ZONING BOARD OF APPEALS

MEETING – APRIL 25, 2013

(Time Noted – 7:01 PM)

CHAIRPERSON CARDONE: I’d like to call the meeting of the ZBA to order. The first order of business is the Public Hearing scheduled for today. The procedure of the Board is that the applicant will be called upon to step forward, state their request and explain why it should be granted. The Board will then ask the applicant any questions it may have and then any questions or comments from the public will be entertained. After all of the Public Hearings have been completed the Board may adjourn to confer with Counsel regarding any legal questions it may have. The Board will then consider the applications in the order heard and try to render a decision this evening; but the Board may take up to 62 days to make a determination. And I would ask that when you’re speaking please speak directly into the microphone because it is being recorded and also if you have a cell phone to please put it on silent or turn it off. Roll call please.

PRESENT ARE:

 GRACE CARDONE

 JOHN MC KELVEY

 BRENDA DRAKE

 MICHAEL MAHER

 JAMES MANLEY

 ROSEANNE SMITH

 JOHN MASTEN - JOINED MEETING AT 7:09PM

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

(Time Noted – 7:02 PM)

ZBA MEETING – APRIL 25, 2013 (Time Noted – 7:02 PM)

CNL APF PARTNERS, LP 10 NORTH PLANK ROAD, NBGH

 (BURGER KING) (80-5-15.11) B ZONE

Applicant is seeking an area variance for the maximum allowed total signage to erect signage.

Chairperson Cardone: Our first applicant CNL APF Partners, LP (Burger King), 10 North Plank Road.

Ms. Gennarelli: The Public Hearing Notices for all the new applications being heard this evening were published in The Sentinel on Tuesday, April 16th and in the Mid-Hudson Times on Wednesday, April 17th. This applicant sent out ten registered letters, ten were returned. All the mailings and publications are in order.

Chairperson Cardone: And for the record please identify yourself.

Mr. Beichert: Good evening my name is Ozzie Beichert I’m from Timely Signs in Kingston, NY. I’m representing Carrols Corporation a… Mr. Tom Brogan was supposed to be here tonight, he had a a…a…an appointment that he could not get out of and he had a commitment so he sends his apologies. I’m here representing Carrols Corporation…

Ms. Gennarelli: Ozzie, could you just tilt that up a little bit more towards you? Or you could take it off or if you could just tilt it, that’s good and get a little bit closer. Thank you.

Mr. Beichert: Okay?

Ms. Gennarelli: Thank you.

Mr. Beichert: Very good. Okay this is for the Burger King restaurant on 10 North Plank Road. Basically on 7/27/96 there was a (232) two hundred and thirty-two square foot variance granted for this property for signage for Burger King. Tonight we are requesting (285) two hundred and eighty-five square feet, the reasoning a…behind that is that Burger King is doing a several hundred thousand dollar renovation of this restaurant and another one in the Town which will be next on the agenda and there…there signage has changed slightly and a…what we are asking for is…there is a (192) hundred and ninety-two square foot pylon which is existing at this location. A…we are asking for a (6) six foot diameter logo on the right elevation of the building which is (28) twenty-eight square feet, a (6) six foot diameter logo and lettering on the front elevation of the building which is (54) fifty-four square feet and Great Taste letters on the left elevation which is (11) eleven square feet. This amounts to a total of (53) fifty-three square feet over the current (232) two hundred and thirty-two square feet. If it would help the Board I think…I have a picture here that may put this into perspective about what we’re talking about, it’s an identical location it’s in High Point, North Carolina, just to show you the scale of what the buildings are going to look like...a as they are now a…

Chairperson Cardone: Is it this one right here?

Mr. Beichert: Well this…this one shows…this one shows it a little bit differently and it shows you all (3) three pieces of signage so maybe a little but to just to put it in perspective as far as size goes.

Chairperson Cardone: Oh, okay. (Mr. Beichert approached the Board)

Mr. Beichert: This is basically what the new buildings are going to look like and even though, Corporate won’t say this, the buildings as they are now their color scheme is kind of ugly and we’re changing that to the (inaudible) it makes it much more pleasing and it kind of looks like the rest of the surroundings in the Town. It brings it up to date, its earth tone colors and a…we think that the signs are in scale to the elevations that we’re doing and a…our Building Permits are a…are granted and in place. Is that correct, Jerry?

Mr. Canfield: Minus the signage.

Mr. Beichert: Minus the signs.

Ms. Drake: So it’s your intent to keep the sign, the two signs on the pole the Burger King and the one that where you can change the wording and so forth?

Mr. Beichert: Yes, those…those will stay.

Ms. Drake: Is it necessary to keep the lower sign where you can change the wording on there to make that a little bit smaller or something? Being its double sided it counts as double, you know, if you reduce that a little bit it might reduce it because you’re actually looking…when you combine this variance with your previous one, you’re looking for quite a substantial increase over what’s allowed.

Mr. Beichert: Well since…since that’s existing a…we…we would rather…that…that will create, you know, that…that…that’s another large expense in…in addition to the building renovations, the drive it and everything else and a…you know, I don’t know is though that’s in the budget.

Ms. Drake: But that’s not a corporate sign whereas all the others are supposedly they’ve got to be that size because of the corporate requirements. Or is there any other sign that could be reduced or something?

Mr. Beichert: Well the…

Ms. Drake: It seems like it’s a significant amount of signage.

Mr. McKelvey: Jerry, Jerry, do they count both sides of that lower sign?

Mr. Canfield: Yes, that’s correct.

Mr. Beichert: The…you know…

Chairperson Cardone: What is the percentage over the present…I don’t seem to have that in mine…

Mr. Maher: Well…well…

Chairperson Cardone: Over the present not over the…

Mr. Maher: (290) Two hundred and ninety percent or something…

Chairperson Cardone: No, no over the present…the present signage is (232) two hundred and thirty-two...

Mr. Donovan: Right, the proposed is (285) two eighty-five so (53) fifty-three square feet over.

Mr. Maher: But the allowed is (80) eighty though.

Chairperson Cardone: Right. But I was asking what it is in relation to what they have right now.

Mr. Maher: It would be an additional (20) twenty percent basically. Well let me ask a question, basically the lot that you’re going for the variance for is 15.11. I know you’re not the owner. I understand that. But you also have 15.22 for the parking area, correct?

Mr. Beichert: Yes, yes.

Mr. Maher: Okay, and that’s not in the calculations, correct?

Mr. Beichert: That is not in the calculations, no.

Mr. Maher: If it was in the calculations we probably wouldn’t be here a...cause that lot is…

Mr. Beichert: That lot is…is under the…actually the same ownership and…

Mr. Maher: Right and it’s for the parking of the facility…

Mr. Beichert: Right.

Mr. Maher: …I understand that. So basically that lot there is an additional almost a hundred and sixteen and you’re probably a hundred and twenty wide. Taking that into consideration that’s…that’s your parking area, it’s just a separate lot so in essence if you could calculate on both you’d have a (140) hundred and forty square foot of allowable and you’re asking for (283) two eighty-three or something like that.

Mr. Beichert: A…we’re…we’re requesting (285) two eighty-five.

Mr. Maher: Yeah, in that ball park right.

Ms. Drake: Is there an option or a…avail…can you combine the two lots to make on lot so that you have more road frontage and therefore decrease the substantial…?

Mr. Beichert: Well they’re under the same ownership a…you know and…it…it’s the same…

Mr. Maher: I don’t think it be financially prudent to do so...in my opinion…for the owner that’s why I guess why he hasn’t (inaudible) …

Mr. Beichert: Right, yeah, the…the…they bought the lot it’s under you know it’s under a separate name but essentially it is the Burger King parking lot that belongs to that restaurant.

Mr. Manley: Can you share a…roughly how many square feet the actual building is…the Burger King building? I was looking for it. I thought it said somewhere around (22000) twenty-two thousand square feet…is it?

Mr. Beichert: I…I…I don’t know the answer to that question.

Mr. Maher: Twenty-seven twenty.

Mr. Manley: Twenty-seven twenty? So the signage then is roughly a little under (10) ten percent of the total square footage of the building? Give or take…

Chairperson Cardone: Any other questions from the Board? Do we have any questions or comments from the public? I have the report from the Orange County Department of Planning: The Board may wish to consider working with the applicant to develop a lighting scheme that removes the internally lit fixtures and replaces them with a dark sky friendly fixture that is angled in a down position. Do you want to address that comment?

Mr. Beichert: I can address that a…I’ve spoken to the Building Superintendent of Carrols Corp. What we have done with this in the past where this a…question has come up is basically they are…they are down lights now but what the need to be…what needs to be done is shields needs to be put on them to set them straight down so it doesn’t spread out. Carrols Corporation is…is willing to do that. We’re a…it…it…I mean, obviously it’s going to be part of the renovation and everything else but it will take us a little while but they are…they are willing a…to put a…the shields on the…on the existing lights. They don’t want to replace the light fixtures, that’s a very big expense but they are willing to put the…the shields that would spread the lights down and we’ve done that in other locations with great success.

Chairperson Cardone: Jerry do you have anything to add to that? Any comment?

Mr. Canfield: No, nothing, you’ve covered just about everything.

Mr. McKelvey: I’ll make a motion we close the Hearing.

Mr. Maher: Second.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Brenda Drake: Yes

 Michael Maher: Yes

 James Manley: Yes

Ms. Gennarelli: And may I note John Masten has joined the meeting.

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Thank you.

 (Time Noted - 7:13 PM)

ZBA MEETING – APRIL 25, 2013 (Resumption for decision: 8:02 PM)

CNL APF PARTNERS, LP 10 NORTH PLANK ROAD, NBGH

 (BURGER KING) (80-5-15.11) B ZONE

Applicant is seeking an area variance for the maximum allowed total signage to erect signage.

Chairperson Cardone: The Board is resuming its regular meeting. On the first application CNL APF Partners, LP. this is an Unlisted Action under SEQRA. Do we have a motion for a Negative Declaration?

Mr. McKelvey: I’ll make the motion for a Negative Declaration.

Ms. Drake: I’ll second it.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Brenda Drake: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Do we have discussion on this application?

Mr. McKelvey: I don’t think they’re asking for too much and they’ve agreed to shield the lights. I'll make a motion we approve.

Mr. Maher: Second.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Brenda Drake: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

 GRACE CARDONE

 JOHN MC KELVEY

 BRENDA DRAKE

 MICHAEL MAHER

 JAMES MANLEY

 ROSEANNE SMITH

 JOHN MASTEN - JOINED MEETING AT 7:09PM

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:03 PM)

ZBA MEETING – APRIL 25, 2013 (Time Noted – 7:13 PM)

NEWBURGER, LLC. 80 ROUTE 17K, NBGH

 (BURGER KING) (95-1-23) I / B ZONE

Applicant is seeking an area variance for the maximum allowed total signage to erect signage.

Chairperson Cardone: Our next applicant is also Newburger, LLC. Burger King, 80 Route 17K.

Ms. Gennarelli: This applicant sent out seven registered letters, seven were returned. All the mailings and publications are in order.

Chairperson Cardone: I’ll start off with the same comment from the Orange County Department of Planning and would you address that in the same way? (The Board may wish to consider working with the applicant to develop a lighting scheme that removes the internally lit fixtures and replaces them with a dark sky friendly fixture that is angle in a down position.)

Mr. Beichert: A…yes I would. (Note: see 80-5-15.11)

Mr. McKelvey: Here you’re only asking for (22) twenty-two.

Mr. Beichert: Yeah, (22) twenty-two square feet. It’s roughly a (9) nine percent increase from the variance granted and it’s just…it’s merely a matter of getting the…the existing letters and logo into shape. A…we’re only asking for (9) nine percent or (22) twenty-two square foot increase on…on this one and a…as I say, they are willing to a…a…work with the Orange County Department of Planning on the lighting. And once…once that’s done would we report back to this Board? To Jerry? Or what would be your preference?

Chairperson Cardone: I think that the Building Department would handle that. It would be part of the Decision.

Mr. Donovan: If the Board is so inclined that would be a condition of any approval granted and then the Code Compliance enforces those conditions during the construction phase of your project.

Chairperson Cardone: Do we have any other questions from the Board? Jerry?

Mr. Canfield: Just one thing that I should add probably. Both of these facilities are under renovation. Corporate is renovating these facilities. There will be no increase to the building footprint a…if you remember these facilities they have a…which in the ‘60’s and ‘70’s was a outside dining technique type of thing, greenhouse dining. Carrols Corp has no longer have a desire for that so they will be closing that dining area in, eliminating the greenhouse and closing it in. A…the plans and the drawings and the narratives were presented to the planning board not in an application form but basically because there was no increase to the footprint the planning board was given the opportunity to take a look at it and see if it was something aesthetically or architectural review board that they would want to see. They’ve opted not to see it and left it up to the Code Compliance Department to a…issue the Permits on it as we see fit so again, as David suggested, should the Board choose to approve these with a condition of the lighting shields a…we would be more than glad to enforce that so.

Chairperson Cardone: Okay, thank you. Anything else from the Board? Any comments from the public?

Ms. Drake: I’ll make a motion to close the Public Hearing.

Mr. McKelvey: I’ll second.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Brenda Drake: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

 (Time Noted - 7:17 PM)

ZBA MEETING – APRIL 25, 2013 (Resumption for decision: 8:03 PM)

NEWBURGER, LLC. 80 ROUTE 17K, NBGH

 (BURGER KING) (95-1-23) I / B ZONE

Applicant is seeking an area variance for the maximum allowed total signage to erect signage.

Chairperson Cardone: On the application of Newburger, LLC. (Burger King), seeking an area variance for the maximum allowed total signage to erect signage. This is an Unlisted Action under SEQRA. Do we have a motion for a Negative Declaration?

Mr. Manley: So moved.

Ms. Drake: Second.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Brenda Drake: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Do we have discussion on this application?

Mr. McKelvey: That’s similar to the North Plank Road.

Ms. Drake: I'll make a motion to approve.

Ms. Smith: I'll second.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Brenda Drake: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion…

Mr. Donovan: For clarification that’s with the same conditions of approval.

Mr. McKelvey: Yes, the same conditions, yes, yes.

Chairperson Cardone: The motion is carried.

PRESENT ARE:

GRACE CARDONE

 JOHN MC KELVEY

 BRENDA DRAKE

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

 ROSEANNE SMITH

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:04 PM)

ZBA MEETING – APRIL 25, 2013 (Time Noted – 7:17 PM)

ORANGE LAKE DEVELOPMENT 7 DISANO DRIVE, NBGH

 (34-1-76) R-1 ZONE

Applicant is seeking an area variance for the minimum lot width to build a single-family residence.

Chairperson Cardone: The next applicant Orange Lake Development.

Ms. Gennarelli: This applicant sent out ten registered letters, five were returned. All the mailings and publications are in order.

Good evening Madam Chair and Members of the Board. Joe Dziegelewski here, owner of Orange Lake Development, I’m here this evening upon a Disapproval letter from the Town of Newburgh Building Department regarding a variance required for a Building Permit Application I put forth approximately a month ago. The variance that was a…that is requested this evening a…is an area variance associated with lot width a…a for a particular lot that’s a…I’m applying for the Building Permit. I’d like to provide the Board some background history a…a…to the location. The location is 7 Disano Drive a…that the Permit has been requested for. I purchased the property, the overall property in 2005. I personally reside in this lot located here and subsequently in 2005 I filed application to the planning board for a minor subdivision. During that planning board process it was determined that the best configuration for the subsequently three sub-divided vacant lots was that we use a uniform lot line configuration. At that time in 2005, towards the end of 2005, the planning board had referred me to the Zoning Board a…a…because the…the configuration required that I receive a variance for lot width on the…a…three…(3) three vacant lots that were going to be formed from the subdivision. The…the lot width variance was approximately (5) five feet in accordance with the a…the zoning, the R-1 zone so sometime in early 2006 the Zoning Board had granted me approval for such lot width variances for these (3) three lots as part of the (4) four lot subdivision and subsequently I completed the planning board process, a…satisfied all conditions and the map was filed in a…July of ’07 and a…the tax lots have been created and subsequently, you know, obviously they’ve been taxed…taxed lots since…since that time. Obviously the intent was at some point in time to build single-family residences a…at these…at these locations and these newly created lots. As we all know, you know, the housing market eroded for everyone and at that point in time there wasn’t any…any a…urgency to go start construction of single family homes. Obviously now as we move forward in time a…there seems to be some…some relief in that market place so I had decided to a…start construction on a…this lot right here. A…so, I submitted the Building Permit (application) and a…we came to the conclusion, I guess at the Building Department that it would be required for me to come back to the Board to…to reissue that request that that variance be reinstated. A…after there was some question on my part regarding that this was a…a subdivision division approval rather than a site plan approval a…if the variances as originally granted a…a…go with the land as it’s a filed lot with Tax Lots are created. However, you know, I’m here this evening to a…obviously present this to the Board and receive some sort of determination as to a…re-granting I guess this…this variance. Now tonight I’m specifically here for obviously the lot a…that the Building Permit has been requested for however, you know, as I do file a Building Permit (application) at some point in the future for Lots 3 and 4 again we…we’ll be at the same crossroad where I have…I have the same…same issue to address. So a…specifically on the plot plan that you’ve received it shows that I have (145) a hundred and forty-five lot with whereas (150) a hundred and fifty foot, I think is required and again that is…that is a…identical to the…to the request and the…and the variance granted by the Zoning Board in 2006. That concludes my background information if anyone has any questions.

Chairperson Cardone: Well I just wanted to add the comment that at the time that you applied to the Zoning Board there were (2) two variations presented to the Board and the Board had decided that the one with the (5) five foot on the (3) three lots was the one that was the preferred and that’s what you then went with.

Mr. Dziegelewski: Yes, and I still maintain.

Chairperson Cardone: Right.

Mr. Dziegelewski: Right.

Chairperson Cardone: Do we have any questions from the Board?

Mr. McKelvey: It seems like nothing has changed since the last time that you were here…he was here.

Ms. Drake: Could you just tell me what size bedroom count was originally proposed and what size bedroom count house you are proposing now?

Mr. Dziegelewski: We’ve designed a…the planning board approval contemplated a (4) four bedroom a…a…dwelling and designed the septics accordingly a…a…a…there…there’s…at the request of a buyer I mean the unit can fluctuate between the (2) two bedroom and the (4) four bedroom without changing the unit. Whether I make a…a…a study or den into the third bedroom and then there’s a bonus room that could potentially be finished as a…as a bedroom. A…the Permit Application that’s in front of…or…or submitted to the Town of Newburgh is for a (2) two bedroom, unfinished bonus room study now however, if someone does come along and we’ll have to modify that Permit to a…

Ms. Drake: And you’ll also have to modify the septic system.

Mr. Dziegelewski: Well the….the…the septic system it was designed as a (4) four bedroom septic system, I’m installing a (4) four bedroom septic system...

Ms. Drake: Okay, so you have enough?

Mr. Dziegelewski: …so I’m taking that into account, yes.

Ms. Drake: Thank you. And the size of the house proposed now is no…structurally no bigger than what was originally shown and meets all the setbacks within the lot?

Mr. Dziegelewski: Yes, yes, you know in terms of the planning board approval a…back in ’07 there wasn’t a specific unit that was picked for the lot obviously. The intent was to work within the setback area and which, which this particular unit does accommodate.

Ms. Drake: Okay, thank you.

Mr. Maher: And you’re still in the position that you’re going put your (inaudible) in the recent lots?

Mr. Dziegelewski: Yeah a…so any which way what…what I’m trying to do is maintain certain things that’s a…substantial side yard landscape buffers, you know a…rebuilding the a…the stone wall down the street so a…yeah and I’m considering things with about above ground swimming pools or not just yet. A…I also want to make note to that I have secured and closed on construction financing with a local bank, Riverside Bank here for this project a…that was a…that commitment was put out in…in January and I recently closed on the construction loan in March. A…my general concern with that and not that…not that I have really any jeopardy but typically construction loans a…are awfully hard to get these days for spec or model product a…it has a time frame, it…it has a renewal provision but I…you know I have a year a…a…duration here on my construction lender a...which again is…is closed and obviously will not be funded until the Permit is issued and it’s basically for sticks and bricks. A…so I have that to consider as well so if…you know from my perspective as the owner time is of the essence and I’d like to move the project along and a…obviously provide the bank the level of confidence that we started our…our…our a…our relationship on that I’m, you know, continuing with my…with my plan here.

Mr. McKelvey: Is this a spec house or you have a buyer?

Mr. Dziegelewski: Well it’s considered a model but there…there’s no contract on…on the…on the house right now though.

Chairperson Cardone: I have the report from the Orange County Department of Planning, which is Local Determination. Do we have any comments from the public? Anything else from the Board? Jerry, did you have something?

Mr. Canfield: A question that perhaps this is best suited for Dave. The Board in the past granted this variance and based on the granting of that approval the subdivision was approved. Now what’s before us tonight is the application for one lot although we know that there’s still two other lots that are non-conforming. Granting of an approval tonight does not so to speak anchor vested right for the subdivision or tonight are we voting on…this is a three pronged question Dave so…if…

Mr. Donovan: I may ask you to repeat the first prong by the time you get to the third prong.

Mr. Canfield: …okay, if the Board chooses to approve this tonight it would be just for what’s before us and then we will handle the other two on a case by case basis or more importantly I would suggest what…would there be an advantage to have the variances granted or viewed at this time for all three lots a…?

Mr. Donovan: Well it’s a good point because we’ve had a couple of things going on. Number one, the Board issued the variance in 2007 for all of the lots so just analyzing that finding by this Board absent a substantial change in circumstance between 2007 and tonight the Board doesn’t have an option. They would…they have to issue reissue the variance. Same application unless there’s any newly discovered information that results in some material change we’d have to reissue the variance…that…that’s one of the issues. Another one of the issue is by granting the variance for all the lots we’ve fixed, if you will, the parameters or the perimeters of the subdivision. A…and so, you know, these lots are always going to have a (145) hundred and forty-five feet, it’s not like you know, unless you’re going to ask one lot to be a (110) hundred and ten feet and that’s…that’s not going to work. So these are always going to be (145) a hundred and forty-five feet so the Chair raised the issue as the presentation was going on. I’m going through the Code book on non-conforming buildings and uses but that’s all a, you know, a square peg in a round hole. None of it really fits this situation. I don’t know, my concern, it seems to me we have no choice but to issue the variance and it seems to me that the common sense thing to do would be to issue the variance on the other lots. My only concern is the…is the form of the Notice that went out so if someone, you know, on the…if you would next to another lot that looked at a section block and lot and said that’s not…that’s not next to my house so I’m not coming tonight. That would be my only concern. So I don’t know if that answered the questions but…

Mr. Canfield: Yes it does and it brings to light my exact point a...from what we already approved…

Mr. Donovan: Right.

Mr. Canfield: …what has changed? Nothing. And will they ever change? No. And if they do it would require a return visit to either the planning board and the zoning, you know, either or…you know, both so you will see it again…

Mr. Donovan: Let me ask this question. Betty do you have a copy of the Notice?

Ms. Gennarelli: Probably, it specifically does say the address of the property and the section, block and lot.

Mr. Donovan: Yeah, so based upon that I would be uncomfortable a…granting the variances for the other lots although…

Mr. Canfield: The mailings and the advertisement is site specific…

Mr. Donovan: Right.

