

TOWN OF NEW WINDSOR

ZONING BOARD

February 22, 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. Rachel Miller
2. Anthony Fiorini

**REGULAR MEETING:**

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals regular session for February 22, 2016 to order.

APPROVAL OF MINUTES DATED 2/8/16

MR. KANE: Motion to accept the minutes of 2/8/16 meeting as written sent via e-mail 2/11/16.

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

February 22, 2016

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

PRELIMINARY MEETINGS:

RACHEL MILLER (16-01)

MR. KANE: We have two preliminary hearings tonight, no public ones. In the Town of New Windsor, we hold two hearings, unlike other towns they don't and the first is a prelim to make sure we get enough information so we can make an informed decision. And then by law all of our decisions have to be made in a public hearing at which point the public will be involved. In other towns, if you walk in and you don't know what you're doing per se or if you don't have the right information you lose and you can't come back for a while. So we prefer to hold a two step process with us. Okay, so tonight's first preliminary is Rachael Miller. An area variance of 20 feet is requested for a permit to permit an existing 18 foot by 20 foot rear deck located at 5 Coutant Lane in an R-4 zone. Come on up, ma'am. Please state your name and address and speak loud enough for this young lady over here to hear you and tell us in your own words exactly what you want to do.

MS. MILLER: Hi, my name is Rachael Miller, my address is 5 Coutant Lane, New Windsor, New York 12553. What I want to do, okay, so I want to, I bought the house in 1999 the deck was on it, trying to sell it now and there's no C.O.

MR. KANE: So the deck has been in existence since 1999?

MS. MILLER: Before.

MR. KANE: Or before to your knowledge?

MS. MILLER: Yes.

MR. KANE: There was in permit issued on the deck to your knowledge from the building department?

MS. MILLER: I don't know.

MR. KANE: If there's no C.O. there could have been a permit if you didn't finalize it.

MS. MILLER: I bought the house from my first ex-husband, his father is the one who did the deck so I don't know.

MR. KANE: To your knowledge, it was previous to you purchasing the house, the deck, is the deck similar in size and nature to other decks that are in your neighborhood?

MS. MILLER: Yeah.

MR. KANE: Has there been any complaints formally or informally about the deck since you've been in the location?

MS. MILLER: No.

MR. KANE: Again, it's there before but I have to ask certain questions. Cutting down substantial trees or any vegetation in the building of the deck to your knowledge?

MS. MILLER: Well, we did take down a couple trees but that wasn't because of the deck, that was just because--

MR. KANE: Nothing to do with the deck?

MS. MILLER: Yeah, no.

MR. KANE: Created any water hazards or runoffs with the building of the deck?

MS. MILLER: No.

MR. KANE: Any easements running through the particular area, a right-of-way through your property?

MS. MILLER: Through my property, no.

MR. KANE: Further questions from the board?

MR. CHANIN: Is the deck attached to the house?

MS. MILLER: Yes.

MR. CHANIN: Is there a door from the house to the deck?

MS. MILLER: Yes.

MR. CHANIN: If the deck wasn't there and I stepped through that door, what would happen to me?

MR. TORPEY: You'd need a lawyer.

MR. CHANIN: How far?

MS. MILLER: Maybe four and a half feet.

MR. KANE: So it would be a safety hazard?

MS. MILLER: Yeah.

MR. KANE: Further questions? No further questions, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Rachel Miller for an area variance of 20 feet for the existing 18 by 20 foot rear deck located at 5 Coutant Lane in an R-4 zone.

MR. BIASOTTI: I'll second it.

ROLL CALL

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

MR. KANE: And there's always paperwork, so there's your instructions for the next steps. Any questions whatsoever, give Steph a call.

MS. MILLER: Okay, I'll stop by tomorrow. Thank you.

ANTHONY FIORINI (16-02)

MR. KANE: Tonight's second and final preliminary meeting Anthony Fiorini. An area variance of 20 feet is requested to permit a 20 foot by 16 foot screened porch. Located at 42 Fox Hill Run in an R-1 zone. Again, just state your name, address and speak loud enough for that young lady over there to hear you.

MR. FIORINI: My name is Anthony Fiorini, 42 Fox Hill Run, Rock Tavern, New York 12575.

MR. CHANIN: Why do you ask this board to grant you an area variance?

MR. FIORINI: We want to, the deck now is 12 by 16, we want to extend it, bump it out eight feet, make it 16 by 20 and screen it in. We recently put in a pool so we'd like an area, it gets direct sun, there's no trees back there at all, we'd like a shaded area, I've got two small kids so somewhere where we can be outside but not in the sun blazing all day.

MR. KANE: In putting the addition to the deck will you be cutting down any trees or substantial vegetation?

MR. FIORINI: No.

MR. KANE: Creating any runoff or water hazards?

MR. FIORINI: No.

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

MR. FIORINI: No.

MR. KANE: Is the size that you're proposing on the deck similar in size and nature to other decks that are in your neighborhood?

MR. FIORINI: It's a small neighborhood, I've only seen a few other house, their decks are larger but I don't know if anyone's got a screened in one.

MR. KANE: Not worried about the screen but size wise it's similar?

MR. FIORINI: Yeah, ours is smaller.

MR. KANE: There will be no entry from the deck to the pool, that's a--

MR. FIORINI: Like there's going to be a patio.

MR. KANE: You can't get from the deck straight into the pool?

MR. FIORINI: We're going to have a fence around the whole area.

MR. KANE: Right, I understand, but some people put the pool right up to the deck being there's separate pool laws.

MR. FIORINI: Yeah, no.

MR. KANE: Just wanted to make sure on that. Further questions from the board?

MR. BEDETTI: Now on that short side it says now formally ABC Windsor, Inc., what's actually there now on that property? That's a short distance from your proposed pool.

MR. FIORINI: That's another house. The property line is odd, I didn't realize how odd it was but that house has got to be 150 feet away.

MR. BEDETTI: So there's a house behind there?

MR. FIORINI: Yeah.

MR. KANE: For the public portion, could you take a picture from your deck to that home?

MR. FIORINI: Sure.

MR. KANE: Just bring that to the public hearing, is that good?

MR. BEDETTI: Yeah, that's fine.

MR. CHANIN: How long has the current deck been in existence?

MR. FIORINI: The house was built in '08.

MR. CHANIN: 2008?

MR. FIORINI: Yes.

MR. CHANIN: Is there anything else you want to tell us?

MR. FIORINI: No.

MR. KANE: Any further questions from the board? If none, I'll accept a motion.

MR. HAMEL: I'll make a motion that we set up a public hearing for Anthony Fiorini for the variance as required for the deck.

MR. TORPEY: Second that.

ROLL CALL

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

MR. KANE: Your next steps, any questions, give Steph a call tomorrow or if she doesn't answer just show up. Careful home, have a great evening.

MR. FIORINI: Thanks a lot.

FORMAL DECISIONS:

NEW WINDSOR FIRE DEPARTMENT (15-21)

MR. KANE: We have one formal decision, New Windsor Fire Department, I'll accept a motion.

MR. BEDETTI: I'll make a motion we accept the formal decision for New Windsor Fire Department identified as 15-21 as written and distributed by e-mail.

MR. TORPEY: I'll second that.

ROLL CALL

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

MR. KANE: Our next meeting is March 14. Motion to adjourn?

MR. BEDETTI: So moved.

MR. BIASOTTI: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer