

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
Regular Session    Date:    **APRIL 23, 2007**  
**AGENDA**

7:30 p.m. – Roll Call

**PRELIMINARY MEETINGS:**

1. **TIMOTHY SPINDLER (07-12)** Request for variance to permit an existing 10 ft. X 14 ft shed to project closer to Sean Court than the principle building at 2 Sean Court in an R-1 Zone (52-1-79.4)
2. **HENRY VAN LEEUWEN (07-10)** Request for two single-family dwellings on one lot at 340 Beattie Road in an R-1 Zone (55-1-146)
3. **WILLIAM SARVIS (by Zen Design) (07-13)** Request for 9.1 ft. Side Yard Setback and 31.6% Developmental Coverage for proposed addition to existing detached garage at 167 Moores Hill Road in an R-1 Zone (32-2-57)
4. **FIRST COLUMBIA (by Timely Signs of Kingston) (07-12)** Request for 2 ft. Height and 10.25 ft. Width for Façade sign at 500 Hudson Valley Avenue in an AP-1 Zone (3-1-54.2)
5. **FRANK LOMBARDI (07-14)** Request for:  

37,927 sq. ft. Minimum Lot Area;

70 ft. Minimum Lot Width

22 ft. Front Yard Setback

7 ft. Side Yard Setback

14 ft. Total Side Yard Setback

10 ft. Rear Yard Setback

8 ft. required frontage

All at 11 Myrtle Avenue in an R-4 Zone (13-13-24)

6. **LOMBARDI/VINCENZO (07-15)** Request for:

	REQUIRED	PROPOSED Lot 1 / 2	REQUESTED Lot 1 / 2
Min. Lot Area	43,560 sf	6000 / 5000	37560 / 38560
Min. Lot Width	125 ft.	60 / 50	65 / 75
Required Front Yard	45 ft.	50.8 / 23.4*	0 / 21.6
Required Side Yard	20 ft.	3.9 * / -2.7 *	16.1 / 20
Required Total Side Yard	40 ft.	21 / 28.6	19 / 11.4
Required Rear Yard	50 ft.	5.3 * / 46.8 *	44.7 / 3.2
Required Frontage	70 ft.	60 / 150	10 / 0
Min. Livable Area	1200 sf	1480 / 1160*	0 / 40
Developmental Coverage	20 %	38 / 37	18 / 17

For proposed subdivision of existing lot with two existing single family residences on one lot; all at Bradford & Lawrence Avenue in an R-4 Zone (13-12-10)

**TOWN OF NEW WINDSOR  
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Regular Session Date: APRIL 23, 2007  
AGENDA (CONTINUED)**

7. **ANTONIO TOMMASI (07-16)** Request for 5 ft. Side Yard Setback and; 5 ft. Rear Yard Setback for proposed 54' Above Ground Pool at 2809 Cherry Tree Way (The Reserve) in an R-3 Zone (77-2-9)

**PUBLIC HEARINGS:**

8. **PAUL DEARNALEY (07-06)** Request for 14 ft. Front Yard Setback for proposed replacement of single family house with attached garage at 549 Shore Drive in an R-4 Zone (62-9-19)

**FORMAL DECISIONS:**

Hornsberger (06-08)  
Walker (Fillipini) (06-06)  
Schlesinger (06-10)  
Vitale (06-12)  
Christoforidis (06-34)  
Brunell (Murphy) (06-48)  
Coppola (Crana) (06-54)

Karas (06-40)  
Faricellia (06-47)  
Petutis (06-44)  
Sisters Of Pres. (06-43)  
Bohler (Cumberland) (06-46)  
Pizzo (06-52)  
Coppola (Glynn) (06-55)

Buckner (06-42)  
Castillo (06-41)  
Perkal (06-49)  
Duffy (06-50)  
Riccardi (06-51)  
Moroney's (06-53)

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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
APRIL 23, 2007

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
KATHLEEN LOCEY  
ERIC LUNDSTROM

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

ABSENT: PAT TORPEY  
KIMBERLY GANN

REGULAR\_MEETING  
\_\_\_\_\_

MR. KANE: I'd like to call to order the April 23, 2007  
meeting of the New Windsor Zoning Board of Appeals.

PRELIMINARY\_MEETINGS

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MR. KANE: Preliminary meetings, I'll start off by saying that the Town of New Windsor holds two meetings, a preliminary meeting and then a public meeting. All decisions by the Zoning Board of Appeals have to be made in a public forum. The reason why we split it up is that in certain towns if you come in for the public hearing and you're not ready you lose. We decided that the way to go was to have a prelim so we can make sure that you have all the information you need and that you can get all the information we need to make an accurate decision on this. So that's why we do it in two sessions.

TIMOTHY\_SPINDLER\_(07-12)

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MR. KANE: Tonight's first preliminary meeting is Timothy Spindler request for a variance to permit an existing 10 foot by 14 foot shed to project closer to Sean Court than the principal building in an R-1 zone.

MRS. SPINDLER: I'm his wife.

MR. KANE: Just state your name and address, speak loud enough for the young lady over there to hear you.

MRS. SPINDLER: Yeah, we, unfortunately it's an existing project already we did not realize that we'd need the permit because, it was just a shale on the bottom and I think that someone might of told us that we didn't need a permit for that so we're, we have put the house for sale and turns out that it is needed.

MR. KANE: That's normally when it comes up.

MRS. SPINDLER: It's all the way in the back which I'm not sure that you can see from the pictures all the way in the back of the property near the woods within our fenced yard, fenced in yard. It's close to the double

sided gate that we have on Sean Court facing Sean Court.

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

MRS. SPINDLER: Not at all.

MR. KANE: Has the placement of the shed created water hazards or runoffs?

MRS. SPINDLER: No, sir.

MR. KANE: These are going to be very similar questions that you're going to get in a public hearing. Any complaints formally or informally about the shed?

MRS. SPINDLER: We, our next door neighbor which you--

MR. KANE: I know.

MRS. SPINDLER: She did us a favor, we really didn't think we needed it, it would have been a problem for the closing for the new people so it's good that it happened that way but yes and never to us, actually, we heard it from the inspector that came to us.

MR. KANE: The 10 x 14 shed would you say that's similar in size to other sheds that are in your neighborhood? It's not oversized?

MRS. SPINDLER: It's smaller actually than even the one right across the street and we do have that easement, AT&T easement, it's far from that.

MR. KANE: That was my next question, no easements?

MRS. SPINDLER: No, sir.

MR. KANE: Any further questions? I think you got all

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the basics.

MRS. SPINDLER: We don't have electricity running to it.

MR. KANE: So you understand even once we get to the public hearing even if the variance is approved for the shed you still have to meet all the standards that the building department puts out?

MRS. SPINDLER: Yes and that would be up to us to fix whatever it is.

MR. KANE: Yes, absolutely. If no further questions, I'll accept a motion.

MR. LUNDSTROM: I will offer a motion that the application for Timothy J. Spindler, 2 Sean Court, Rock Tavern, New York proceed to a public hearing.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MR. KANE: Just follow the information right on there and if you have any questions give Miss Mason a call.

MRS. SPINDLER: Thank you so much.

HENRY\_VAN\_LEEUWEN\_(07-10)

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MR. KANE: Request for two single family dwellings on one lot at 340 Beattie Road.

Mr. Henry Van Leeuwen appeared before the board for this proposal.

MR. KANE: Proceed to tell us what you want to do, sir.

MR. VAN LEEUWEN: Well, I have a two car garage with a small apartment on the property now and I don't want to split cause I don't have the time to split. My wife has rheumatoid arthritis and the doctor told me to look for a house with one floor. Right now we sleep on the third floor in our house, the stairs are a little bit too much for her so what I want to do is I want to build a one story house about 3,000 square feet on the property. I have 40 plus acres there and the other one is really a carriage house, it's, there's pictures here, I took them today cause Myra told me to do that.

MR. KANE: Always a good idea to follow what Myra says.

MR. VAN LEEUWEN: I know that, I sit on the planning board, I've known her a long time.

MS. MASON: Too long.

MR. KANE: Mike, this would be considered an area variance?

MR. KANE: Yeah, you're allowed one house per lot and he's going to have two so in my mind it's considered an area variance.

MR. KANE: Just want to clarify that.

MR. VAN LEEUWEN: We go to Florida in the wintertime a lot, this way somebody is always there to watch it.

MR. BABCOCK: If he wanted to make a two-family house that would be a use variance because it's only a one family zone.

MR. KANE: You said the acreage was 49 acres?

MR. VAN LEEUWEN: Forty plus acres.

MR. KANE: Approximate size of the house that you want to build?

MR. VAN LEEUWEN: About 3,000 square feet.

MR. KANE: One floor?

MR. VAN LEEUWEN: Yes.

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

MR. VAN LEEUWEN: There's some pictures of the lots, you have them right there, no, the only thing that's there was small brush about three to four foot, I don't like to cut trees down.

MR. KANE: Wouldn't be creating water hazards or runoffs?

MR. VAN LEEUWEN: No. My daughter lives in that house now, she's got a second child on the way, she's going to move in the big house in our old, her old big house.

MR. KANE: This would not be used as a rental property?

MR. VAN LEEUWEN: No, the one in the pictures will though, okay, that will be a rental.

MR. KANE: Any easements running through the area that you propose to build?

MR. VAN LEEUWEN: No, sir, I've owned that property since 1982, as you can see, there's a large swamp, it's all wet in here and I'm still assessed at \$500 an acre so renting that other apartment up there for 1,200 square feet apartment does help pay the taxes.

MS. LOCEY: So your daughter lives in the detached garage?

MR. VAN LEEUWEN: She lives upstairs.

MS. LOCEY: This is your current home?

MR. VAN LEEUWEN: No, there's no picture of my house.

MR. KANE: The white house is the one?

MR. VAN LEEUWEN: No, that's not the one, nothing to do with my house. We've been there 36 years, I really don't want to leave it.

MR. KANE: And you owned the property since?

MR. VAN LEEUWEN: 1982.

MR. KANE: Any further questions?

MR. LUNDSTROM: No questions. The only thing I might have is to Mr. Van Leeuwen when you do build a house one of the things that I've had a lot of people suggest when they build it for older people make sure the doors are wide enough so anyone at any time in the future requires a wheelchair.

MR. VAN LEEUWEN: When I went to see my wife's doctor in New York he told me, he says you gotta move to one floor he says and you got to put three foot doors so a wheelchair can get through. She might be all right for the next year, year after that, you don't know, that's

one reason why I don't, I really don't want to leave the old house, it's the old Beattie house, I've been in there for 36 years. I restored the whole thing upstairs and downstairs, there's four floors and I really love the old place but what am I going to do at this point in my life.

MR. LUNDSTROM: Sounds like it's the better.

MR. VAN LEEUWEN: I don't have any choice, the choice is not mine, if it was mine, it might be different.

MR. KANE: I'll accept a motion.

MR. LUNDSTROM: Mr. Chair, I will offer a motion that the application of Mr. Henry Van Leeuwen at 340 Beattie Road, Rock Tavern, New York with the application that's before us be allowed to proceed to a public hearing.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. KANE	AYE

WILLIAM\_SARVIS\_(07-13)

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Mr. Kenneth Lytle appeared before the board for this proposal.

MR. KANE: Request for 9.1 ft. side yard setback and 31.6% developmental coverage for proposed addition to existing detached garage at 167 Moores Hill Road. Tell us what you want to do.

MR. LYTLE: Ken Lytle representing Bill Sarvis. He has an existing .35 acre lot with an existing two car garage on it, an existing residence and he's going to put a 12 x 24 garage addition onto the front side of the garage. In doing so, he will exceed the lot coverage by 1.9 percent over what it is currently at 20 percent actually is what's required and he will also need a side yard variance for 9.1 feet.

MR. KANE: All right, just so the board understands what that 31.6 is the total that we're looking for?

MR. LYTLE: That's correct.

MR. KANE: So currently he's at 29.7, is that pre-existing, Mike?

MR. BABCOCK: I'm sure it is, Mr. Chairman.

MR. LYTLE: Yes.

MR. KANE: So make sure you point that out in the public hearing that 29 cause we're only actually looking for another 2 percent on top of what's existing.

MR. LYTLE: Yes.

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

MR. LYTLE: No.

MR. KANE: Creating water hazards or runoffs?

MR. LYTLE: No.

MR. KANE: Since it's already exceeding the developmental coverage, has there been any complaints formally or informally about the lot that you know of?

MR. LYTLE: No.

MR. KANE: Any easements running through where you plan to expand?

MR. LYTLE: No.

MR. KANE: The corner of the garage that is existing, how far off of the road will that be?

MR. LYTLE: I believe it's 24 feet, it's on the map.

MR. KANE: And that's not going to inhibit the view of any traffic coming down the road?

MR. LYTLE: Not at all, no.

MR. KANE: I think we've got enough. Any questions?

MS. LOCEY: No.

MR. KANE: I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of William Sarvis by Zen Design for a requested 9.1 foot side yard setback and 31.6 percent developmental coverage for a proposed addition to an existing detached garage all at 167 Moores Hill Road in an R-1 zone.

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MR. LUNDSTROM: I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. KANE	AYE

FIRST\_COLUMBIA\_(07-12)

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MR. KANE: Request for 2 ft. height and 10.25 ft. width for facade sign at 500 Hudson Valley Avenue.

Mr. Jeff Zduniak appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. ZDUNIAK: Jeff Zduniak with Timely Signs of Kingston representing First Columbia. And I'm trying to get approval on a facade sign that's larger than zoning is I believe.

MR. KANE: Yes, by a good amount. Explain to me the need for the excess width, how far is the building off of the road as far as line of sight that would make a big difference?

MR. ZDUNIAK: I don't have those exact figures.

MR. KANE: Mike, do we have anything like that?

MR. BABCOCK: No, I don't, Mr. Chairman.

MR. KANE: We'll need something like that for the public hearing.

MR. ZDUNIAK: I stopped on the way here and I took some measurements of the building, basically, the frontage is 510 feet and the side or the depth is 490 feet.

MR. KANE: So it's 510 across and you're proposing a 20.25 foot sign?

MR. ZDUNIAK: Yes, it does not directly face the road and I think that's part of the reason why the road, 207 comes in right off the side, and it would be away from the building probably close to 800 and 1,000 feet from

the entrance, this is all wooded on the side so this is the only place that they could do it.

MR. KANE: Understood. The sign itself, is it going to be illuminated in any way?

MR. ZDUNIAK: No.

MR. KANE: Mike, we're looking at did we do square footage on the facade signs or just the size?

MR. BABCOCK: No, it's the size, it's 2 x 10 and he wants to be 4 1/2 by 20.

MR. KANE: If you can get us some exact distances for the public hearing that would be a good thing or even some pictures from the roadway showing the building would even be better. Any further questions from the board?

MR. LUNDSTROM: The only thing I would suggest is if it hasn't already been suggested that on the plot plans just the location of the building in relationship to the roads.

MR. ZDUNIAK: Okay.

MR. KANE: Very similar to what you had right there, we just need the numbers.

MS. LOCEY: I'm fine.

MR. KANE: I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule up a public hearing on the application of First Columbia by Timely Signs of Kingston for their request for 2 foot height and 10.25 foot width for variance for a facade sign at 500 Hudson Valley Avenue in an AP-1 zone.

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MR. LUNDSTROM: I'll second it.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. KANE	AYE

FRANK\_LOMBARDI\_(07-14)

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Mr. Frank Lombardi appeared before the board for this proposal.

MR. KANE: Request for 37,927 square foot minimum lot area, 70 foot minimum lot width, 22 foot front yard setback, 7 foot side yard setback, 14 foot total side yard setback, 10 foot rear yard setback and 8 foot required frontage all at 11 Myrtle Avenue. Tell us what you want to do, Frank and please speak loud enough for that young lady.

MR. LOMBARDI: We have a non-conforming, pre-existing lot, water and sewer availability and we'd like to put a one-family house on it.

MR. KANE: Nothing existing on the lot right now?

MR. LOMBARDI: No, nothing on the lot now, it's vacant.

MR. KANE: Do you know how long that lot has been in existence?

MR. LOMBARDI: As far as what do they call it.

MR. KANE: It hasn't been resubdivided?

MR. LOMBARDI: Ducktown subdivision or whatever it's called over there.

MR. KANE: If you can get a date as to when that was or something along those lines just to show that it's been a lot for X amount of years.

MR. LOMBARDI: It's been owned in the, since the early 1900s, I think 1907 is when the current family originally built it, they own adjoining lot in a neighbor with a house on it and that was the same timeframe, they built a house way back then.

MR. KANE: Just give me a date as to when it was a separate lot, just paying taxes on it from that particular time.

MR. BABCOCK: I think I might be able to help this out. I've got a survey map reference being lot 128, that's a builder's lot number on map entitled Clancy Terrace being part of property owned by J. J. Clancy dated November 13, 1915.

MR. KANE: I think you qualify.

MR. LOMBARDI: That's what I was looking for, Clancy subdivision.

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

MR. LOMBARDI: No.

MR. KANE: Creating any water hazards or runoffs?

MR. LOMBARDI: No.

MR. KANE: Any easements running through the area?

MR. LOMBARDI: No. The only thing the pictures don't show is the, most of the houses two adjoining left and right are almost right on the road within five to seven feet of the road. This is coming back 23 feet. So, you know, it's allowing a lot more front yard than the existing across the road and right and left of it.

MR. KANE: Square footage of the house that you intend to build? You don't need to have it now but for the public hearing.

MR. LOMBARDI: I think it's on--

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MR. BABCOCK: It's 26 x 36, two floors.

MR. KANE: That will make it similar in size and nature to the other homes in that development and that's a weird development, I know?

MR. BABCOCK: Yeah, I think it is.

MR. KANE: Just address that it's not oversized for that particular neighborhood.

MR. BABCOCK: It's a fair sized house for that lot in comparable with the zoning. Used to be before the new zoning took effect the sliding scale used to be on lots of 80 feet you could have a 12 foot side yard, he's proposing 13 feet on one side, actually 13 feet on the other side.

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

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Frank Lombardi for the requested variances as presented on the agenda of the April 23, 2007 Zoning Board of Appeals meeting all at 11 Myrtle Avenue in an R-4 zone.

MR. LUNDSTROM: I will second that motion, Mr. Chairman.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. KANE	AYE

LOMBARDI/VINCENZO\_(07-15)

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MR. KANE: Request numerous variances for the proposed subdivision of an existing lot with two existing single family residences on one lot all at Bradford and Lawrence Avenue in an R-4 zone.

MR. VINCENZO: Phil Vincenzo. Basically, this shows the area of concern, we're going to break down the house, this is the subject area and all these lots that are penciled in are all going to be within the size that we're proposing to split. And if you see on the survey here these, the two houses already pre-exist and this makes it more conforming to the area, the sizes of the lots that these are going to be on the houses kind of like fit in the area pretty well and all the lots after broken down are going to be the same size as all those lots that are all pinked in.

MR. KANE: How long have the homes been existing?

MR. VINCENZO: One home's been existing probably since the '50s, the other one is a re-modeled existing house is the one in the picture right here, this was a small little house that's been re-modeled, obviously it's all brand new.

MR. KANE: Remodeled but there was a home there?

MR. VINCENZO: There was a small home there, it was--

MR. KANE: Since approximately?

MR. VINCENZO: The same as the other one.

MR. KANE: So both around the '50s?

MR. VINCENZO: Right.

MR. KANE: Both used as single family homes during that

whole time?

MR. VINCENZO: Yes.

MR. KANE: To your knowledge, any complaints formally or informally?

MR. VINCENZO: Not to my knowledge.

MR. KANE: No easements running through the area?

MR. VINCENZO: When I came to the planning board the parties that came there were concerned, were pretty all for it.

MR. KANE: Yeah, no, actually looks like a good thing. Certain questions we still have to ask. That's about all I got, any further questions?

MS. LOCEY: What's this house, the neighbor's?

MR. VINCENZO: No, that's the other house, that's the one house and the other house in the back.

MS. LOCEY: So what are these?

MR. VINCENZO: These are two lots and it's going to be split right down the middle, one house going here almost on the road, the other house is back here, as you can see if you look at the pictures just looks like it should be split.

MS. LOCEY: Yeah, you're right.

MR. VINCENZO: This is the house over on this side over here.

MS. LOCEY: What's this?

MR. VINCENZO: This is the garage that goes behind this

house.

MS. LOCEY: Okay.

MR. KANE: I'll accept a motion if there's no further questions.

MR. LUNDSTROM: I will offer a motion that the application for Mr. Frank Lombardi and Mr. Phil Vincenzo, 361 Oak Drive, New Windsor and the application brought before the ZBA lot proceed to a public hearing.

MS. LOCEY: Second it.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. KANE	AYE

ANTONIO\_TOMMASI\_(07-16)

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MR. KANE: Request for 5 foot side yard setback and 5 foot rear yard setback for proposed 15 x 30 x 54" above-ground pool at 2809 Cherry Tree Way, The Reserve, in an R-3 zone.

MRS. TOMMASI: I'm Maria Tomassi, the wife. Just looking to put an above-ground pool in our side rear yard.

MR. KANE: What size?

MRS. TOMMASI: 56 inch.

MR. KANE: That's your height.

MRS. TOMMASI: 15 x 30.

MR. KANE: Is Orange County Pools selling you your pool?

MRS. TOMMASI: That's correct.

MR. KANE: Let it be known that the portion of Orange County Pools that I work for is not connected with the guys you purchased from in New Windsor. I'm letting you know because that's what I do. So I'll let you know that we have a similar name but it's not the same company, so that's something I need to put out there. So you have a 54 inch high pool, what's the dimensions of the pool?

MRS. TOMMASI: Narrow oval 15 x 30.

MR. KANE: Is it a what they call slim style or buttresses pool, do you have the anchors coming out?

MRS. TOMMASI: No, it's a narrow oval.

MR. KANE: Some of the questions may seem a little crazy cause we know the area but I have to ask. Cutting down any trees or removing substantial vegetation?

MRS. TOMMASI: No, they're all gone.

MR. KANE: Will you be creating any water hazards or runoffs in the building of it? Is there a big excavation going to go on?

MRS. TOMMASI: No, we have been in that area now 3 1/2 years.

MR. KANE: The 15 x 30 pool, is that similar in size and nature to other pools that might be in your neighborhood?

MRS. TOMMASI: Smaller, most people have done inground.

MR. LUNDSTROM: One question, Mr. Chairman, if I may. Will there be a deck around the pool?

MRS. TOMMASI: We're thinking perhaps eventually but not any time soon, we have a fence already up.

MR. KANE: Your yard is fenced in but the pool you'll need to, I'm sure that the building inspector will go through this, but what's the clearance, 12 feet for the side and the back yard setbacks? She's asking for a five foot so it's ten foot is what's needed so you're going to have five feet from your property line on each one from your fence?

MR. BABCOCK: That's correct.

MR. KANE: That will suffice for the 4 foot area New York State requires?

MR. BABCOCK: Yes.

MR. KANE: You understand if you go to the public hearing that if it's passed that you're still required to meet all of the restrictions from the building department?

MRS. TOMMASI: Yes.

MR. KANE: Mike, is New Windsor up on the new pool alarm laws?

MR. BABCOCK: Yes.

MRS. TOMMASI: Yes, we have that, yes.

MR. LUNDSTROM: The other thing do we get clarification on the fact that if the deck that eventually goes around the pool touches any part of the house or any, an existing deck what that means?

MR. BABCOCK: Any deck that she puts up she's going to need a variance from this board no matter what because the deck is required to be ten foot off the property line also she only has five foot left if it's attached to the house.

MR. KANE: The rear offset changes.

MR. BABCOCK: The number's just going to get bigger for her but it would be the same.

MR. KANE: Any further questions?

MR. LUNDSTROM: None here.

MS. LOCEY: No.

MR. KANE: I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public

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hearing on the application of Antonio Tommasi and their request for five foot side yard setback and five foot rear yard setback for proposed 54 inch above-ground pool at 2809 Cherry Tree Way.

MR. KANE: Can we amend that to make it a 15 x 30 x 54 inch high pool? Let's get all the dimensions.

MR. BABCOCK: Yes.

MR. KANE: Is that acceptable?

MS. LOCEY: As amended.

MR. LUNDSTROM: I'll second that amended motion, Mr. Chairman.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. KANE	AYE

PUBLIC\_HEARINGS:

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PAUL\_DEARNALEY\_(07-06)

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MR. KANE: Tonight's first and only public hearing and if I butcher your name, I apologize, Paul Dearnaley request for 14 foot front yard setback for proposed replacement of a single family house with an attached garage at 549 Shore Drive.

MR. DEARNALEY: It's a carport.

MS. LOCEY: So it's with an attached carport?

MR. DEARNALEY: Yes.

MR. KANE: Now I have to and I just want to bring up, correct me if I'm wrong on this, Andy, but normally we have five members here for voting purposes which means you need three yes votes to pass. So if one of the members, if the vote comes out two one yeah, it's still a decline. So with that in mind and I have no idea, you know, what anybody wants to do but I always offer the ability to postpone the hearing if you think that you would like to have a full board representation on it or we can just go ahead and proceed.

MR. DEARNALEY: What would that mean to fail going through the whole procedure again?

MR. KANE: No, you would just come back to a public hearing, everything is set up for it.

MR. KRIEGER: You wouldn't have to readvertise and next meeting we'd just adjourn to our next meeting.

MR. KANE: I want to offer that to you, you don't have to take it but I just need to be honest as to where the vote would go so if it becomes two to one you still lose.

MR. LUNDSTROM: Can we ask how many people are here for the public hearing if there are any?

MR. KANE: Okay, let's proceed. Tell us exactly what you want to do.

MR. DEARNALEY: Paul Dearnaley. I have an existing permit to go 10 feet for a carport and a garage but it's going to be a carport and I'm looking to go another 14 feet towards the street which doesn't set a precedent in the area. As the pictures show, I'm actually further away from the edge of the pavement than a neighbor two houses away with an attached garage onto his house with a car, the green, that one there, he's only 14 feet off the edge of the road, one car length. And that garage is attached to the house. The proposed extension would come to about the face of the neighbor here which I think I show this in one of the packages it puts me about 40 some feet off the edge of pavement.

MR. BABCOCK: Just maybe to clear the record just a little bit because I got a little confused myself. This is going to be 31 feet off the front road?

MR. DEARNALEY: No, off the--

MR. BABCOCK: Off the property line?

MR. DEARNALEY: Yes, but that's not off the edge of pavement.

MR. BABCOCK: Cause the agenda says request for 14 foot, that's what he needs a 14 foot variance so just I was a little confused on that myself, he's really requesting a 31 foot front yard setback instead of the 45 which requires him to have a 14 foot variance.

MR. KANE: Understood.

MR. BABCOCK: He's not 14 foot off the property line, he's 31 feet off the property line. See what it is, Myra?

MS. MASON: Yes, I should of just put variance in there.

MR. KANE: Understood.

MS. LOCEY: Do you have a house here yet at all?

MR. DEARNALEY: Yes, it's done.

MS. LOCEY: Can you show me which one is yours?

MR. DEARNALEY: Right here.

MS. LOCEY: Where is this in relationship to this?

MR. DEARNALEY: This house is down the road.

MS. LOCEY: And you showed us this so we can see that this is much closer to the road than your proposal?

MR. DEARNALEY: Correct.

MS. LOCEY: That's your house and the proposed carport is?

MR. DEARNALEY: Will come this way.

MS. LOCEY: It's going to come in front of your house?

MR. DEARNALEY: Yes, it's going to come from the house straight to the street right to about where that is right there.

MS. LOCEY: So you're really just looking for a variance for the new carport?

MR. DEARNALEY: To extend.

MS. LOCEY: The house is there, you're already set?

MR. DEARNALEY: Oh, yeah, right.

MS. LOCEY: Okay.

MR. BABCOCK: The 10 foot by 20 foot area that looks to be part of the house on the survey that's staying?

MR. DEARNALEY: If I can't go the 14 and get the 14 foot I'll build the 10 foot extension.

MR. BABCOCK: If this variance was approved for your 24 x 24 carport, that little piece will be torn down?

MR. DEARNALEY: No, it's not there, I didn't build anything until I got permission to build.

MR. BABCOCK: But this darkened line right here is not there right now?