Mr. Canfield: …to the one lot…

Mr. Donovan: Yeah.

Ms. Gennarelli: Site specific.

Mr. Donovan: So I don’t think it would be appropriate to issue the variances for the other lots although obviously you know, much like the Hesidence case two months ago, it was the same application, the same variance, the variance had lapsed. Absent change in circumstance we have to issue the variance. You know, the only question is and I don’t think we’re going to answer this tonight, but should there be some Code provision that addresses this type of thing in the future? One of the other things that we’ve discussed in the past also is (6) six months is not long enough.

Ms. Drake: Right, because if we renew and do all three lots and it expires before he gets to do the other two lots we’re back where we…

Mr. Donovan: We’re back here.

Ms. Drake: …back to the same thing again.

Chairperson Cardone: Right.

Mr. Dziegelewski: If…if I just may add one more comment? A…and…and being a non legal person a…you know it just sort of makes sense to me that in the planning board process when there’s the ability for…for…for an owner to create a non-conforming lot a…and that non-conforming lot does not a…a…the reasoning behind a non-conforming lot in this instance being the lot width did not change since the underlying planning board approval I mean I would think…again non legally that that would go with the approval and as long as the approval was satisfied and the conditions met and the plan filed that it would be attached to those particular lots that were set up but I could understand the difference in more or less the site plan application where you know, a variance may expire and building within that site may change or things of that nature but in a…in a subdivision application, you know a…and…and…and again it would be different if I was requesting variances that were previously granted during the planning board process whether it be a rear yard or side yard setback. But being that I’m consistent with the underlying approval a…it’s just a comment.

Mr. Manley: The only concern Dave that I would have just thinking the distance that you have to do your mailings are based on the property that you’re advertising. So if you’ve got a lot that’s further down the way…

Mr. Donovan: Correct, yeah.

Mr. Manley: ...we could be potentially excluding somebody…

Mr. Donovan: And that’s why I don’t think we could issue the variances for the other lots tonight. I just don’t think it would be appropriate.

Mr. Manley: Even though nothing has changed there may be somebody that maybe could have noticed that didn’t that potentially could come before this Board with new information that potentially could change a decision, unlikely but possible.

Mr. Dziegelewski: One…one further comment just to rest that issue at ease. I mean, I really have no issue coming back again, you know, kind of presenting the same case for the next lot so I’m not looking to kind of wrap up a…the entire situation here tonight a…and I understand that. Basically the rush has been now is because I have a construction loan on this lot and I have to move this lot forward. So I think next time around whether it’s an application for the subsequent lot we may address both lots at that time and then we can conclude, you know this particular situation here so...

Mr. McKelvey: With Jim bringing that up the notification just has increased from (300) three hundred feet to (500) five hundred feet also.

Mr. Dziegelewski: Okay.

Chairperson Cardone: Anything else from the Board?

Mr. McKelvey: I’ll make a motion to close the Public.

Mr. Manley: Second.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Brenda Drake: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Thank you.

 (Time Noted - 7:34 PM)

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ZBA MEETING – APRIL 25, 2013 (Resumption for decision: 8:04 PM)

ORANGE LAKE DEVELOPMENT 7 DISANO DRIVE, NBGH

 (34-1-76) R-1 ZONE

Applicant is seeking an area variance for the minimum lot width to build a single-family residence.

Chairperson Cardone: On the application of Orange Lake Development, 7 Disano Drive, seeking an area variance for the minimum lot width to build a single-family residence. This is a Type II Action under SEQRA. Do we have discussion on this application?

Ms. Drake: Being it’s the same as what was originally approved the (5) five foot variance, I don’t see where we have any right not to approve it so I’ll make a motion to approve.

Mr. Masten: I'll second that.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Brenda Drake: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

GRACE CARDONE

 JOHN MC KELVEY

 BRENDA DRAKE

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

 ROSEANNE SMITH

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:05 PM)

ZBA MEETING – APRIL 25, 2013 (Time Noted – 7:34 PM)

CAROL SERRAO 13 WINDWOOD DRIVE, NBGH

 (90-6-14) R-1 ZONE

Applicant is seeking area variances for the front yard setback, one side yard setback, the combined side yards setback and the maximum allowed building coverage to build an addition on the residence.

Chairperson Cardone: Our next applicant Carol Serrao.

Ms. Gennarelli: This applicant sent out twenty registered letters, fourteen were returned. All the mailings and publications are in order.

Mr. Lumbkert: Good evening, my name is Larry Lumbkert. I’m representing Carol Serrao this evening. She is my mother-in-law. I live at 13 Windwood Drive, located in Colden Park, in the Town of Newburgh. We’re here tonight to get your approval on a variance for building an addition onto our home. If I could I’d like to give a little background on our living situation. My wife and I had lived in another home that she had owned. We were not married at the time. We decided to move to Colden Park due to the location. Her family grew up in Colden Park for the last thirty-five years. It was a great location for us, for our little nine year old daughter and we bought the house…well her mother assisted her in getting the house but she used the equity from the old house to purchase this house with the a…the idea that one day we’d be getting married and then buying the house back from her which is what we’re in the middle of now. And we did this and so knowing that we would be able to expand on this home knowing that there are many other homes in Colden Park that have expanded on their homes off the left, the right, the back…we bought this home. It’s a smaller home, much smaller than what we had before but that was our purpose was to kind of create what we were envisioning for ourselves. And we didn’t really think that was going to be a problem until of course, we went and got blueprints drawn up a…we were under the assumption that it was to be (15) fifteen feet off the property line and we realize that I guess a couple of years ago the Board had changed that Zoning to (30) thirty feet.

Mr. McKelvey: We didn’t change it the Town did.

Mr. Lumbkert: The Town did, which I understand was to avoid a particular project from going up.

Mr. Donovan: Well I don’t know that that’s accurate…

Mr. Lumbkert: Okay, I’m sorry.

Mr. Donovan: …for the record.

Mr. Lumbkert: This is all hearsay. Sorry. I know now this is official record and stuff but in any case so where we thought our (16) sixteen foot wide addition would be within the variance obviously now it is not a…so we’re asking your approval on that.

Chairperson Cardone: Any questions from the Board?

Ms. Drake: For the front yard setback where it’s (32’5”) thirty-two feet, five inches is that from the actual bay window that comes out or is that from the…

Mr. Lubkert: That would be from the…the, not the window but the side itself so I guess that window would bump out another foot or so. I don’t know the exact dimensions on that because we haven’t decided on an actual window…a…

Ms. Drake: How does that work Jerry? Is it like from the footings, elevation…?

Mr. Canfield: Yes, it’s measured from the prebuilding line. Overhangs such as roof overhangs, stairwells, windows, bay windows there are exceptions in the Zoning board (Code) for yard requirements for those. So to answer your question it’s from the actual building line.

Ms. Drake: Okay, thank you.

Mr. Lumbkert: Just to add to that too, the reason why we wanted to kind of bump off the front by six feet was just purely for architectural aesthetics. We didn’t want to have the look of just a long double wide if you will. We thought aesthetically from the road it would look a lot better, architecturally it would look very pleasing so that was our reasoning for going off the front a little bit.

Mr. McKelvey: But most houses out there are not (40) forty feet from the front.

Mr. Lumbkert: No actually none of them are, as our house stands now and I believe it’s (50) fifty feet that you have to be with the new zoning, yeah…ours is about (38) thirty-eight and change, (38 ½) thirty-eight and a half. Most houses are within that, a couple of houses down they did bump off the front about (3) three or (4) four feet but we’re all pretty much in that line.

Mr. McKelvey: I’ll just make it known that I live…I live in Colden Park.

Mr. Lumbkert: You do.

Mr. McKelvey: I was on your mailing list.

Mr. Lumbkert: Very nice to meet you. I haven’t met you yet.

Mr. Donovan: Don’t speak too soon.

Mr. Lumbkert: Sorry.

Mr. McKelvey: No, no, I know the house, I know the property. I knew the people that lived there before.

Chairperson Cardone: I should mention that the Board Members have visited all of the sites that we’ll be discussing this evening.

Mr. Lumbkert: Good.

Chairperson Cardone: Anything else from the Board? Any questions or comments from the public? Yes, would you please step up to the microphone and identify yourself?

Mr. Welt: Good evening, my name is Carroll Welt (W-E-L-T), I live at 14 Windwood Drive across the street and I just a…like to know what purpose the addition will be used. Will it be to make it a two-family or it would be just like a rec room or bedrooms or whatever?

Chairperson Cardone: Okay. Could you please answer his question?

Mr. Lumbkert: This will be actually a master bedroom, bathroom and walk in closet as it stands now, like I said we have a daughter, we plan on expanding our family and to be quite frank with everybody my wife and my clothes are in every closet of the house. We have them in bins in the attic so we really could use the space. As far as the bathroom is concerned it is a decent size bathroom but we are moving our washer and dryer upstairs into the bathroom. I also had back surgery done about a year and a half ago a…I’m also going to be including a Jacuzzi tub for my own, of course, personal relief for my back for that. And then the closet space is…is what’s really needed for us as well.

Chairperson Cardone: And this is the floor plan that you’re proposing?

Mr. Lumbkert: Yes, that is.

Chairperson Cardone: Maybe you would like to take a look at that?

Mr. Welt: Sure.

Mr. Welt approached the Board.

Mr. Lumbkert: And I didn’t include that but I have a picture of what it would look like from the outside of the elevation levels if anybody wanted to look at that as well.

Ms. Drake: I would like to look at that with the…

Chairperson Cardone: Yes.

Ms. Drake: …front sticking out because that was going to be one of my requests or suggestions to move the…it even with the house so that you’re not increasing the front any more than it is.

Mr. Lumbkert approached the Board.

Mr. Donovan: If a…if I could just interrupt for a second? I don’t mean to be rude. Just it’s not going to be picked up on the record so if you want it on the record just talk into the microphone.

Mr. Welt shook his head no and went back to his seat.

Ms. Drake: Here is your plan back.

Mr. Lumbkert went back to his seat.

Chairperson Cardone: Do we have anything else from the public? Anything else from the Board?

Mr. Maher: I’ll make a motion to close the Public Hearing.

Ms. Drake: Second.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Brenda Drake: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Thank you.

Mr. Lumbkert: Thank you very much.

 (Time Noted - 7:42 PM)

ZBA MEETING – APRIL 25, 2013 (Resumption for decision: 8:05 PM)

CAROL SERRAO 13 WINDWOOD DRIVE, NBGH

 (90-6-14) R-1 ZONE

Applicant is seeking area variances for the front yard setback, one side yard setback, the combined side yards setback and the maximum allowed building coverage to build an addition on the residence.

Chairperson Cardone: On the application of Carol Serrao at 13 Windwood Drive, seeking area variances for the front yard setback, one side yard setback, the combined side yards setback and the maximum allowed building coverage to build an addition. This is a Type II Action under SEQRA. Do we have discussion on this application?

Mr. Masten: I’ll second.

Mr. Manley: I first that.

Ms. Gennarelli: Alright so Jim you’re the first for approval.

Mr. Manley: Yes. There were really no complaints from the neighbors and the home really is going to conform with the other homes in the neighborhood at this point I don’t see an issue with it.

Mr. McKelvey: There is homes that jut out a little bit in the front like that like they want to do.

Ms. Smith: It will look very nice.

Ms. Gennarelli: Okay, roll call.

 John McKelvey: Yes

 Brenda Drake: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

GRACE CARDONE

 JOHN MC KELVEY

 BRENDA DRAKE

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

 ROSEANNE SMITH

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:06 PM)

ZBA MEETING – APRIL 25, 2013 (Time Noted – 7:42 PM)

THOMAS P. & VICKIE M. FITZGERALD 163 MILL STREET, WALLKILL

 (2-1-69) R / R ZONE

Applicant is seeking an area variance increasing the degree of non-conformity of one side yard and the combined side yards setbacks to convert non-habitable space into habitable space (great room).

Chairperson Cardone: Our next applicant Thomas and Vickie Fitzgerald. For the record, please identify yourself.

Mr. Fitzgerald: Tom Fitzgerald.

Chairperson Cardone: And state your request.

Ms. Gennarelli: I am sorry, one second. This applicant sent out fifteen registered letters, fifteen were returned. All the mailings and publications are in order. Okay, I’m sorry.

Mr. Fitzgerald: Okay, we have a back room screen room that we’re turning into a den and we understand that a…once we did that that it was a certain amount of feet or something we needed to send out or had to get permission to take care of that. I’m not really sure but I mean that’s what I heard.

Ms. Drake: You are using the existing footprint? You’re not expanding it any further?

Mr. Fitzgerald: No, no.

Ms. Smith: You’re not going up any higher?

Mr. Fitzgerald: No, same.

Mr. McKelvey: You’re just closing it in?

Mr. Fitzgerald: Just closing it in.

Ms. Drake: Jerry being the deck is already attached to other parts of the house that doesn’t change…the deck now being attached to the habitable space to the porch because it’s already attached to the house? That would affect other site limiting distances?

Mr. Canfield: Yeah it does and I think part of the reason that why they’re here is a…the closure if I will was built without a Permit and that’s what got you here. When you put in for a Permit to enclose it I think there was a lot confusion on the property. There was a lot of activity. What was built and when and all of that? Looking at it from that perspective the zoning portion of it is what brought it here. Structurally, and should this Board choose to approve the zoning variances, structurally we will look at it as occupied space as opposed to unoccupied space and all the Building Codes will require…or apply to it. We’ll need structural you know, calculations on the lumber size used for floor joists and pounds per square foot, you know that was calculated. It’s my understanding that the structure has been there a while though. Correct?

Mr. Fitzgerald: In a…2000, yes, 2001.

Mr. Canfield: Did the addition?

Mr. Fitzgerald: I believe so, yes.

Mr. Maher: So Jerry, I guess my question is, so he is here for a variance for the…for the setback, correct?

Mr. Canfield: That’s correct. That’s correct.

Chairperson Cardone: But the screened room was built without a Permit? Correct? Is that what you’re saying?

Mr. Canfield: The structure that’s in question, yes. Yes. It’s existing non-conforming and if they had come in for a Permit originally a…you would have been to this Board for the same thing.

Chairperson Cardone: Right.

Ms. Smith: Jerry, a…the decks, did they have Permits?

Mr. Canfield: The decks do.

Ms. Smith: The decking?

Mr. Canfield: I believe. Yes.

Ms. Smith: Okay.

Mr. Maher: So but we…how are we increasing the degree of non-conformity if there’s no variance issued already though? That’s what I’m kind of lost at. Because really we should be requesting a side yard and and a side yard variance tonight, right? Because it’s… you’re showing…

Mr. Canfield: Let me look.

Mr. Maher: …you’re showing a shall not increase the degree of non-conformity when in fact it should be a variance for a side yard.

Mr. Canfield: Let me look at the site Mike. Give me a minute.

Mr. Maher: Okay…I’m thinking, that’s my opinion anyway.

Chairperson Cardone: But the house itself is non-conforming, the existing structure, even without the a…the screened in porch.

Ms. Smith: Without the addition, yeah.

Mr. Manley: No he never got a variance for the deck.

Ms. Gennarelli: He didn’t need it.

Mr. Manley: Right.

Chairperson Cardone: So you are…you are increasing the degree of non-conformity.

Mr. Maher: Okay, I’m thinking…I’m thinking the a…the screened in porch itself was what created the a…

Chairperson Cardone: No, no.

Mr. Maher: …the issue to begin with. In essence it did but not in that manner.

Ms. Drake: And the screened in porch doesn’t go all the way to the edge of the house so it’s less than what the house is…the side yard.

Mr. Canfield: Okay, it is in an R/R zone, the side yard setbacks are (50) fifty and (50) fifty. Currently the structure, one side yard is (56) fifty-six, the other is (26) twenty-six so as determined in the past any time you enlarge that footprint it’s considered increasing the degree of non-conformity.

Mr. Maher: You’re…you’re right, I…I misspoke.

Mr. Canfield: I apologize, I had to back up and rethink and look at it…what we were here for.

Chairperson Cardone: The report from the Orange County Department of Planning is Local Determination. Do we have any comments from the public? Anything else from the Board?

Ms. Drake: I’ll make a motion to close the Public Hearing.

Ms. Smith: I’ll second.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Brenda Drake: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Thank you.

Mr. Fitzgerald. Thank you.

 (Time Noted - 7:49 PM)

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ZBA MEETING – APRIL 25, 2013 (Resumption for decision: 8:06 PM)

THOMAS P. & VICKIE M. FITZGERALD 163 MILL STREET, WALLKILL

 (2-1-69) R / R ZONE

Applicant is seeking an area variance increasing the degree of non-conformity of one side yard and the combined side yards setbacks to convert non-habitable space into habitable space (great room).

Chairperson Cardone: On the application Thomas and Vickie Fitzgerald, 163 Mill Street, seeking an area variance increasing the degree of non-conformity of one side yard and the combined side yards setbacks to convert non-habitable space into habitable space (great room) This is a Type II Action under SEQRA. Do we have discussion on this application?

Mr. Masten: I’ll second.

Chairperson Cardone: We’re looking for discussion.

Mr. Masten: Oh, I’m sorry. I’ll first.

Mr. Maher: It’s consistent with the existing structure, there’s no additional side yard or front yard issues there as I was…found out earlier. I’ll make a motion to approve.

Mr. Masten: It’s been a long day.

Mr. McKelvey: I’ll second.

Ms. Gennarelli: Okay, roll call.

 John McKelvey: Yes

 Brenda Drake: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

GRACE CARDONE

 JOHN MC KELVEY

 BRENDA DRAKE

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

 ROSEANNE SMITH

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:07 PM)

ZBA MEETING – APRIL 25, 2013 (Time Noted – 7:49 PM)

DAVID WILLIAMS 14 DELAWARE ROAD, NBGH

 (54-1-8) R-2 ZONE

Applicant is seeking an area variance for the lot surface coverage to build an above ground pool and a pool deck.

Chairperson Cardone: Our next applicant David Williams.

Ms. Gennarelli: This applicant sent out forty registered letters, thirty-three were returned. All the mailings and publications are in order.

Mr. Williams: Good evening, thank you for taking the time to hear me. My name is David Williams, I reside at 14 Delaware Road, I am looking for an area variance to put a pool and a deck up that I had existing that I took down to put up a garage and didn’t realize there was a area coverage after I had done that.

Chairperson Cardone: So the posts that are there, they are from the old pool?

Mr. Williams: Yes, yes, I just set them back up…

Chairperson Cardone: That’s what it looked like to me.

Mr. Williams: …to try and get a rough guestimate of setbacks and everything when I was doing the measurements on the survey plan I had drawn up…the plot plan.

Chairperson Cardone: Right, okay.

Ms. Drake: Does the existing shed have a Permit?

Mr. Williams: Yes.

Chairperson Cardone: The report from the Orange County Department of Planning is Local Determination.

Ms. Drake: That’s about the same location as the old pool?

Mr. Williams: It’s a little bit closer probably about (5) five feet closer than it was originally…give or take maybe a little more (5) five to (7) seven.

Ms. Drake: Why did you take it down…to build the garage?

Mr. Williams: Yes, I didn’t realize the drainage easement behind the property and I was encroaching on the drainage easement and moved the garage forward and in doing so I had to take the pool down and I also didn’t realize the area.

Ms. Drake: If you got a Permit for the garage and the pool was there wouldn’t that have triggered a variance for the area then?

Mr. Canfield: I’m sorry, could you say that again?

Ms. Drake: If the pool was already there and he got a Permit for the garage wouldn’t the area, the surface area been picked up for the garage?

Mr. Williams: No it was built…

Mr. Canfield: It should have but keep in mind a…what we’re here for tonight is surface area which includes everything, impervious areas such as pavements, sidewalks, building footprints whereas building coverage is limited to just building coverage’s. So in this case, surface area is (30) thirty percent that’s what it exceeds.

Ms. Drake: But if there was an existing pool there and that would have been counted for whatever we‘re going for tonight and he built a garage…?

Mr. Canfield: It should have been.

Ms. Drake: Okay.

Mr. Canfield: Can’t tell you factually it was or was not but it should have been.

Ms. Drake: But it is now being included…

Mr. Canfield: But it is now, yes.

Ms. Drake: Is it a bigger pool than before or is it…?

Mr. Williams: No, the exact same thing.

Chairperson Cardone: Do we have any questions or comments from the public? Anything else from the Board?

Ms. Drake: I’ll make a motion to close the Public Hearing.

Mr. Masten: Second it.

Mr. Williams: Thank you for your time and consideration.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Brenda Drake: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Thank you. Before proceeding the Board will take a short adjournment to confer with Counsel regarding legal questions raised by tonight’s applications. If I could ask in the interest of time if you would wait out in the hallway and then we’ll call you in very shortly.

 (Time Noted - 7:53 PM)

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ZBA MEETING – APRIL 25, 2013 (Resumption for decision: 8:07 PM)

DAVID WILLIAMS 14 DELAWARE ROAD, NBGH

 (54-1-8) R-2 ZONE

Applicant is seeking an area variance for the lot surface coverage to build an above ground pool and a pool deck.

Chairperson Cardone: On the next application David Williams, 14 Delaware Road, seeking an area variance for the lot surface coverage to build an above ground pool and a pool deck. This is a Type II Action under SEQRA. Do we have discussion on this application?

Mr. Maher: One question Jerry, is the deck considered impervious? I was just curious.

Mr. Canfield: (Inaudible)

Chairperson Cardone: Any discussion on the application? Do we have a motion for approval?

Ms. Smith: I’ll so move.

Ms. Drake: Second.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Brenda Drake: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

GRACE CARDONE

 JOHN MC KELVEY

 BRENDA DRAKE

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

 ROSEANNE SMITH

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:08 PM)

ZBA MEETING – APRIL 25, 2013

END OF MEETING (Time Noted – 8:09 PM)

Chairperson Cardone: Everyone has the minutes from last month? Do we have any additions, deletions, corrections? Do we have a motion to approve the minutes?

Ms. Drake: I will make that motion.

Mr. Masten: I’ll second it.

Chairperson Cardone: All those in favor say Aye?

Aye - All

Chairperson Cardone: Opposed?

No response.

Chairperson Cardone: Do we have any other business for this Board?

Ms. Drake: Betty, you sent us an email changing one of the dates of one of the meeting?

Ms. Gennarelli: Yes, May 23rd.

Ms. Smith: May 23rd.

Ms. Drake: Is supposed to be what?

Mr. Donovan: That’s the updated one, that’s the new one.

Ms. Drake: Okay, thank you. I haven’t had a chance to catch up on that email.

Ms. Gennarelli: The date on that list was wrong.

Ms. Drake: Okay.

Chairperson Cardone: Is there anything else?

(No Response)

Mr. McKelvey: I’ll make a motion we adjourn?

Chairperson Cardone: Do I have second?

Ms. Smith: Second.

Chairperson Cardone: Okay, all in favor say Aye?

Aye All

Chairperson Cardone: Opposed?

No response.

Chairperson Cardone: The meeting is adjourned.

PRESENT ARE:

GRACE CARDONE

 JOHN MC KELVEY

 BRENDA DRAKE

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

 ROSEANNE SMITH

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:12 PM)