new.

MR. BEDETTI: So the stairway and all that has all been constructed, the stone steps have all been constructed within this past year?

MS. VENEZIA: Yes.

MR. KANE: Any further questions? I'll accept a motion.

MS. LOCEY: I'll make a motion to schedule a public hearing on the application of Nadia Venezia as detailed on the April 13, 2009 agenda of the New Windsor Zoning Board of Appeals.

MR. TORPEY: I'll second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: This will tell you what you need to do to proceed next. Any questions, give the zoning office a call.

MS. VENEZIA: Great, thank you very much.

ALLEN_KELLER_(09-09)

MR. KANE: Request for 7 foot front yard setback for proposed 6 foot by 36 foot front yard porch at 21 Hilltop Drive in an R-4 zone.

Mr. and Mrs. Allen Keller appeared before the board for this proposal.

MR. KANE: Good evening.

MR. KELLER: Allen Keller, I'm asking for the 7 foot variance for the front porch for the 6 x 36 at 21 Hilltop Drive, New Windsor, New York.

MR. KANE: How far, let's get the basics out of the way with the building of the porch, creating any water hazards or runoffs?

MR. KELLER: No.

MR. KANE: Cut down any trees, substantial vegetation in the building of the porch?

MR. KELLER: No.

MR. KANE: Or will there be any easements running where the proposed porch is supposed to be?

MR. KELLER: No.

MR. KRIEGER: Won't interfere with any?

MR. KELLER: No.

MR. KANE: The dimensions of the porch with the front porch on the front of the house will it extend the front of your building closer to the road than other homes that are on your street?

MR. KELLER: Marginally, so not all of the homes, some of the homes are closer.

MR. KANE: Let the record show at this point in a preliminary looking at the pictures it wouldn't be substantially in front of the other homes, we have got a nice angled picture on that showing it. Okay, how high off the ground is the proposed porch going to be?

MR. KELLER: One story so approximately 10 feet.

MR. KANE: So you're going to be building the roof over the top of it and then a porch underneath?

MR. KELLER: Yes.

MR. KANE: But this part from the ground up?

MR. KELLER: Approximately, 16 inches.

MS. LOCEY: So it's a covered porch?

MR. KELLER: Yes.

MR. DITTBRENNER: Is this an open porch?

MR. KELLER: Open porch.

MR. KANE: With the depth of the porch only being 6 feet it's not overly large so the variance that you're requesting is minimal.

MR. KELLER: Right.

MR. DITTBRENNER: You said it's going to be an open porch?

MR. KELLER: Yes. If you want to get an idea what we want it to look like here's a nice one in the neighborhood that has a similar one.

MRS. KELLER: Very similar to what we want to do in the neighborhood.

MR. DITTBRENNER: Are you going to include the dormers?

MR. KELLER: Yes.

MS. LOCEY: Are you putting dormers on?

MR. KELLER: Yes.

MRS. KELLER: Fake dormers.

MS. MASON: Can we keep those?

MR. KELLER: Sure.

MS. MASON: Just one is all we need.

MR. KANE: Any further questions from the board? I'll accept a motion.

MR. BEDETTI: I'll make a motion that we request a public hearing for Mr. Allen Keller's request for 7 foot front yard setback for a proposed front porch at 21 Hilltop Drive in an R-4 zone.

MR. TORPEY: I'll second that.

ROLL CALL

MR. DITTBRENNER AYE

MR. BEDETTI AYE

MS. LOCEY AYE

MR. TORPEY AYE

MR. KANE AYE

MR. KANE: That tells you what you have to do next and as I offered the other people in front of you give her

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a call if you have a question.

CATHERINE_SCULLY_(09-10)

MR. KANE: Request for 6 foot stockade fence located between the principal building and the street at 24 Park Hill Drive in an R-4 zone.

Ms. Catherine Scully appeared before the board for this proposal.

MR. KANE: What you want to do is state your name and address, speak loudly enough so that young lady can hear you, tell us what you want to do.

MS. SCULLY: Catherine M. Scully, 24 Park Hill Drive, New Windsor. I'm looking for a variance to put up a six foot vinyl fence.

MS. LOCEY: What kind of variance is she looking for? It's not detailed.

MS. SCULLY: I'm a corner lot so from the back end of my house over. This is all trees already there, I had to remove trees here close to the house, they were dying and I was worried they were gonna fall.

MR. KANE: Where is the proposed fence going to go?

MS. SCULLY: Right here from the house over towards the street and then to the existing trees.

MR. KANE: So technically she's here because it's two front yards and there's a fence in the front yard extends passed the front of, the front of the building.

MS. LOCEY: It's not detailed on the disapproval on the building permit application, that's why I didn't know if the fence was too high or side yard variance, rear yard variance.

MR. KANE: Yeah, it says that the maximum height is so

she needs two variances that are not filled out, she's going to need the height, the two foot height variance from 4 to 6 and she's going to need a variance to allow a fence to extend in front of the principal building. How far off the street is the fence going to be approximately?

MS. SCULLY: That's the back of my house, it's going to go actually just before this is the tree line that continues down Summit.

MR. KANE: And it's going to come?

MS. SCULLY: It's going to go here and then down.

MR. KANE: And then down that way?

MS. SCULLY: Basically just the corner exactly where the trees were that I had to take down.

MR. KANE: So the fence itself it's not going to inhibit the view of traffic in any way?

MS. SCULLY: No, I measured at least 50 feet from the back part to the stop sign here so there's--

MR. KANE: Do us a favor, just for the public so we have it for the record, can you give me a measurement from the street to where the fence is going to be located just so we have that in the record?

MS. SCULLY: Okay.

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

MS. SCULLY: I did.

MR. KANE: You cut down a few or you cut down substantial?

MS. SCULLY: What's substantial?

MR. KANE: A lot.

MS. LOCEY: It was not a wooded lot?

MS. SCULLY: No, it was not a wooded lot.

MR. KRIEGER: If I remember what you said the ones you cut down were dying?

MS. SCULLY: They were dying and they were very close to the house so I was worried with the wind they were just going to come right down.

MR. KANE: Will you be creating any water hazards or runoffs? Some questions may not make sense.

MS. SCULLY: No.

MR. KANE: Any easements in the area where you want to build the fence?

MS. SCULLY: No.

MR. KANE: And the fence will be similar in nature to other fences that are in your neighborhood?

MS. SCULLY: Yes.

MR. KANE: I have no further questions. Anybody else have any?

MR. BEDETTI: I might of missed the answer, how far off the road?

MR. KANE: She's going to have that for us for the public.

MR. BEDETTI: Now the fence is coming off the back there?

MR. KANE: You can see it right here, you see where the tree line is right there, it's going to come from the house out and just kick down a little bit to the trees that are there, so it's back where the tree line is so we'll have the exact dimensions for the public hearing.

MR. BEDETTI: No sight obstruction?

MR. KANE: Not at all.

MR. KRIEGER: Interfere with the safe operation of motor vehicles?

MS. SCULLY: No.

MR. KANE: Any further questions?

MS. LOCEY: I just again am a little bit confused as to the exact variances which she's applying for.

MR. KANE: She needs two variances, two foot height for the fence taking it from a 4 foot which is allowable to a 6 foot and since it's passed the front of the house the principal building and the other one is to have a fence in the front yard. Basically, you're not allowed to have a fence passed the principal, the front of the principal building and since she's on a corner lot in New York State she has two front yards.

MS. LOCEY: She has no rear yard, I don't know that she has two front yards.

MR. KANE: Technically on a corner she has two front yards.

MR. KRIEGER: By law she has two front yards visually she appears to have one front.

MR. KANE: We'll have all that.

MS. LOCEY: Says fence is not over, fence is not over 6 feet. I think it's confusing and we need to have it specified more accurately before we can vote on it. Just think we need to tighten it up before we go to public hearing so we're sure exactly what it is we're voting on.

MR. KANE: Yes, it's a two foot variance, that's what we're looking for.

MS. LOCEY: Is there a second variance?

MR. KANE: No, I was corrected, it's just one.

MR. MINUTA: May I chime in? Joseph Minuta for the applicant. I'm also her neighbor. It's a real simple application, she had trees there, she took the trees down, she's putting up a fence in the exact same location, it's roughly three to four feet off of the roadway, it's on her property line where she plans to put the fence. She does have two front yards, however, one is the way it's set up is actually side yards.

MR. KRIEGER: One visually appears to be a side yard.

MR. TORPEY: That's not a problem.

MR. MINUTA: Basically, two front yards you have a two foot height variance and that's it.

MR. KANE: Two foot height variance on the fence.

MR. MINUTA: But you also have the front yard issue to deal with with the setback.

MR. DITTBRENNER: Well, it's only a height issue.

MR. KANE: She can, now I was corrected, she can have a fence in the front yard if it's 4 foot or under so it's just a two foot variance is what we need for that.

MR. MINUTA: Thank you all very much.

MR. KANE: So we want to make sure that's listed correctly for public notice.

MS. LOCEY: I don't think she's asking for anything out of ordinary but we don't have the details on the paperwork.

MS. MASON: The way they wrote it up is the same thing.

MR. KANE: So it's one variance two foot height variance on the fence.

MS. SCULLY: Correct.

MR. BEDETTI: This is a solid fence?

MS. SCULLY: Yes, PVC vinyl.

MR. BEDETTI: White solid?

MS. SCULLY: Yeah.

MS. MASON: The EAF is in the file if you need it.

MR. MINUTA: Why don't we put that in for the record. Do you have that?

MR. MINUTA: The requested variance, information is here although it's not listed on your forms tonight. So that's where we're at.

MS. SCULLY: Do I still need to measure?

MR. MINUTA: We'll take a measurement.

MR. KANE: That's fine.

MS. MASON: You need all those variances?

MR. MINUTA: Well, she might as well take care of them, it's an existing non-conforming use, okay, the property.

MS. LOCEY: It's a single-family home.

MR. MINUTA: No, because the zoning changed it was permissible at the time but now she's coming back just for the fence so what we have here is we have her lot area is less than what's required by today's standard.

MR. KRIEGER: It's already been developed?

MR. MINUTA: It's already been developed.

MR. KRIEGER: She's grandfathered in.

MR. MINUTA: You don't need to go through that.

MR. KANE: No, it's previous existing.

MR. KRIEGER: It was legal when she got a building permit.

MR. MINUTA: I know that but he just wanted to make sure she was covered.

MS. MASON: Only if she was going to add on to the house.

MR. KANE: Only if you were going to do an addition it might change but right now it's a pre-existing non-conforming so she doesn't need to do anything with that so it's just a two foot variance on the fence. They're going to measure but what did you say it was,

Joe, about 6 feet?

MS. MASON: You can put a fence right on your property line.

MR. KANE: She's putting it right on her property line.

MS. SCULLY: It's actually a little bit before because the trees are there.

MR. KANE: You're going to be inside the property line a little bit?

MS. SCULLY: Exactly.

MS. MASON: Just take some good pictures for the public hearing like from the road showing where--

MR. KANE: See how you have this shot here, take it out from in the street down there, take a shot going this way and from the street here, take a shot going that way, that will suffice.

MS. SCULLY: Okay.

MR. KANE: Just so that we can see from the street.

MS. SCULLY: Do I need to submit them early?

MR. KANE: No, you can bring them with you.

MS. MASON: If you can bring them in early she can make copies for the board.

MS. SCULLY: Okay.

MR. DITTBRENNER: I'll make a motion that we move the application of Catherine Scully for a two foot height variance as it relates to the stockade fence located between principal building and the street at 24 Park

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Hill Drive be moved to a public hearing.

MR. BEDETTI: I'll second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

JOHN_CHEWENS_(FOR_LAMONT)_(09-11)

MR. KANE: John Chewens for LaMont request for interpretation and/or use variance for single family dwelling with two kitchens at 81 Blooming Grove Turnpike in an R-4 zone.

Mr. John Chewens appeared before the board for this proposal.

MR. CHEWENS: Thank you for taking me, I submitted late and I appreciate it. My name is John Chewens, I'm a real estate agent, 100 Commerce Drive for REMAX Benchmark Realty Group representing Mary Ellen LaMont, the current owner.

MR. KANE: All right, so basically what we're looking for is you're looking for an interpretation on the second kitchen?

MR. CHEWENS: Yes, what had happened in 1986 the dad made the existing garage a living space for the daughter to help take care of the mom who was handicapped. He applied for a building permit and did receive a C.O. making that living space. Now according to the surviving daughter she's telling me that the kitchen's been there the whole time based on the age of the cabinets definitely done 25 years ago, no one can say when it actually was put in, the dad passed away, the mom passed away and the daughter that lived there passed away, okay. Now the current owner, the surviving daughter came to me and in December and said I'd like to sell my parents', mine and my parents' house and when I list the house I go right to the building department and I go to the assessor's office and I say this is what I have, what do you show, it showed the garage being made into living space. It did not show that he ever added a sketch of a kitchen, okay, so I told her there's two ways of going, I said we list the house for sale as a single family house or

a single family house with two kitchens, mother daughter and whichever buyer we get we would go that way. If you get a single family they just don't want the kitchen we'll remove the kitchen, end of story. What we ended up getting was we got a single woman who's bringing her elderly mom in so in their offer they wanted to make a legal single family with two kitchens and that's why I'm here.

MR. KANE: The idea of the building department we're not against having a single kitchen or when I was a kid growing up a summer kitchen that was down there but we want to make sure it's all on record and not being rented out or used as a two family or kind of a rental. So the question becomes the electric and gas going into the house going in on one meter only?

MR. CHEWENS: No, what happened when they made the garage living space there was not enough room in the panel for the extra space plus the daughter did not want to be a burden to her parents so they ran another box in there and put electric, heat, electric appliances and the daughter paid them, it never has been rented out, it's never been paid by anyone but a family member. And this house is actually the one side has been empty since 2006, never been rented out, she doesn't even consider it even the possibility of being a two family and I got a buyer that fit perfectly or we would have ripped the kitchen out. So no way was it ever, ever, ever rented out and the intent of the new buyer is strictly for the mother daughter use.

MR. KANE: Not sure how I feel about the two, makes it a lot easier to look at that when you have one gas and electric.

MR. CHEWENS: She said take a picture of one meter, I went there and it was two and I went back and they said why and I said there wasn't enough room in the existing box so they ran a whole new service to the garage when

they added, they added the heat so there was electric heat has to be so there's a meter, there's a box right in the kitchen and then they added all the appliances in the kitchen so that's strictly for that and the daughter paid that.

MR. KANE: Is there free access from that particular area in the house to the rest of the home?

MR. CHEWENS: Yes, this is how they set it up, the dining room is the dividing point in the two houses so it's a dining room, kitchen and kitchen, so when the daughter cooked they ate together, when the parents cooked, they ate together. However cooked they brought everything there so when you go into the dining room you go right into the other kitchen so you go from kitchen, dining room to another kitchen.

MR. TORPEY: Isn't there another thing behind that house, is that just a garage?

MR. CHEWENS: A garage, yes.

MR. TORPEY: That doesn't have an apartment?

MR. CHEWENS: No, there's no apartments. What happened was the mom became legally blind then the daughter was looking for a house, the father said can I finish the garage, would you help with the mom so then the daughter moved in into that space.

MR. KANE: And the intent of the owner is to sell this as a single-family home with two kitchens and not advertise it in any way as a two family or home with a rentable?

MR. CHEWENS: I can show you when I listed it it says currently being used as a mother daughter on the bottom after I talked to Jen at the building department I added that verbiage, it says that it cannot be, it's

being sold, cannot be a two-family house.

MR. KANE: Can we keep this?

MR. CHEWENS: I actually have a couple if you want to pass them around cause I made sure of it when I went.

MR. DITTBRENNER: Is there a second panel?

MR. CHEWENS: That's the panel that was added and then--

MR. DITTBRENNER: This is the added panel?

MR. TORPEY: Top half would be one.

MR. DITTBRENNER: This is the one meter, he's got one main.

MR. TORPEY: They might of squeezed another main into the unit.

MR. CHEWENS: If you look at the picture I submitted with the chimney the original meter that's the original meter goes into the basement.

MR. TORPEY: It's not, it might be a separate, another separate thing going to the--

MR. DITTBRENNER: I'm looking at the panel.

MR. TORPEY: There's only one top switch.

MR. DITTBRENNER: There's got to be another panel, my point was could we consolidate and restrict that this could never be used as really a two family?

MR. CHEWENS: Well, the electrician has been notified and would be willing to do what we need to do.

MR. KANE: I'd prefer just to have that one meter coming into the home.

MR. CHEWENS: Can we, could you have two boxes off one meter?

MR. TORPEY: Yes, you can, I've got two big sub panels in my house with one meter.

MR. KANE: Bring it down to one meter, just makes everything a lot easier, actually easier to enforce.

MR. DITTBRENNER: Single family two kitchens but this creates--

MR. CHEWENS: Right.

MR. KANE: Bottom line whoever buys it with those two separate meters you create the possibility in today's economic environment to have a rentable there which is not what we want.

MR. CHEWENS: And I wouldn't want it either, that's specifically why.

MR. KANE: You would be agreeable with changing that?

MR. CHEWENS: Absolutely, and I can have it done and get a picture by the next meeting.

MR. KANE: That would be great. Any further questions?

MR. DITTBRENNER: That would be fine.

MR. BEDETTI: I agree, this is a better approach.

MR. CHEWENS: I believe we can just take the meter out and it can be combined.

MR. KANE: Between you and your electrician.

MR. CHEWENS: Because there was never intent to hide it, there was never intent to rent it out.

MR. TORPEY: It's a beautiful house, one meter would be perfect.

MR. CHEWENS: I had no way of telling you how in the future you could enforce it but I think that's probably the best for everybody.

MR. TORPEY: I live four houses away.

MR. CHEWENS: I was saying to my partner, Jackie, you look very familiar to me.

MR. KANE: He watches everybody.

MR. CHEWENS: Really the intent of the family--

MR. KANE: That's basically what you're here for, to get that inspected and the whole board would feel better about it.

MR. DITTBRENNER: There's probably room that you can consolidate.

MR. CHEWENS: I'll have that taken care of.

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

MS. LOCEY: I'll offer a motion on the application of John Chewens to schedule a public hearing for their request for an interpretation for a single family house with two kitchens or a two-family home all at 81 Blooming Grove Turnpike in an R-4 zone.

MR. TORPEY: I'll second that.

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ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

PUBLIC_HEARINGS:

JAMES_HINEK_(FOR_R._DELSON)_(09-07)

MR. KANE: Tonight's first and only public hearing James Hinek for R. Delson request for existing shed 7 foot 3 inch side yard setback and 3 foot 5 inch rear yard setback and existing second kitchen creates a two-family home all at 206 Summit Drive.

MR. HINEK: I don't know where that came from because I think we figured that out it doesn't create a two-family home.

MR. KANE: Yeah, we did. Okay, James, state your name, the whole nine yards.

MR. HINEK: James Hinek, 206 Summit Drive, New Windsor.

MR. KANE: Okay, let's take the existing shed first. How long has the shed been in existence?

MR. HINEK: Since 1973.

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

MR. HINEK: No.

MR. KANE: Create any water hazards or runoffs?

MR. HINEK: No.

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

MR. HINEK: Yes.

MR. KANE: Any complaints about the shed formally or informally over the years?

MR. HINEK: No.

MR. KANE: And moving the shed at this point?

MR. HINEK: 1973 old metal shed bolted to the cement pad, I don't think so.

MR. KANE: Further questions from the board at this time on the shed?

MS. LOCEY: No.

MR. KANE: Okay.

MR. BEDETTI: What's the condition of the shed?

MR. HINEK: It's actually pretty good, I was surprised, I put the snow blower in it and it's in really very good shape I guess cause of the concrete pad and maybe there's enough vegetation over it.

MR. TORPEY: That's when they built things good.

MR. HINEK: It is.

MR. DITTBRENNER: That and the pine trees shelter it.

MR. KANE: As far as the second kitchen for the home do you have one set of utilities?

MR. HINEK: One set of utilities.

MR. KANE: And the intent of your use for this is as a second kitchen for a single family home?

MR. HINEK: Yes.

MR. KANE: Will always be used as a single family home?

MR. HINEK: Absolutely, and again the kitchen's been there since 1973 which is when the house was built.

MR. KANE: At this point, I'll open it up to the public and ask if there's anybody here that wishes to speak?

MR. MINUTA: I live down the street, I'm in favor of it.

MR. KANE: At this point then we'll close the public portion of the meeting and ask how many mailings we had?

MS. JULIAN: Fifty-seven mailings on April 2, 2009 and no response.

MS. LOCEY: Did we discuss the second kitchen, I mean it's been there for a long time.

MR. KANE: Since 1973, only one meter's been there and their intent is to always use it as a single-family home. Any further questions on the existing kitchen?

MR. BEDETTI: This property's not up for sale?

MR. HINEK: Actually, the Delsons own it and we're looking to buy it and we're trying to make it legal before we buy it, we're living in it now.

MR. KANE: Any further questions on the existing kitchen? No further questions, I'll accept a motion.

MR. BEDETTI: I'll move we approve the application of James Hinek for R. Delson as relates to the variance request for existing shed 7 foot 3 inch side yard setback and 3 foot 5 inch rear yard setback and an existing second kitchen to be qualified as a single family with an existing second kitchen.

MR. TORPEY: I'll second that.

April 13, 2009

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ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

FORMAL_DECISIONS

1. VAN LEEUWEN
2. SPIES
3. MOLONEY
4. AZOFF
5. ROTTMEIER FAMILY TRUST

MR. KANE: Tonight we just have a couple of formal decisions to vote on. Normally, I would ask if you want to vote on all of them in one shot or individually? Up to you guys.

MR. DITTBRENNER: Mr. Chairman, I would move that we approve the formal decisions of Van Leeuwen, Spies, Moloney, Azoff and Rottmeier Family Turst with one vote.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn.

MR. DITTBRENNER: I move that we conclude this session.

MR. BEDETTI: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE

April 13, 2009

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MR. KANE

AYE

Respectfully Submitted By:

Frances Roth
Stenographer

