

TOWN OF NEW WINDSOR

ZONING BOARD

February 8, 2016

MEMBERS PRESENT:      MICHAEL KANE, CHAIRMAN  
                             FRANCIS BEDETTI  
                             RICHARD HAMEL  
                             PATRICK TORPEY  
                             GREGORY BIASOTTI

ALSO PRESENT:      GEOFFREY CHANIN, ESQ.  
                             ZONING BOARD ATTORNEY

                             STEPHANIE RODRIGUEZ  
                             ZONING BOARD SECRETARY

ABSENT:      HENRY SCHEIBLE

MEETING AGENDA:

1. Emergency One
2. New Windsor Fire Dept.

**REGULAR MEETING:**

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

APPROVAL OF MINUTES DATED 1/25/16

MR. KANE: Motion to accept minutes of 1/25/16 as written, they were sent 2/2/16 via e-mail.

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

MR. BIASOTTI              AYE  
MR. BEDETTI              AYE

February 8, 2016

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MR. HAMEL	AYE
MR. TORPEY	AYE
MR. KANE	AYE

PRELIMINARY MEETINGS:

EMERGENCY ONE (15-20)

MR. KANE: Tonight we have one preliminary meeting. In the Town of New Windsor, we hold two meetings for the zoning board. The prelim meeting is to give us a general idea of what you want to do and make sure that you have all the information that we need to make that decision. And as per New York State law, all our decisions are made in public so that would be the second meeting and at that point, the public would be invited to that. So the only one tonight is Emergency One. Variance is required to permit a second facade sign 22 inches by 96 inches located at 306 Windsor Highway. Emergency One? How you doing? Just speak your name and address loud enough for this young lady over there to hear you.

MR. DEVITT: Jim Devitt, 306 Windsor Highway, New Windsor 12553.

MR. KANE: Tell us exactly what you want to do in your own words.

MR. DEVITT: The north facing wall of our structure we'd like to put a sign up, lighted, illuminated, raised sign, that's the dimensions as you mentioned there. We have a pedestal sign out on the street, we're surrounded by the U-Haul and the Econo Lodge with big giant signs and we kind of get lost so we just needed extra exposure coming down from the north side on Route 32.

MR. KANE: Sign itself non-flashing?

MR. DEVITT: Yes, just like the pedestal sign, exactly the same pedestal sign.

MR. KANE: For the public hearing can you do me a favor and take a picture of the side where you want to put it? I'm assuming that it's right there just from the street angle so we can see that building from the street.

MR. DEVITT: Okay.

MR. KANE: Then we can have that in the record.

MR. DEVITT: I don't have the flat on street angle?

MR. KANE: Not to that side of the building, that's what I'm interested to see.

MR. DEVITT: Facing the front of the building?

MR. KANE: Go down to the side like a car's driving up, I want to see how fast they can see that sign on the side of the building cause that's not really a major street.

MR. DEVITT: That's actually a private road.

MR. CHANIN: The illumination, is that internal or is it going to be flood lights?

MR. DEVITT: Actually it appears as internal but it will be a bar across the top with flashing that just illuminates the sign.

MR. CHANIN: Bar will be attached to the sign?

MR. DEVITT: Yes. Do you have plans for that? I think I--

MR. KANE: Yes.

MR. DEVITT: Okay, yeah, so I think the, you can see basically how the sign is going to look right there. Do you already have this?

MR. CHANIN: I just wanted clarification on the illumination.

MR. DEVITT: Not a problem.

MR. KANE: Further questions from the board?

MR. BEDETTI: Yeah, did you say there was going to be a flashing sign?

MR. DEVITT: No, no, no, he asked if it was going to be flashing, I said no.

MR. BEDETTI: I didn't catch that, thank you.

MR. DEVITT: It will be on a timer so it will be like when it gets dark it comes on, when it's light it goes off.

MR. CHANIN: What are the dimensions?

MR. KANE: It's 22 by 96.

MR. DEVITT: Actually not that big.

MR. CHANIN: Inches.

MR. KANE: Total of 14.67 square feet.

MR. CHANIN: Thank you.

MR. DEVITT: Unfortunately we really don't have room for a sign but we need that.

MR. KANE: Any further questions?

MR. HAMEL: Back lit?

MR. DEVITT: Yes.

MR. HAMEL: Just wanted to make sure.

MR. KANE: Steady illumination. Any other questions? Then I'll accept a motion to set up a public hearing.

MR. HAMEL: I'll make a motion that we set a public hearing for Emergency One for the variance as requested.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BIASOTTI            AYE

MR. BEDETTI            AYE

MR. HAMEL              AYE

MR. TORPEY             AYE

MR. KANE                AYE

MR. KANE: You're all set, your next, some of the instructions, there are always instructions.

MR. DEVITT: Yes, I'm sure.

MR. KANE: Any questions, give us a call.

MR. DEVITT: I'll do that.

MR. KANE: Have a great evening, careful home.

## PUBLIC HEARINGS:

## NEW WINDSOR FIRE DEPARTMENT (15-21)

MR. KANE: The next is a public hearing for New Windsor Fire Department. Just have a sheet here if anybody wishes to speak, I'd like your name and address on this, this is for the stenographer for the public portion if you wish to say something this way she has the correct spelling and the address.

MR. BABCOCK: I'm Jack Babcock, I'm a member of the New Windsor Fire Department, I'm here speaking for the officers and members speaking on their behalf. And I have with us our engineer who did the, all the work, I'll leave it up to him.

MR. DRABICK: Good evening, my name is Steve Drabick, I'm a licensed surveyor. And we're here this evening before the ZBA to seek variances so that the fire department can proceed through the planning process and subdivide a piece of property that they own on Walnut Street. Now they've owned this property since 1953 and they're not looking to get rid of it or develop it any time soon. What they're looking to do is to maximize the value of that property for future revenue which they can use to help pay for the various events and programs that they sponsor for the local community. So it's to that extent that we look to subdivide this property into four potential building lots for single family use. And we feel that four was the maximum number that we could get out of this piece and still keep it a bit nicely with the existing neighborhood. If you look at the overall neighborhood that surrounds this parcel, it's obvious, it's quite obvious that the zoning has changed over time. The R-4 zoning that sits there now in fact doesn't fit with the existing neighborhood. As a matter of fact probably most of the developed residential lots that sit within that area now would not meet most and certainly not all of the bulk requirements that are in that R-4 zoning. As it turns out, the fire department is, the parcel that they have there is the last parcel in the neighborhood to be developed. And we feel that it should be developed in a manner to maintain the character style of the local neighborhood. And this is supported by the facts, if you look at and compare what we're proposing in the four lot subdivision to the immediate local neighborhood and what I mean immediate local neighborhood would be that area that lies between