MR. DEARNALEY: Correct but that if it's right on the 45 foot setback so I could build that, I just want to get something a little more than a shed stuck onto the front of the house.

MR. BABCOCK: Right.

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

MR. DEARNALEY: No.

MR. KANE: Creating any water hazards or runoffs?

MR. DEARNALEY: No.

MR. KANE: While there's an easement running through your back yard, it has nothing to do with the area that you're building in?

MR. DEARNALEY: Correct.

MR. KANE: Any further questions at this point? I'm going to open it up to the public. We'll have a, I guess there's just one couple, so we don't need to sign you up. Usually we sign you up and give your names.

MR. SMALL: We just came to actually see the sketch of what the garage or carport would look like.

MR. KANE: Your name?

MR. SMALL: 551 Shore Drive, Joshua Small.

MR. LUNDSTROM: Where do you live in relation to this?

MR. SMALL: The house next door to the right facing the houses.

MR. KANE: Did he answer your questions satisfactorily?

MR. SMALL: Yes.

MR. KANE: And your opinion on it?

MR. SMALL: It's fine.

MR. KANE: You have no problem with him doing it?

MR. SMALL: No.

MR. KANE: That's good. Let the record show there's nobody else in the audience for this particular hearing. I will ask Myra how many mailing we had.

MS. MASON: On April 9, I mailed out 45 addressed

envelopes and had no response.

MR. KRIEGER: Just so that the record is clear, even though it says replacement of a single family house, the single-family house is up?

MR. DEARNALEY: Yes.

MR. KRIEGER: Not really involved, just the carport?

MR. DEARNALEY: Right.

MR. BABCOCK: Yeah, Mr. Chairman, when we started this there was a proposal and then he cut back the proposal just to the house that's why he shows the 10 x 20 which he explained to me before that would be a legal little shed, garage if you even want to call it that that he could build he's decided not to do that and come to the zoning board so the paperwork looks like he's got the permit to do this already, he's already built the house.

MR. KANE: So it's really not the house just the carport that I understand?

MR. DEARNALEY: Right, the house is existing.

MR. LUNDSTROM: If I may just point of clarification, the area that you're in are those more well-established homes that have been there for quite a while or is it a new development?

MR. DEARNALEY: No, 1940s, Beaver Dam right around Shore Drive.

MR. LUNDSTROM: Within 500 feet of your property there are other buildings that have garages as close if not closer?

MR. DEARNALEY: Yes, I can show you.

MR. LUNDSTROM: It may be in here, I just need it for the record.

MR. DEARNALEY: This one right here that's two lots away, that's about a car length off the street.

MR. LUNDSTROM: You're saying there's one two houses away that's 10 feet off the street?

MR. DEARNALEY: It's 12 feet off the edge of pavement.

MR. KANE: Closer to the road than what you intend to do?

MR. DEARNALEY: Yes.

MR. KANE: That's good.

MR. DEARNALEY: I'm not setting a precedent.

MR. KANE: Not at all. I don't see it as one. Any further questions from the board? Is it okay for us to proceed?

MR. DEARNALEY: Sure.

MR. LUNDSTROM: I will move that the application by Paul Dearnaley, 549 Shore Drive, New Windsor, New York for a 14 foot variance to allow him to build a garage on the front of his existing house--

MR. KANE: That would be a 14 foot front yard variance.

MR. LUNDSTROM: --be approved by this board.

MS. LOCEY: I'll second that motion.

ROLL CALL

April 23, 2007

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MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. KANE	AYE

FORMAL\_DECISIONS:

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HORNSBERGER	KARAS	CASTILLO
WALKER	FARICELLIA	PERKAL
SCHLESINGER	PETUTIS	DUFFY
VITALE	SISTERS OF PRES.	RICCARDI
CHRISTOFORIDIS	CUMBERLAND	MORONEY'S
BRUNELL	PIZZO	
CRANA	GLYNN	
KARAS	BUCKNER	

MR. KANE: Formal decisions, we have numerous formal decisions.

MR. LUNDSTROM: I will move that all formal decisions presented be approved.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. LUNDSTROM: So moved.

MS. LOCEY: Second it.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE

April 23, 2007

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MR. KANE

AYE

Respectfully Submitted By:

Frances Roth  
Stenographer