MacArthur Avenue and Cedar Avenue and on both sides of Walnut Street. Now in that area you have 19 developed residential lots. The lots that we're proposing are greater in lot area than 18 of those 19 lots. And the lots that we're proposing are greater in width and have more road frontage than 10 of the 19 lots in that neighborhood, you know, it's roughly over 50 percent of the existing parcels that are in the neighborhood. In addition, the variance that we're looking for with regard to the side yard is based on a standard that's currently in the zoning code for non-conforming lots of this size. And although I don't have any hard numbers on it, those setbacks probably would meet or exceed most of the existing side yard setbacks that are at the existing residences in this immediate neighborhood. Now, the other variance that we're asking for as a point of reference this was brought to our attention by the zoning board for minimum livable area. And the minimum livable area would allow us to put a smaller style house on the lots. And what we have to keep in mind is that minimum livable area requirement is relative and proportional to the minimum required lot size in any given zone, so just makes sense that if we're proposing lots with smaller areas that we should have or should be able to put a smaller style house on it, or at least have the choice of putting a smaller style house on it. In addition, the property itself, just briefly, the property itself is open, it does have screening along the back between it and the little league property and screening on the left or northwest side between it and where there would be a zoning change from a residential use to an industrial use. Property itself has a gentle grade, there are municipal water and sewer available in Walnut Street as well as wire utility services that can be accessed. And all these factors contribute to maintaining the character of the neighborhood when and if it is developed. And I just want to go back and address the when and if. The fire department has had this property for more than 60 years. It was purchased with the original, Jack, correct me if I'm wrong, to put a new firehouse there. And when that time came because of the concerns of the neighbors that plan was scrapped and the new firehouse got built at the location of the old firehouse on Walsh Avenue. Now the property was vacant prior to that and it has remained vacant since. And it may remain that way for another 60 years. If it does, we would like to see it as four lots. Reason for this is because the fire company looks at this property as money in the bank, okay. What the four lots do is put more money in

that bank for them to draw from when and if they need it. It also allows them to use that asset in a way so as to not deplete it all at once. In other words, they can sell off maybe one lot at a time or they don't have to sell off all of them or the whole property at once. Now there was a concern about maybe we should look at, you know, subdividing this property into three lots instead of four. And I did in fact take a look at that, what we would have with a three lot subdivision. And what I found was at least the, in our opinion was that the small difference in the number values of the variances that we're requesting didn't warrant a reduction of a lot, and certainly a loss of a lot would represent a substantial loss to the fire department in future revenue. We feel that the four lots that we're proposing does maintain the style, quality and character of the neighborhood and when it is developed it will simply be an extension of that neighborhood rather than an exception to it. Now there's no doubt that the fire company is a benefactor to the local community. They have been, are and will continue to be a good neighbor. The granting of requested variance will simply help them to continue to be a good neighbor with some reserved benefits and for that we thank you.

MR. KANE: Okay.

MR. CHANIN: Can I ask a question please? Mr. Drabick and I know each other because we've gotten involved in the context of private litigation which has nothing to do with our board meeting tonight, nothing to do with this application but in all fairness to the applicant and to you, Steve, do you have any objection to me serving as the counsel for the zoning board in this matter?

MR. DRABICK: None at all.

MR. CHANIN: That's question number one. Question number two from my clarity because I have to write the decision that come out of this board, I just want to be clear that I have accurately all of the variances that the applicant is requesting. So let me tell you what I have and you guys tell me if I'm missing something or getting something wrong. For each of the four lots you need a variance from the minimum lot area both gross and net and in both cases the required is 40,000 square foot. So I have different numbers for each of the four lots as far as the variance required because each of the four lots and the numbers are slightly different

but they're 27 and 28,000 feet so you need variances for each of the four lots for both gross and net lot area variances, is that correct.

MR. DRABICK: That's correct.

MR. CHANIN: You also need for all lots variances from the lot width requirement, from the side yard requirement, from the total side yard requirement and from the frontage requirement, is that correct?

MR. DRABICK: Correct.

MR. CHANIN: Last question, what if any variance do you need from the required 1,500 square foot minimum livable area?

MR. DRABICK: Well, initially, we felt we could meet that requirement for the 1,500 square foot but as we looked at it, I thought of asking for, we show on the plan square footage for each of those building lots at 1,152 square feet.

MR. CHANIN: That's the same for all four?

MR. DRABICK: We did do that for all four.

MR. CHANIN: You need a variance for each of those lots 348 feet, 152 plus 348 is 1,500.

MR. DRABICK: Yes, 348.

MR. CHANIN: So just to give you a margin of a couple feet we'll call it 350.

MR. DRABICK: That's fine.

MR. CHANIN: I wanted to be clear that I had kept track of all of them not just for the purpose of the board's ability to vote on each one but also for me to write the decision.

MR. DRABICK: Right.

MR. CHANIN: Thank you.

MR. KANE: Couple of mandated questions which may seem a little ridiculous because we all know the lot, cutting down any trees or substantial vegetation on that lot?

MR. DRABICK: No.

MR. KANE: There is none. Creating any water hazards or runoffs?

MR. DRABICK: No.

MR. KANE: Any easements running through the lot?

MR. DRABICK: No, none of record.

MR. KANE: We'll open it up to the board for further questions?

MR. BEDETTI: I'm good.

MR. KANE: Gentlemen? Nothing? At this time then we'll take the next step, we'll open it up to the public.

MR. BABCOCK: I'd like to make one comment for the record that the company, fire company has no intentions of selling this property in the immediate near future. It's just for as Steve said if and when our fund raising dries up we'll still be able to get some moneys to continue doing those wonderful things that we do. And I want to state for the public that we're not a developer, we're a neighbor, we're a neighbor going into this project as when we were going to use that site as our new firehouse and we talked to our neighbors, they were upset, so being a good neighbor we decided to scrap that as Steve said so to work with our neighbors and the same with this. These four lots would be much bigger than the existing lots that are on the street and in doing so it won't change or alter the character of the neighborhood and I think that the smaller homes will coincide with the existing homes that are there, small cape cods and the small ranches on that street. So I think this will be a fit. And we want to be that way as you will hear from our neighbors we want that to fit the neighborhood. So with, that Mr. Chairman.

MR. KANE: We'll open it up to the public, if anybody wishes to speak, raise your hand, we'll call you up, state your name and address, speak loud enough for this young lady over here to hear you.

MR. POWELL: Jack Powell, I'm the commander at the

American Legion New Windsor, 29 Walnut Street. We're a little ways down the street on the opposite side. The members and I we feel this is a good fit for the neighborhood, we're all in favor of this. If it's ever developed it will fit the neighborhood. And we get a lot of support from the firehouse and the necessity as the legion I'm sure sometimes they have a hard time getting members, raising funds and this is a great insurance policy for that.

MR. KANE: Okay, thank you. Anybody else? Everybody from the fire department all in favor of this?

MR. CHANIN: That's a good question, no, no, that's really a good question. Is there anybody in the audience who might want to speak against the application? Is there anybody who might want to speak against it anonymously?

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

MS. RODRIGUEZ: So on the 14th day of January 2016, I compared 55 addressed envelopes, sent them out and there was no response back.

MR. BABCOCK: Okay, I have, if I can, Mr. Chairman, read to you, I went and spoke with a lot of the neighbors and they were unable to be here tonight. So I'd like to start with the neighbor that lives exactly next door to us and he writes To Whom It May Concern: I own the property, this is Jeffrey Stent, Jr. and he's 25 Wild Flower Lane in Newburgh but he owns the house adjacent to the property, first house. I own the property adjacent to the New Windsor Fire Department property on Walnut Street and I have been notified that they are seeking certain variances to subdivide their property into four building lots. I am unable to attend the zoning board meeting on February 8 and I have no objections to the four lot subdivision that they are seeking and I'm in full support of the fire department's proposal. And I have one, another one from, this is Paul Chernek, 21 Walnut Street. Recently I was approached by the New Windsor Fire Department to inform me of their intentions to the old scout camp property on Walnut Street. I have been living directly across the street from the said location for my entire life and having been a former scout that participated in many functions at the camp I have been disappointed

to see the times change which have seen scout troop members dwindle and the lack of participation in many activities in our community which led to the camp being dismantled and the land changed over time. I would never like to see any commercial establishments built on that land. I work evenings so I wouldn't be able to attend the town hearing with regard to the property. With change come different outlooks from many people. I am always open to new ideas, I am not opposed with the intentions for the said property to be subdivided into four residential lots. It is also my understanding that future development of the property is not immediate, possibly years. I have another one from the New Windsor Little League, Mr. Chairman. My name is Chris O'Connell and I'm the president of the New Windsor Little League. I am writing you in regards to the request of the various of the zoning law to permit submitted by the New Windsor Fire Department appeal number 15-21. The New Windsor Fire Department wishes to subdivide their property located on Walnut Street, section 18, block 1, lot 21. I met with Jack Babcock on the listed property February 15 to discuss and agree on our property lines. New Windsor Little League has no objection to the variance request. I am unable to attend the scheduled hearing for this matter so I at least want to let you know that we do not object. In the event you may need to contact me, please call me and he gives his phone number. I also have--

MR. KANE: How many you got there, Jack?

MR. BABCOCK: Excuse me?

MR. KANE: How many do you got?

MR. BABCOCK: Probably five or six more.

MR. KANE: Okay.

MR. BABCOCK: I think it's important, Mr. Chairman.

MR. KANE: What I do want to say is that afterwards if you want to keep a copy I'd like a copy for the file.

MR. BABCOCK: I'm going to give you these. I think what I will do though is I will, I had a form letter I put up and I'll read the first one then they're all, the other four will be the same. This is to the New Windsor Zoning Board. I, William Farrenkopf residing

at 13 Locust Avenue, New Windsor, New York, having been notified of New Windsor Fire Department's request for a variance required to subdivide their property on Walnut Street that is owned by the fire department hereby attest that I (we) having reviewed the proposed variances have no objections to and are in full support of the fire department's proposal. And it's signed and the same letter is from Mary Ann Cimorelli and she's at 15 Locust and another one from Robert Herbert, same, and he's not opposed to it, 16 Locust Avenue, and I have another one from John Rizzuto, 17 Locust Avenue, one from Susan Dabroski at 104 Cedar Avenue. There's two more.

MR. KANE: Okay.

MR. BABCOCK: I have one from P & J Empire, Inc., 34 Walnut down passed the little league on the right, they have the tow truck operation there. I am unable to attend the public hearing for the New Windsor Fire Department's variance for a four lot subdivision on the property they own on Walnut Street. I do not have any problem with them subdividing the property into four building lots. We thank you in advance for your consideration of their subdivision. Last but not least, this is from 32 Walnut Street, Mid Valley Contractors. I am not able to attend the upcoming public hearing for the New Windsor Fire Department's variance for a four lot subdivision on Walnut Street. I in no way object to them subdividing the property into four building lots.

MR. KANE: Thank you.

MR. BABCOCK: That's it, Mr. Chairman.

MR. KANE: Okay, we'll bring it back to the board for further questions? Any questions from the board? All set then I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant to the New Windsor Fire Department area variances for a four lot subdivision located at, on Walnut Street in an R-4 zone as requested.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BIASOTTI                      AYE

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

MR. KANE: Just to note that there's a, that's not on the statement that it's a 350 livable space variance on that.

MR. TORPEY: How long does this last, a year, right?

MR. KANE: No, it goes with the property.

MR. CHANIN: Once an approval from a planning board or a zoning board is granted, it now vests with the property.

MR. KANE: Now if you were here because you were putting up a deck or a shed or building something that way you have a year to get it done, you can come for a six month extension. But you've got, they're not going to warn you but this doesn't apply.

MR. CHANIN: But the right to do this now has attached to this property.

MR. DRABICK: Thank you.

MR. KANE: Thank all of you, appreciate what you do.

FORMAL DECISIONS

WINDSOR HOSPITALITY, LLC

MR. KANE: Okay, we have one formal decision, Windsor Hospitality, LLC.

MR. BEDETTI: I'll make a motion that we accept formal decision identified as Windsor Hospitality, LLC, 15-18 as written.

MR. TORPEY: Second that.

ROLL CALL

MR. BIASOTTI	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Next meeting is February 22. Motion to adjourn?

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

MR. BIASOTTI	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. TORPEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer