ZONING BOARD OF APPEALS

MEETING – MARCH 27, 2014

(Time Noted – 7:31 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. The Board will try to render a decision this evening; but the Board may take up to 62 days to reach a determination. I would ask if you have cell phones to please put them on silent or turn them off. Also when speaking, speak into the microphone because this is being recorded. Roll call please.

PRESENT ARE:

 GRACE CARDONE

 MICHAEL MAHER

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT: JAMES MANLEY

JOHN MC KELVEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 JOSEPH MATTINA, CODE COMPLIANCE

(Time Noted – 7:33 PM)

ZBA MEETING – MARCH 27, 2014 (Time Noted – 7:33 PM)

LAKE CREEK PROPERTIES, LLC / 65 NORTH PLANK ROAD, NBGH

 LINGO ASSOCIATES, LLC. (76-1-1.1) B ZONE

 (McDONALD’S)

Applicant is seeking an Interpretation of 185 Attachment 11- Schedule 11 - Use Interpretation - to demolish and rebuild the existing drive-thru McDonald’s establishment.

Chairperson Cardone: Before we begin, I have a letter regarding Lake Creek I don’t know if anyone is here for that application.

As discussed, our office would like to carry the application to the April 24th Zoning Board of Appeals hearing for the above referenced project. If you should have any questions or require any additional information please do not hesitate to contact the undersigned. Boehler Engineering, Lauren Monaque, Bradford Boehler.

Chairperson Cardone: Do I have a motion to hold this open for the April 24th meeting?

Ms. Smith: I’ll motion.

Chairperson Cardone: Do I have a second?

Mr. Masten: I’ll second it.

Ms. Gennarelli: Roll call.

 Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried. So if there is anyone here interested in that you would not be re-noticed but we will be hearing that on April the 24th.

PRESENT ARE:

 GRACE CARDONE

 MICHAEL MAHER

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT: JAMES MANLEY

JOHN MC KELVEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 JOSEPH MATTINA, CODE COMPLIANCE

 (Time Noted – 7:35 PM)

ZBA MEETING – MARCH 27, 2014 (Time Noted – 7:35 PM)

LAMBRINI ANDRIANIS 32 COMMONWEALTH AVENUE, NBGH

 (46-5-8.1) R-1 ZONE

Applicant is seeking area variances for the maximum allowed square footage of accessory buildings and the maximum allowed storage for not more than (4) four vehicles to build a carport (Two - 18 X 21 combined) 18 x 42 on an accessory building.

Chairperson Cardone: Our first applicant Lambrini Andrianis.

Ms. Gennarelli: The Public Hearing Notices for all the new applications being heard this evening were published in the Mid-Hudson Times on Wednesday, March 19th and The Sentinel on Friday, March 21st. This applicant sent out forty-two letters. All the mailings, publications and postings are in order.

Chairperson Cardone: If you would stand up to the microphone.

Ms. Gennarelli: You could…

Chairperson Cardone: To the microphone and just identify yourself for the record and then state your request.

Mr. Andrianis: My name is Pano (Andrianis) representing Lambrini. It’s actually my little project. I just wanted a larger carport so that I could put all my stuff in it, keep them out of sight of the neighbors and keep everybody happy. Yae or nay? Any questions? A…a…it’s going to be a…I have some copies of what…what it appears to be. I gave some to the neighbors here you know something so where they know. They don’t like the way the stuff looks so it would be out of their sight. You know, make for happy neighbors, you know. So there you go. It will be colored green so it will blend in and I’m also offering to put up a opaque landscape type barrier. So…so it will look nicer, you know, maybe plant trees or something, some arborvitaes or something, you know.

Ms. Smith: Is it going to house cars? Are there going to be cars under this carport?

Mr. Andrianis: A…maybe one or two, some…some equipment, you know that I use on the property, some landscape stuff, lawn mowers, wood chippers.

Mr. Maher: I mean, looking at the picture you have submitted there, will there or won’t there be sides on it?

Mr. Andrianis: Yes. Yes. May I approach the bench?

Chairperson Cardone: Yes, on how many sides?

Mr. Andrianis approached the Board with the pictures.

Mr. Donovan: If you would just step back because it is all being recorded so we need to go to the microphone.

Ms. Gennarelli: Pano watch your step, you can grab that mic if you...

Chairperson Cardone: Okay, I…I see there will be unlike the picture I have here, it seems like there will be two sides that are covered.

Mr. Andrianis: Yes.

Chairperson Cardone: Is there any consideration to giving a…a covering to the third side so that a…?

Mr. Andrianis: Sure. The back side you mean?

Chairperson Cardone: Right.

Mr. Andrianis: Yeah.

Chairperson Cardone: I think the back side is the part that would be facing the neighbors’ properties.

Mr. Andrianis: Well it is the side that would be facing their property. The side that you see…

Chairperson Cardone: Right, but I think also the back would.

Audience Member Inaudible

Mr. Andrianis: Well the back is…

Chairperson Cardone: Right, right but looking…

Mr. Andrianis: Well, well…we (Inaudible).

Chairperson Cardone: …from Susan Drive down…are you listening to me?

Mr. Andrianis: Yeah, no you…you can’t see from Susan Drive down because there’s already a wall of...of…what is it a fence already there.

Audience Member Inaudible

Chairperson Cardone: Excuse me.

Mr. Andrianis: …downhill from directly behind the…the a structure.

Chairperson Cardone: Right.

Ms. Smith: I went on Susan Drive, you can see…yeah.

Mr. Andrianis: Well directly behind.

Ms. Smith: You can see.

Mr. Andrianis: Right, okay, yes. Whatever pleases the Board I’m here. And the neighbors of course, got to be good to my neighbors.

Chairperson Cardone: Do I have other questions from the Board?

Ms. Smith: Is this equipment a…associated with a business that you’re running there?

Mr. Andrianis: No.

Ms. Smith: Are you operating a business out of there?

Mr. Andrianis: Absolutely not. I have a facility in Poughkeepsie.

Ms. Smith: Okay.

Mr. Andrianis: That I keep my business, however, I do some repairs on my own…on my own equipment and it, you know, it’s there some…sometimes. You know, and that…that way I would prefer to put them inside while I’m doing that so that the neighbors don’t have to seem them in…and it doesn’t look unsightly.

Mr. Maher: So the…the repairs of the equipment it’s for the business side of it that you do on the site once in a while?

Mr. Andrianis: Well I use some of the equipment sometimes for my business and on my own property; you know what I mean so when it’s on my property I may be using it for my own property.

Mr. Maher: What type of equipment are we…?

Mr. Andrianis: Landscaping stuff.

Mr. Maher: Landscaping, such as…?

Mr. Andrianis: Mowers, chippers, you know a…different landscaping stuff.

Mr. Maher: And the request if for two of these…two of these a…?

Mr. Andrianis: Well yeah, it would…it would actually be put together so it would be like one bigger unit; you know what I mean, like in the picture. So it will go the full length of the concrete pad that’s already there.

Mr. Maher: So it will be they’ll be end to end to end or side by side?

Mr. Andrianis: End to end.

Mr. Maher: So my estimate it would be roughly 18 x 42 foot long?

Mr. Andrianis: Yes, yes sir, that’s correct. Then I plan to plant some trees in…you know, along that so it will create like a landscape, opaque barrier, you know to…to please and it will also be colored green so, you know it won’t be looking like looking from the road if looking.

Ms. Smith: Is the carriage house going to stay?

Mr. Andrianis: Yes.

Ms. Smith: It is?

Mr. Andrianis: Yes.

Chairperson Cardone: And what is that used for? Is that used for storage?

Mr. Andrianis: Storage, yeah.

Chairperson Cardone: Any more questions from the Board? Do we have any questions or comments from the public? Yes, if so please go to the microphone and state your name.

Mr. Gozza: My name is Jerry Gozza, I live on Susan Drive and a…I have a couple of questions for Pano. At presently there’s five commercial vehicles…

Chairperson Cardone: You have to address all comments to the Board and then…

Mr. Gozza: There’s five commercial vehicles on the property now. They’ve been there literally for months and months and months. Okay? A…it’s my understanding that since his property is zoned residential that these commercial vehicles should not be there at all so I’m just wondering if this request for this carport structure is to house commercial vehicles to continue the…to expand a business in a residential area and my main concern for myself is that it brings down the value of my property. So nobody is going to want to buy…to purchase a home if I were to sell a home that has this commercial entity right off my backyard.

Chairperson Cardone: Right, if see…if the Board would decide to approve this a stipulation could certainly be that a business would not be run from that location.

Mr. Gozza: Okay. A…I also would like to present to the Board…Okay? …some photographs that were taken as recently as this afternoon showing accumulation of a lot of junk from with that…that’s been there forever.

Chairperson Cardone: And I neglected to mention at the beginning that the Board Members have been to visit all properties that we are discussing this evening.

Mr. Gozza: Okay.

Chairperson Cardone: So we have been there individually a…to look at the property.

Mr. Gozza: (Inaudible)

Chairperson Cardone: But if you would like to share the pictures with the Board that’s…that’s fine.

Mr. Gozza approached the Board with the photographs.

Chairperson Cardone: Thank you. Thank you. Okay, did you have something else to add or…did you want to ask the…?

Mr. Gozza: Again, I just want to reiterate…

Chairperson Cardone: Right.

Mr. Gozza: …that a…if his request for this carport is granted I have a good suspicion that its use…will be used as a wedge to expand his interest with commercial vehicles. Okay? And that in turn is going to drag down the value of my property and I’m sure everybody else’s that surrounds his proper…neighbors. Okay? I don’t think that it should be granted and that’s it. What I feel is that working through another Department of the Town these vehicles that are there month after month should be removed from residential property according to the Code. Those are my feelings. Okay?

Chairperson Cardone: Okay, thank you.

Mr. Gozza: You’re quite welcome.

Chairperson Cardone: Do we have any…? Yes, you’re name please for the record.

Mr. Sergi: I’m John Sergi.

Chairperson Cardone: Okay.

Mr. Sergi: I own a…property at 28 Commonwealth and the building lot that is a…a…along the front of his house. Okay?

Chairperson Cardone: Okay.

Mr. Sergi: On this driveway. My question again, he…he intimated that there was going to be…that shed would be on the existing a…concrete pad. I’d like to know which side of the building that’s on, if that’s closest to his house?

Chairperson Cardone: Yes it is.

Mr. Sergi: You’ll see the pictures that I took today a…it…we’ve had a problem in the past with on…un…with vehicles with no license plates. There’s a couple of them there now, he talked about a carport…if you see from the pictures, he won’t even be able to get to the carport with all the garbage that’s out there. It’s impossible. I walk from the back of my house to my shed that’s where some of those pictures were taken right from my property line cause I go back all the way to Susan Drive all along side of his a…existing carriage house plus in the front of his house I have that property there. And my father-in-law was actually thinking about building a house there until he went there and looked at what he’d have to look at. And that next…it’s…year after year there’s more garbage, you’ll see the pictures there’s mattresses, there’s tires, there’s…there’s broken down equipment. He doesn’t use it. He has a dump truck, he has a panel truck a…it’s all kinds of equipment there and that’s…and he’s…and again, a…this is a neighbor thing, he’s parks it on my property a…it’s…it’s a sight a…years ago we took pictures of rats in there it was so bad. There’s nothing but garbage and as indicated before property value, nobody…I probably won’t even be able to sell that lot.

Chairperson Cardone: As…as you’re standing on Commonwealth are you to the left or the right of his property?

Mr. Sergi: I’m a south of his property.

Chairperson Cardone: Oh, okay.

Mr. Sergi: I’m a…I’m actually you go past his driveway and then go down to a…Commonwealth to the dead end.

Chairperson Cardone: Right.

Mr. Sergi: I have a…Hoyt’s old house a…and I border on that and River’s Edge and my property goes all the way back to their houses on Susan Drive and again I have the building lot that’s a...behind a…a…Sheila and Lisa’s which is…that…right behind…right in front of his property and it’s a mess and I don’t see it getting any better. He can’t put a carport up unless he gets rid of about three tons of garbage. And that should be the first thing that’s addressed my feeling.

Chairperson Cardone: Right.

Mr. Andrianis: Inaudible.

Mr. Sergi: That’s it.

Chairperson Cardone: Okay. Do we have anyone else who would…? Yes. First this gentleman and then the lady in the back.

Mr. Palermo: My name is Tom Palermo and I live at 8 Susan Drive. He says he wants to put a carport up, put trees up and make it look nice, the property hasn’t looked nice since he bought it. It’s nothing but a junkyard in there. It’s…its garbage all over the place so how can he do it now?

Chairperson Cardone: You can move the…you can take the microphone off.

Ms. Gennarelli: Just take it off, it pops right off.

Ms. Bush: Speak loudly?

Ms. Gennarelli: No.

Chairperson Cardone: No.

Ms. Gennarelli: Just turn it down towards you if you can’t get it off.

Ms. Bush: Okay, sorry.

Ms. Gennarelli: That’s okay.

Ms. Bush: My name is Catherine Bush and I live on Overdell Lane which is somewhat of a landlocked area between Commonwealth, Rivers Edge and Susan Drive. So basically my property a…backs up to that a…small strip that John Sergi has over this property. So two concerns I have Mrs. Cardone you said that if this was approved that it would stipulate a…no business could be run from there but is it also to be stipulated that no business vehicles could be stored there? That would be one concern. The second one that I have is particularly in the summer months I will hear, 8, 10, 11 o’clock at night a…at that property they are working on these vehicles so you’ll hear engines running at almost as if you’re in an auto mechanic garage and you hear it all through the neighborhood until 10, 11 o’clock at night at various times. So a…again I express the same concerns as the rest of the neighbors. Everyone wants to be good neighbors and a…a…one way to be a good neighbor is in a residential neighborhood it’s not appropriate to have all of those business construction vehicles stored there. Thank you.

Chairperson Cardone: Thank you. Okay, you had another further comment you said?

Mr. Gozza: Yes, I do. Is he the actual owner of the property?

Chairperson Cardone: I…

Mr. Andrianis: Inaudible.

Inaudible audience members

Mr. Gozza: That was quite a remark.

Chairperson Cardone: Is he…is he the owner…the actual owner of the property?

Inaudible audience members speaking

Mr. Gozza: Correct.

Ms. Gennarelli: Excuse me.

Inaudible audience members speaking

Ms. Gennarelli: Excuse me.

Chairperson Cardone: I do have…let me…

Mr. Donovan: The information that we have before us indicates that he is not. The information that was submitted with the application indicates that the property is owned by a Lambrini and I apologize if I mispronounce the last name Andrianis. There is a proxy for this evening allowing…

Ms. Gennarelli: Pana.

Chairperson Cardone: He has a Proxy which allows him to speak for the owner.

Ms. Gennarelli: For his mother.

Mr. Donovan: I guess the question is do you live on the property?

Mr. Andrianis: Yes, I do.

Chairperson Cardone: This is the…if you’d like to see it; you can come up and see the Proxy which allows him to speak for… This is the actual owner and this is giving him the right to speak for them.

Mr. Gozza: Is that his father?

Ms. Gennarelli: That’s his mother.

Chairperson Cardone: His mother.

Mr. Gozza: Also the tax records state that it is two-family. Okay? I have a suspicion that it not a two-family home. There are many mornings that you can wake up and you can count as many as seventeen vehicles. That’s an awful lot for a two-family home.

Mr. Andrianis: Objection, objection. Permission to speak?

Chairperson Cardone: You may go to the microphone and in fact I was going to ask you if you’d like to respond to…

Mr. Andrianis: Yes.

Chairperson Cardone: …what we have just heard.

Mr. Andrianis: That…that’s primarily the reason a…I want to put the carport up is to contain my supposed junk or whatever you know it is. You know a…and…and…and to kind of, you know, put things in an orderly way so it’s not unsightly that…that’s basically it. And, and I…if you grant me that I will also, you know, not work on any equipment at all hours or undesirable hours or you know and I…and I…I’ll try not to keep as many vehicles there you know.

Ms. Smith: So you are still going to store equipment, this…that’s my initial question, I asked if you were going to store vehicles.

Mr. Andrianis: Yes, some not many, some.

Chairperson Cardone: If…if I could ask Code Compliance to please respond to the number of vehicles that are allowed and the categories.

Mr. Canfield: There’s one commercial vehicle under 18,000 lbs. permitted on the property.

Mr. Andrianis: Okay.

Chairperson Cardone: Do you understand that?

Mr. Andrianis: Yes Maam.

Chairperson Cardone: There’s only one commercial vehicle that’s allowed.

Mr. Andrianis: Understood.

Mr. Maher: Jerry, could you comment on the house? The history on the property if you could?

Mr. Canfield: Could you be specific with your question?

Mr. Donovan: I…I’m curious to know the nature of the proceeding a…that’s pending in Court presently. Is that essentially your question, Mike?

Mr. Maher: That would be great.

Mr. Donovan: Yeah.

Mr. Andrianis: Listen I…

Mr. Donovan: That question was not directed to you.

Mr. Andrianis: Right, well I…I’m…

Mr. Donovan: That means you have to wait for someone else to answer.

Mr. Andrianis: …that I’m going to clean it up.

Mr. Canfield: Apparently there is a Court proceeding before the Courts as there has been for several years with this property. Currently the Court proceedings is a Contempt of Court a…proceeding from a previous Court appearance where the defendant a…was directed by the Court to do certain things to the property in the nature of cleaning it up. Code Compliance Department has re-issued a Court Appearance for the property because we feel the defendant is in contempt of the previously stipulated a…Court Order. During that proceeding, the last Court appearance, Mr. Andrianis has told the Judge that he wishes to put up this building to put some of his materials in. At that time the Judge allowed Mr. Andrianis to proceed to the Building Department for a Building Permit which at such time was denied and referred to this Board because it does not comply with the zoning. The actions of this Board does not as the attorney will inform you…does not in any way, shape or form sway the previous actions by the Court. A…should this Board decide on this application tonight or should they decide to table it the next Court appearance will go on as scheduled a…Mr. Andrianis will be required to report to the Courts and advise his progress into bringing his property into compliance.

Mr. Andrianis: Absolutely.

Mr. Maher: So the current legal matter is strictly in cleaning up the property, in essence?

Mr. Canfield: That’s correct.

Mr. Maher: It hasn’t addressed any commercial vehicles on the property or anything of that matter as of yet?

Mr. Canfield: Yes, there’s a whole gamut of charges which I am not at liberty to discuss at this time.

Mr. Maher: Okay.

Mr. Donovan: And…and this…you can’t…you…you are not in a position to say, you and Code Compliance whether or not whatever we do, whatever this Board does may not remedy or have any impact at all what happens in Court.

Mr. Canfield: That’s correct.

Chairperson Cardone: Yes, please go to the microphone. I only ask you to do that because it’s being recorded.

Mr. : I…I…I have a problem that doesn’t relate to this but a…I’ve had this property as I indicated the property that is in front of alongside in front of his house surveyed three times. The last two times I’ve had it surveyed he has removed the…the survey stakes. They’re gone.

Mr. Andrianis: No, please….

Mr. Sergi: Excuse me?

Chairperson Cardone: Don’t…do not talk to each other. All comments must be directed to the Board.

Mr. Sergi: (Inaudible) But anyway, I’ve had it surveyed. I had stakes put in and every one except for the ones that are pretty far off his property have been removed.

Mr. Andrianis: Absolutely false.

Mr. Sergi: Every one. When he plows his driveway, on his driveway in the back of his house I own six inches from his driveway, when he plows his driveway, he plows to the right, plows on my property, makes ruts in the property cause he’s off his driveway on my property. Knocked over every survey stake there are none left except for the one that’s on the far part of my property and the ones that are down right behind Lisa’s house. That’s all I want to say.

Chairperson Cardone: Thank you.

Mr. Donovan: For the present applicant and for everyone else who is here tonight, if you look up at the Board you’re going to see only four Board Members. You need to be aware that this is a seven Member Board. There is one vacancy and two people are absent tonight. What that means is in order to have your application granted you need four affirmative votes. As this has happened fairly rarely but when it does happen we do afford all the applicants the ability to defer having the Board issue a decision tonight because you would need all four Board Members to vote in favor of your application. So if one Board Member sitting here tonight were to vote no your application would be denied. So Mr. Andrianis is first on the agenda and it applies to him as well as everyone else that you may want to consider asking the Board to defer making a decision tonight because you would need all four Members present to vote in favor of your application because you need four out of the seven Member Board.

Chairperson Cardone: Okay, is that understood by all the applicants this evening? Do we have anything else from the public or anything else from the Board?

No response.

Chairperson Cardone: And Mr. Andrianis, you heard what the attorney had to say?

Mr. Andrianis: Yes.

Chairperson Cardone: Is it your wish to have your decision deferred until the next Board meeting?

Mr. Andrianis: I’d like to know what the chances are between all four of your Members.

Chairperson Cardone: We can’t…we really can’t tell you that.

Mr. Andrianis: Well yeah, then I’d like to have it deferred then. Yes.

Ms. Gennarelli: That will be April 24th.

Chairperson Cardone: April the 24th, correct.

Mr. Andrianis: Okay and that’s...

Mr. Donovan: And then you’re going to move to have the Public Hearing continued that night or…? That’s up to the Board. You can close the Public Hearing and not make the decision.

Chairperson Cardone: I think that…we’ll leave the…I would prefer to leave it open.

Mr. Donovan: Then someone would need to make a motion.

Mr. Maher: I’ll make a motion to keep it open.

Ms. Smith: I’ll second.

Mr. Andrianis: Thank you.

Ms. Gennarelli: Okay, Mike is the first and Roseanne’s the second.

Ms. Smith: Yes.

Ms. Gennarelli: Okay.

 Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: So this will be held open until April the 24th. Now no one will be re-noticed at that time because you are being noticed right now that we will meet at the 24th of April at 7 o’clock.

Audience member: We can come here.

Chairperson Cardone: Absolutely. Okay, thank you.

Mr. Andrianis: Thank you very much, Mrs. Cardone. Thank you.

(Inaudible audience member)

Chairperson Cardone: No, 7 o’clock, 7 o’clock is our usual time. This evening we had to start later because one of our members was out of Town and two are absent and there’s one Board vacancy. So tonight was a problem, if we didn’t have it at 7:30 we would not have been able to have it at all.

Mr. Canfield: Ms. Chairman?

Chairperson Cardone: Yes?

Mr. Canfield: If I could make a request from the Code Compliance Department that the minutes from this proceeding at this point. If they could expeditiously be done and handed to the Code Compliance Department, please?

Chairperson Cardone: Yes, I…I think that can be done.

Mr. Donovan: And you’re talking extraordinarily expeditious, correct?

Chairperson Cardone: Yes.

Mr. Canfield: Right, yes.

Ms. Gennarelli: Thanks, thanks Dave.

Mr. Donovan: Well I understand you need them by like Tuesday?

Chairperson Cardone: By midnight tonight. No.

Ms. Gennarelli: I’m not going back to work Jerry.

PRESENT ARE:

 GRACE CARDONE

 MICHAEL MAHER

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT: JAMES MANLEY

JOHN MC KELVEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 JOSEPH MATTINA, CODE COMPLIANCE

 (Time Noted – 8:04 PM)

ZBA MEETING – MARCH 27, 2014 (Time Noted – 8:04 PM)

BARBARA FAUROTE 3 EAST ROAD, WALLKILL

 (2-2-18) R/R ZONE

Applicant is seeking area variances for the rear yard setback and increasing the degree of non-conformity of the front yard setback and the side yard setback to build a rear deck and a second floor addition on the residence.

Chairperson Cardone: Our next applicant Barbara Faurote.

Ms. Gennarelli: This applicant sent out nineteen letters. All the mailings, publications and postings are in order.

Mr. Ambrose: I’m Jeff Ambrose, proxy for Barbara Faurote. We’re proposing to build a second story addition. It’s only 24 x 26, asking for an area variance for a side setback and rear setback and I believe increasing non-conformity of a non-conforming structure on the front of the house.

Chairperson Cardone: And this application had been sent to the Orange County Department of Planning because it involves a parcel that is within 500 feet of NY State Route 32 and the County recommendation is Local Determination. Do we have questions from the Board?

Ms. Smith: According to your plan here you’re not going out your just going up?

Mr. Ambrose: Just going up, yeah, well there is a small…a 3 x 5 landing on the proposed rear entry door.

Ms. Smith: The rear, right.

Mr. Ambrose: Which doesn’t project beyond the existing landing that’s already there.

Mr. Maher: The existing one doesn’t…doesn’t project past the…?

Mr. Ambrose: The house is kind of askew to the property line so, I mean, it may go six inches or a foot beyond that. It’s hard without looking at the structure.

Mr. Maher: No, actually I really asked because obviously the front and side yard just increase the degree but the rear does show a five foot additional…

Mr. Ambrose: Right.

Mr. Maher: loss of the a…

Mr. Ambrose: And that’s, we could make that a minimal landing; it’s just really to put steps.

Mr. Maher: No, no I just wanted to make sure it was accurate.

Mr. Ambrose: Yes, yes.

Mr. Maher: That’s what I’m questioning.

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

No response.

Chairperson Cardone: Do I have anything else from the Board?

No response.

Chairperson Cardone: Do I have a motion to close the Public Hearing?

Ms. Smith: I’ll make a motion.

Mr. Masten: I’ll second it.

Ms. Gennarelli: Roll call.

 Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Thank you.

 (Time Noted - 8:08 PM)

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ZBA MEETING – MARCH 27, 2014 (Resumption for decision: 9:50 PM)

BARBARA FAUROTE 3 EAST ROAD, WALLKILL

 (2-2-18) R/R ZONE

Applicant is seeking area variances for the rear yard setback and increasing the degree of non-conformity of the front yard setback and the side yard setback to build a rear deck and a second floor addition on the residence.

Chairperson Cardone: The Board is resuming its regular meeting, on the first application of Barbara Faurote at 3 East Road in Wallkill seeking an area variance. This is a Type II Action under SEQRA. Do we have discussion on this application? This was for the rear yard setback and increasing the degree of non-conformity of the front yard setback and the side yard setback to build a rear deck and a second floor addition on the residence.

Chairperson Cardone: Do we have a motion for approval on this application?

Mr. Maher: I'll make a motion for approval.

Chairperson Cardone: Do I have a second?

Ms. Smith: I'll second.

Ms. Gennarelli: Roll call.

 Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

 GRACE CARDONE

 MICHAEL MAHER

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT: JAMES MANLEY

JOHN MC KELVEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 JOSEPH MATTINA, CODE COMPLIANCE

 (Time Noted – 9:52 PM)

ZBA MEETING – MARCH 27, 2014 (Time Noted – 8:08 PM)

WILLIAM & DEBORA CARPENTER 27 DECKER ROAD, WALLKILL

 (2-2-22.31 R/R ZONE

Applicant is seeking area variances for the lot area, lot width, one side yard setback, the combined side yards setback, lot surface coverage and an accessory structure in a front yard for a lot line change (Carpenter/Lopez subdivision) to relocate the boundary line between two parcels.

Chairperson Cardone: Our next applicant William and Debora Carpenter.

Ms. Gennarelli: This applicant sent out twenty-nine letters. All the mailings, publications and postings are in order. And a…Lopez, are you going to do that? And Lopez sent out twenty-seven letters. All the mailings, publications and postings are in order.

Chairperson Cardone: Okay, we are going to hear both of these at the same time because they involve a lot line change between the two properties. So if you could…good evening, identify yourself for the record.

Mr. Paulie: Yes, Steve Paulie from Brooks & Brooks Land Surveyors representing William and Debora Carpenter…(Inaudible)…besides that Mr. & Mrs. Carpenter.

Ms. Gennarelli: And also the Lopez’s?

Mr. Paulie: Correct.

Chairperson Cardone: And this was referred to the Orange County Department of Planning and in both cases Lopez and Carpenter it is Local Determination. It was also referred to the Town of Plattekill since it borders the Plattekill line.

The Town of Plattekill is in receipt of your submittal of a sketch plan map and documentation in regard to William and Debora Carpenter’s request for several variances for property located at 27 Decker. The Town of Plattekill Zoning Board of Appeals has no objections or comments in regard to this application. Very truly yours, Susan Bolde, Zoning Board of Appeals

Okay. And if you would please state the reason for the lot line change and what it would involve and the variances that are requested.

Ms. Gennarelli: Steve, could you just get a little closer to that microphone?

Mr. Paulie: I will.

Ms. Gennarelli: Thanks.

Mr. Paulie: We’re here tonight looking for several variances. An area variance of (0.94) zero point nine four, a lot with variance of a…(11.3) eleven point three feet, a side line setback of (11.4) eleven point four feet for one side, (1.3) one point three feet combined and a (2%) two percent surface coverage variance.

Mr. Donovan: Okay so here is the sixty-four thousand dollar question, is it the driveway or the tree line?

Mr. Paulie: Is what, the driveway?

Mr. Donovan: The point…the point of the lot line change.

Mr. Paulie: It’s to include the trees that Mr. Carpenter planted, okay? To be included on his property and to a…to gain a little bit access of the driveway that he’s using now, you see part of it’s going to be removed.

Chairperson Cardone: So the trees were planted on the Lopez property and now the line is going to be changed so that the trees are on the Carpenter property, correct?

Mr. Paulie: That’s correct.

Mr. Maher: So everything is basically pre-existing? Just a question of the…the lot line change is caused to arise, correct?

Mr. Paulie: That’s correct.

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

Ms. Gennarelli: On this it said accessory structure in a front yard.

Mr. Donovan: The a… it said the 20 x 12 foot shed?

Chairperson Cardone: They were here before this Board before…

Mr. Paulie: Yes, I believe that they were.

Chairperson Cardone: Carpenter.

Mr. Paulie: …he was before the Board…

Chairperson Cardone: Right.

Mr. Paulie: …and he was granted a variance for that shed.

Chairperson Cardone: Right, right exactly.

Mr. Paulie: Yes.

Mr. Donovan: So…I am just…fascinated by this. So how did he find out he planted the trees on the wrong property?

Mr. Paulie: I believe he had a survey done and at that time he became aware of the trees.

Mr. Donovan: That’s a lot of trees to plant on the wrong property.

Mr. Paulie: Yeah, I believe he was trying to create a buffer and a…he did go over the line and a…it’s a…there’s a…there is a mutual agreement between the property owner’s a…for this lot line revision a…but today we’re here for the variances to go ahead with the lot line revision.

Chairperson Cardone: Well they are certainly good neighbors.

Mr. Paulie: Yes, I agree.

Chairperson Cardone: Anything else from the Board?

No response.

Mr. Canfield: David, the accessory in the front yard is part of this application.

Mr. Donovan: But the Chair seemed to believe we…that this Board had previously granted a variance for that.

Mr. Canfield: But doesn’t it loose its previous protection by virtue of the lot line change and/or subdivision?

Mr. Donovan: A…

Chairperson Cardone: I think so, yes.

Mr. Donovan: That’s a point well taken.

Mr. Paulie: A variance was granted for having a shed in the front yard, is that what you are referring to?

Chairperson Cardone: Yes.

Mr. Paulie: It was granted already and a…

Mr. Donovan: I think the…sorry…

Mr. Paulie: Yeah, and so you are telling me that that variance is a…no longer in effect?

Mr. Canfield: That’s correct. That’s the way I believe it…it should be but I also believe that according to the agenda that the front yard accessory structure is part of this application. Because it’s just a point of reference and technicality that it should be included should the Board choose to grant this variance, the accessory structure in a front yard should be included.

Chairperson Cardone: Right, it is on the application.

Ms. Gennarelli: Just when he mentioned all the variances he didn’t give that one.

Chairperson Cardone: Oh. Okay. You understand the only reason it’s being brought up is because it is included on the application and when you mentioned the variances you hadn’t mentioned that one.

Mr. Paulie: Well I’ll include that then with the request.

Mr. Canfield: Good answer.

Mr. Paulie: Thank you.

Ms. Gennarelli: And all the Lopez…

Chairperson Cardone: What?

Ms. Gennarelli: …because she had slightly different ones.

Mr. Donovan: Just for the record, both Public Hearings were opened. So we have the applications are for both Carpenter and Lopez are properly before the Board now.

Ms. Gennarelli: Right, just did he mention the variances for…

Mr. Donovan: But even if he, my point is, even if he didn’t…

Ms. Gennarelli: Yeah.

Mr. Donovan: …it’s okay…

Ms. Gennarelli: Okay.

Mr. Donovan: …it’s part of the application.

Ms. Gennarelli: Okay, just making sure.

Mr. Paulie: If need be I can recite the request for Lopez.

Mr. Donovan: It’s controlled by the applications in front of the Board so, God forbid if you misstate something, we’ll just go by what’s the application what its been noticed for.

Mr. Paulie: Okay, very good.

Mr. Donovan: Okay, we’re all square.

Ms. Gennarelli: Okay, that’s good.

Chairperson Cardone: Anything else?

No response.

Chairperson Cardone: Do I have a motion to close the Public Hearing for the Carpenter application and the Lopez application?

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

Mr. Masten: I’ll second it.

Ms. Gennarelli: Roll call.

 Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Thank you.

Mr. Paulie: Thank you.

 (Time Noted - 8:17 PM)

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ZBA MEETING – MARCH 27, 2014 (Resumption for decision: 9:52 PM)

WILLIAM & DEBORA CARPENTER 27 DECKER ROAD, WALLKILL

 (2-2-22.31 R/R ZONE

Applicant is seeking area variances for the lot area, lot width, one side yard setback, the combined side yards setback, lot surface coverage and an accessory structure in a front yard for a lot line change (Carpenter/Lopez subdivision) to relocate the boundary line between two parcels.

Chairperson Cardone: On the next application William and Debora Carpenter, 27 Decker Road, Wallkill, seeking area variances for the lot area, lot width, one side yard setback, the combined side yards setback, lot surface coverage and an accessory structure in a front yard for a lot line change (Carpenter/Lopez subdivision) to relocate the boundary line between two parcels. This is a Type II Action under SEQRA. Do we have discussion on this application?

No Response.

Chairperson Cardone: Do we have a motion for approval?

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

Mr. Masten: I'll second it.

Ms. Gennarelli: Roll call.

 Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

 GRACE CARDONE

 MICHAEL MAHER

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT: JAMES MANLEY

JOHN MC KELVEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 JOSEPH MATTINA, CODE COMPLIANCE

 (Time Noted – 9:53 PM)

ZBA MEETING – MARCH 27, 2014 (Time Noted – 8:08 PM)

VALERIE LOPEZ 1 ULSTER TERRACE, WALLKILL

 (2-2-31) R/R ZONE

Applicant is seeking area variances for the lot area, lot width, lot depth and (2) two front yard setbacks for a lot line change (Carpenter/Lopez subdivision) to relocate the boundary line between two parcels.

Chairperson Cardone: Our next applicant William and Debora Carpenter.

Ms. Gennarelli: This applicant sent out twenty-nine letters. All the mailings, publications and postings are in order. And a…Lopez, are you going to do that? And Lopez sent out twenty-seven letters. All the mailings, publications and postings are in order.

Chairperson Cardone: Okay, we are going to hear both of these at the same time because they involve a lot line change between the two properties. So if you could…good evening, identify yourself for the record.

Mr. Paulie: Yes, Steve Paulie from Brooks & Brooks Land Surveyors representing William and Debora Carpenter…(Inaudible)…besides that Mr. & Mrs. Carpenter.

Ms. Gennarelli: And also the Lopez’s?

Mr. Paulie: Correct.

Chairperson Cardone: And this was referred to the Orange County Department of Planning and in both cases Lopez and Carpenter it is Local Determination. It was also referred to the Town of Plattekill since it borders the Plattekill line.

The Town of Plattekill is in receipt of your submittal of a sketch plan map and documentation in regard to William and Debora Carpenter’s request for several variances for property located at 27 Decker. The Town of Plattekill Zoning Board of Appeals has no objections or comments in regard to this application. Very truly yours, Susan Bolde, Zoning Board of Appeals

Okay. And if you would please state the reason for the lot line change and what it would involve and the variances that are requested.

Ms. Gennarelli: Steve, could you just get a little closer to that microphone?

Mr. Paulie: I will.

Ms. Gennarelli: Thanks.

Mr. Paulie: We’re here tonight looking for several variances. An area variance of (0.94) zero point nine four, a lot with variance of a…(11.3) eleven point three feet, a side line setback of (11.4) eleven point four feet for one side, (1.3) one point three feet combined and a (2%) two percent surface coverage variance.

Mr. Donovan: Okay so here is the sixty-four thousand dollar question, is it the driveway or the tree line?

Mr. Paulie: Is what, the driveway?

Mr. Donovan: The point…the point of the lot line change.

Mr. Paulie: It’s to include the trees that Mr. Carpenter planted, okay? To be included on his property and to a…to gain a little bit access of the driveway that he’s using now, you see part of it’s going to be removed.

Chairperson Cardone: So the trees were planted on the Lopez property and now the line is going to be changed so that the trees are on the Carpenter property, correct?

Mr. Paulie: That’s correct.

Mr. Maher: So everything is basically pre-existing? Just a question of the…the lot line change is caused to arise, correct?

Mr. Paulie: That’s correct.

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

Ms. Gennarelli: On this it said accessory structure in a front yard.

Mr. Donovan: The a… it said the 20 x 12 foot shed?

Chairperson Cardone: They were here before this Board before…

Mr. Paulie: Yes, I believe that they were.

Chairperson Cardone: Carpenter.

Mr. Paulie: …he was before the Board…

Chairperson Cardone: Right.

Mr. Paulie: …and he was granted a variance for that shed.

Chairperson Cardone: Right, right exactly.

Mr. Paulie: Yes.

Mr. Donovan: So…I am just…fascinated by this. So how did he find out he planted the trees on the wrong property?

Mr. Paulie: I believe he had a survey done and at that time he became aware of the trees.

Mr. Donovan: That’s a lot of trees to plant on the wrong property.

Mr. Paulie: Yeah, I believe he was trying to create a buffer and a…he did go over the line and a…it’s a…there’s a…there is a mutual agreement between the property owner’s a…for this lot line revision a…but today we’re here for the variances to go ahead with the lot line revision.

Chairperson Cardone: Well they are certainly good neighbors.

Mr. Paulie: Yes, I agree.

Chairperson Cardone: Anything else from the Board?

No response.

Mr. Canfield: David, the accessory in the front yard is part of this application.

Mr. Donovan: But the Chair seemed to believe we…that this Board had previously granted a variance for that.

Mr. Canfield: But doesn’t it loose its previous protection by virtue of the lot line change and/or subdivision?

Mr. Donovan: A…

Chairperson Cardone: I think so, yes.

Mr. Donovan: That’s a point well taken.

Mr. Paulie: A variance was granted for having a shed in the front yard, is that what you are referring to?

Chairperson Cardone: Yes.

Mr. Paulie: It was granted already and a…

Mr. Donovan: I think the…sorry…

Mr. Paulie: Yeah, and so you are telling me that that variance is a…no longer in effect?

Mr. Canfield: That’s correct. That’s the way I believe it…it should be but I also believe that according to the agenda that the front yard accessory structure is part of this application. Because it’s just a point of reference and technicality that it should be included should the Board choose to grant this variance, the accessory structure in a front yard should be included.

Chairperson Cardone: Right, it is on the application.

Ms. Gennarelli: Just when he mentioned all the variances he didn’t give that one.

Chairperson Cardone: Oh. Okay. You understand the only reason it’s being brought up is because it is included on the application and when you mentioned the variances you hadn’t mentioned that one.

Mr. Paulie: Well I’ll include that then with the request.

Mr. Canfield: Good answer.

Mr. Paulie: Thank you.

Ms. Gennarelli: And all the Lopez…

Chairperson Cardone: What?

Ms. Gennarelli: …because she had slightly different ones.

Mr. Donovan: Just for the record, both Public Hearings were opened. So we have the applications are for both Carpenter and Lopez are properly before the Board now.

Ms. Gennarelli: Right, just did he mention the variances for…

Mr. Donovan: But even if he, my point is, even if he didn’t…

Ms. Gennarelli: Yeah.

Mr. Donovan: …it’s okay…

Ms. Gennarelli: Okay.

Mr. Donovan: …it’s part of the application.

Ms. Gennarelli: Okay, just making sure.

Mr. Paulie: If need be I can recite the request for Lopez.

Mr. Donovan: It’s controlled by the applications in front of the Board so, God forbid if you misstate something, we’ll just go by what’s the application what its been noticed for.

Mr. Paulie: Okay, very good.

Mr. Donovan: Okay, we’re all square.

Ms. Gennarelli: Okay, that’s good.

Chairperson Cardone: Anything else?

No response.

Chairperson Cardone: Do I have a motion to close the Public Hearing for the Carpenter application and the Lopez application?

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

Mr. Masten: I’ll second it.

Ms. Gennarelli: Roll call.

 Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Thank you.

Mr. Paulie: Thank you.

 (Time Noted - 8:17 PM)

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ZBA MEETING – MARCH 27, 2014 (Resumption for decision: 9:53 PM)

VALERIE LOPEZ 1 ULSTER TERRACE, WALLKILL

 (2-2-31) R/R ZONE

Applicant is seeking area variances for the lot area, lot width, lot depth and (2) two front yard setbacks for a lot line change (Carpenter/Lopez subdivision) to relocate the boundary line between two parcels.

Chairperson Cardone: On the application Valerie Lopez, seeking area variances for the lot area, lot width, lot depth and (2) two front yard setbacks for a lot line change (Carpenter/Lopez subdivision) to relocate the boundary line between two parcels at 1 Ulster Terrace. This is a Type II Action under SEQRA. Do we have discussion on this application?

No Response.

Chairperson Cardone: Do we have a motion for approval?

Mr. Maher: I'll make a motion for approval.

Chairperson Cardone: Do I have a second.

Mr. Masten: I'll second it.

Ms. Gennarelli: Roll call.

 Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

 GRACE CARDONE

 MICHAEL MAHER

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT: JAMES MANLEY

JOHN MC KELVEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 JOSEPH MATTINA, CODE COMPLIANCE

 (Time Noted – 9:54 PM)

ZBA MEETING – MARCH 27, 2014 (Time Noted – 8:17 PM)

WILLIAM & JANICE LeMUNYAN 12 FLEETWOOD DRIVE, NBGH

 (88-2-15) R-1 ZONE

Applicant is seeking area variances for the maximum lot building coverage, the maximum lot surface coverage and increasing the degree of non-conformity of the front yard setback, one side yard setback and the combined side yards setback to keep the prior built L-shape front porch on the residence.

Chairperson Cardone: Our next applicant William and Janice LeMunyan.

Ms. Gennarelli: This applicant sent out sixty-one letters. All the mailings, publications and postings are in order.

Chairperson Cardone: And this was also referred to the Orange County Department of Planning the recommendation Local Determination and that was because the property is within Route 17K and the Town of Montgomery.

Mr. LeMunyan: My name is William LeMunyan at 12 Fleetwood Drive. I’m here to obtain a variance for a prior built L-shape porch that was included in an addition that we put on our house in 1996.

Chairperson Cardone: And how did you…how did this come to us? How did you find out that this was…?

Mr. LeMunyan: Well we’re in the process of selling our house and a title search was done and it was a…revealed to us that a…we had deck that didn’t have a C.O. or a porch and deck that didn’t have a C.O. A…in the beginning we had assumed that it was a pool deck that I had put up years ago and taken down but then it just kept coming up and coming up and we got a hold of the Town and found out that it was actually this porch and deck that we had a…with…built with the addition and we were really in the belief that a…everything was on the up and up. The Permit was applied for and the C.O. was…that the porch was included with the C.O. of the addition so…you know… And what you have before you is just proposals because it was stated to us that a…this porch and deck was installed after the addition was done and these proposals and contracts indicate that, you know, it was done at the time of the addition. So that’s why there was…there wasn’t any question in our mind as to whether or not we had a C.O. the, you know, for the whole thing. We just thought it was included, so…

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

Ms. Smith: If you look at the property record card it also shows it as also being a part of the addition, correct?

Mr. LeMunyan: I don’t have that in front of me.

Ms. Smith: Oh, I’m sorry.

Chairperson Cardone: I do.

Mr. LeMunyan: My secretary has it. She says it does show it.

Chairperson Cardone: Right, we’ll believe her.

Ms. Smith: Secretaries know.

Mr. LeMunyan: Well they do.

Chairperson Cardone: Any questions or comments from the public?

No Response.

Chairperson Cardone: Anything else from the Board? Do we have a motion to close the Public Hearing?

Mr. Masten: I’ll make a motion.

Ms. Smith: I’ll second.

Ms. Gennarelli: Roll call.

 Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Thank you.

 (Time Noted - 8:21 PM)

ZBA MEETING – MARCH 27, 2014 (Resumption for decision: 9:54 PM)

WILLIAM & JANICE LeMUNYAN 12 FLEETWOOD DRIVE, NBGH

 (88-2-15) R-1 ZONE

Applicant is seeking area variances for the maximum lot building coverage, the maximum lot surface coverage and increasing the degree of non-conformity of the front yard setback, one side yard setback and the combined side yards setback to keep the prior built L-shape front porch on the residence.

Chairperson Cardone: On the application of William and Janice LeMunyan, 12 Fleetwood Drive, seeking area variances for the maximum lot building coverage, the maximum lot surface coverage and increasing the degree of non-conformity of the front yard setback, one side yard setback and the combined side yards setback to keep the prior built L-shape front porch on the residence. This is a Type II Action under SEQRA. Do we have discussion on this application?

No response.

Chairperson Cardone: Do we have a motion for approval?

Mr. Masten: Yes.

Chairperson Cardone: Second?

Mr. Maher: I'll second.

Ms. Gennarelli: Roll call.

 Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

 GRACE CARDONE

 MICHAEL MAHER

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT: JAMES MANLEY

JOHN MC KELVEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 JOSEPH MATTINA, CODE COMPLIANCE

 (Time Noted – 9:55 PM)

ZBA MEETING – MARCH 27, 2014 (Time Noted – 8:21 PM)

ROBERT RANGHELLI 59 DECKER ROAD, WALLKILL

 (2-2-28.4) R/R ZONE

Applicant is seeking an area variance for the front yard setback to build an addition on the residence.

Chairperson Cardone: Our next applicant Robert Ranghelli.

Ms. Gennarelli: This applicant sent out twenty letters. All the mailings, publications and postings are in order.

Mr. Loughran: Good evening, my name is Derek Loughran; I’m actually here on behalf of Mr. Ranghelli. He couldn’t be here this evening. He’s looking to do an addition on the right side of his property. There’s clearly an issue with the a…setback and we’ve tried to visit the idea of putting the addition on different areas of the property but there’s clearly an issue with the front, definitely on the left and in the back we’ve got the septic system. So this is the most ideal location. We’re only looking at approximately a…got the information from you guys. We don’t feel the survey is accurate. We almost don’t feel like the survey is accurate by as much as six to eight feet from the road but we do believe there is going an issue with the setback of up to six to eight feet. He definitely has plenty of land so lot coverage is not going to be an issue so hopefully a…the neighbors I believe are in good standing.

Chairperson Cardone: I would ask Code Compliance to address that.

Mr. Mattina: Joe from Code Compliance, the survey I have here from Barger dated January 30, 1995 shows a (56.5) fifty-six point five foot setback to the corner of the dwelling and the setback needs to go from the front porch so let me scale…and it’s exactly (50) fifty from the corner of the front porch to the front street line. So the (56.52) fifty-six point fifty-two is from the foundation not the front porch corner.

Mr. Loughran: The porch is existing and the house and the porch would not meet Code today per your requirements, is that correct?

Inaudible

Mr. Loughran: Okay. So, he has an acre of property but he’s got nothing he can do with it in that sense, okay?

Inaudible.

Mr. Loughran: I know my question is do the neighbors have any complaints?

Chairperson Cardone: After the Board has their questions then I will ask if anyone in the public would like to comment.

Mr. Loughran: Okay.

Chairperson Cardone: Questions from the Board?

No response.

Chairperson Cardone: And this addition does not include any plumbing? It is my understanding.

Mr. Loughran: No.

Mr. Maher: Is the addition flush to the front of the house, or…?

Mr. Loughran: It goes along the same projection of the front of the house.

Mr. Maher: So it will continue in that same plane?

Mr. Loughran: So basically if you want to be for the most part technical it’ll probably have the same exact setback as the porch which was approved in 1995.

Mr. Mattina: Joe from Code Compliance, if you impose the addition which is the right side of the dwelling, the final setback is going to be forty-four feet. And now the porch is at fifty, the house is at fifty-six but if you went…impose the addition per the plans to the front property line you’d…there’d be forty-four feet remaining.

Mr. Loughran: Okay. My question is also to, like I said, we didn’t feel that this was accurate which does happen and a…what is the exact variance based off the center of the street or the edge of the road?

Mr. Mattina: The street line which is the line that separates the property from the street.

Mr. Loughran: Okay, because when we staked it out we had about fifty-four feet from what we propose to be the edge of the building. We’d be more than happy to go back out there with you guys and take a look.

Mr. Mattina: Oh, I go by the signed and sealed.

Mr. Loughran: I understand but (Inaudible)

Mr. Mattina: Right. You are welcome to get another surveyor and sign and seal the new setbacks.

Mr. Loughran: We put it in front of the Board so I’m pretty comfortable with the fact that everyone is going to be okay with it. Yes?

Mr. Canfield: Well that’s up for the Board to decide that, if everybody is okay with it, that’s why we’re here.

Chairperson Cardone: Right. Okay, do we have any questions or comments from the public?

No response.

Chairperson Cardone: And this was also referred to the Orange County Department of Planning because the parcel is within five hundred feet of the Town of Plattekill and the County recommendation is Local Determination. And I have letter from the Town of Plattekill, Zoning Board of Appeals:

The Town of Plattekill is in receipt of your submittal of a sketch match…a sketch map and supporting documentation regarding the front yard setback variance of Robert Ranghelli, the property location 59 Decker Road. The Town of Plattekill has no objections or comments regarding Mr. Ranghelli’s request for a front yard setback variance. Very truly yours, Susan Bolde, Zoning Board of Appeals

Anything else from the Board? Do we have a motion to close the Public Hearing?

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

Mr. Masten: I’ll second it.

Ms. Gennarelli: Roll call.

 Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Thank you.

 (Time Noted - 8:28 PM)

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ZBA MEETING – MARCH 27, 2014 (Resumption for decision: 9:55 PM)

ROBERT RANGHELLI 59 DECKER ROAD, WALLKILL

 (2-2-28.4) R/R ZONE

Applicant is seeking an area variance for the front yard setback to build an addition on the residence.

Chairperson Cardone: On the next application Robert Ranghelli of 59 Decker Road, seeking an area variance for the front yard setback to build an addition on the residence. This is a Type II Action under SEQRA. Do we have discussion on this application?

No response.

Chairperson Cardone: Do we have a motion for approval?

Ms. Smith: I'll motion to approve.

Mr. Masten: I'll second it.

Ms. Gennarelli: Roll call.

 Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

 GRACE CARDONE

 MICHAEL MAHER

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT: JAMES MANLEY

JOHN MC KELVEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 JOSEPH MATTINA, CODE COMPLIANCE

 (Time Noted – 9:56 PM)

ZBA MEETING – MARCH 27, 2014 (Time Noted – 8:28 PM)

LOUIS GALLO 197 SOUTH PLANK ROAD, NBGH

 (DAIRY QUEEN) (60-3-6.1) B ZONE

Applicant is seeking a Use variance to erect a double red light strip along the perimeter of the façade of the Dairy Queen Restaurant.

Chairperson Cardone: I would like to remind all of the applicants that a…what the attorney had said earlier that if you wish to have the Decision Reserved until next month even though the Public Hearing is closed we can still reserve the decision until next month but please let me know before we start making decisions. Okay, our next applicant Louis Gallo.

Ms. Gennarelli: And this applicant sent out twenty-four letters. All the mailings, publications and postings are in order.

Mr. Gallo: Thank you. I am Louis Gallo, I own the Dairy Queen at the corner of 52 and 300 and I’ve owned it for forty years. And I believe I am a good businessman and I don’t think anybody has got anything against the Dairy Queen. And what I’m proposing to do is bring my store up to the current Dairy Queen standard which is right there on that. It involves taking my current soffit off the building and going up straight and putting a…I have a picture here what it’s going to look like on other stores. Can I give this to everybody? I have another picture.

Chairperson Cardone: Yes, please.

Mr. Gallo approached the Board

Mr. Gallo: That’s not my store but a rendition of another store. Okay, what I’m seeking…what I’m seeking is a variance to put a band around the a…it’s part of the a…the logo. It’s part of my required by Dairy Queen. And it says red band, the band is really blue and orange. One is blue and one is orange. It’s not two red bands. And I’ve gone around the Town of Newburgh and I found other businesses that have these bands and I have pictures of one business in particular that has a lot of bands around it. If you want I’ll give that to the Board too.

Mr. Gallo approached the Board.

Mr. Gallo: So what I’m proposing to do is just a…modernize my building and bring it up to the current Dairy Queen standard. I’m a franchisee and I’m obliged to bring it up to the current standard and there’s nothing else in the zoning…there’s nothing else against the zoning except that band. That’s the only thing I need a variance for. I already have a Building Permit to put the soffit up or to take the soffit off.

Chairperson Cardone: And this is a lighted strip?

Mr. Gallo: A lighted strip, it is not neon, it is a…LED, diffused LED, it is not a neon strip. Yes it is a lighted strip, two strips. I’m in a business zone and there’s, you know, no neighbors around and I don’t think it bothers anybody and I…I believe I always been a letter of the law the while…all the while I’ve been there so…and it’s been a long time. Locally owned and operated, just a Mom and Pop, myself and my wife own it so…

Ms. Smith: So when a…excuse me, the soffit is coming off?

Mr. Gallo: The soffit, instead of a soffit sticking out, it’s going to be straight up. We’re going to take the soffit off and go straight up so it looks more modern. Here let me show what we…

Ms. Smith: What I’m looking at here?

Mr. Gallo: Yeah, let me show you what it looks like now.

Ms. Smith: Okay, well I know what it looks like. I have it.

Mr. Gallo: See that, that’s the soffit.

Ms. Smith: Okay.

Mr. Gallo: That’s what’s there now.

Ms. Smith: Right.

Mr. Gallo: We’re just going to take that…it’s not going to protrude anymore. It’s just going to go straight up. So we’re going to be further from the road technically with the…it’s not going to be a soffit anymore. It’s going to be a more modern look. Personally I think it will dress the corner up but that’s beside the point.

Chairperson Cardone: And this would outline the entire perimeter of the building?

Mr. Gallo: Three sides, front, two sides not the entire…not the back. The back would remain…the back would remain the same.

Chairperson Cardone: Because it’s…clear in the a…Zoning Regulations that it is not permitted to outline the perimeter of the building by direct illumination of all or part of a building. Is that correct?

Code Compliance Inaudible

Ms. Gennarelli: You’re going to have to get the other…you gave it to Lou. Alright. Can you give them that? And you can take the other one Lou.

Mr. Mattina: Yes, that is correct.

Ms. Gennarelli: We need more mics. And they want the ones that pin on too.

Audience Member Inaudible

Mr. Donovan: So here’s the question that comes to my mind. This is before us as a use variance.

Chairperson Cardone: Correct.

Ms. Smith: Right.

Mr. Donovan: Is this a use variance? Well I mean…you’re allowed to have lighting, right? So…I…so…hey listen it’s a bit of a loaded question, it’s just not…it’s just not…it’s clear cut to me.

Mr. Canfield: We get the sense you’re setting us up.

Mr. Donovan: I’m not…I’m not…

Mr. Canfield: Typical attorney.

Mr. Donovan: I’m not…I will confess I did spend some time doing some research this afternoon because I, you know, if there was any court cases that addressed the issue of lighting as it relates to a use or area variance. Because it’s pretty simple if you can’t…you are in a residential zone and you want to build a Dairy Queen you need a use variance. This…this is not that clear cut to me because I guess in this zone you would be allowed to have lighting on your building? Yes, right?

Mr. Canfield: Yeah a…I…I don’t think it’s a use variance Dave, simply because lighting is permitted.

Mr. Donovan: Yeah.

Mr. Canfield: Okay, so it’s not the use of the light, whether you can or cannot have lighting, that’s not the question. I think the question here is the type of lighting.

Mr. Donovan: Well…well I think…I…I’m just looking at what’s our analysis. Do we…do we analyze it by the use variance criteria or the area variance criteria? The application in front of the Board is for a use variance. My instincts are that it’s an area variance not a use variance.

Mr. Canfield: I agree.

Ms. Gennarelli: Joe sent it for a use variance so that’s what the Notices say.

Mr. Canfield: No, no I agree it…it’s an area. I don’t believe it’s a use.

Mr. Donovan: And I think when…when we dealt with the a…all lighting must be diffused or indirect I think we’ve addressed those under the area variance criteria in the past? I think.

Ms. Gennarelli: I don’t remember.

Chairperson Cardone: What about flashing signs?

Mr. Donovan: I don’t…for the flashing sign…did we do that as an area or a use variance?

Mr. Mattina: That was a use.

Ms. Gennarelli: I think that was a use.

Mr. Mattina: That was a use.

Chairperson Cardone: That was a use.

Mr. Canfield: Last month’s sign?

Chairperson Cardone: I believe that was a use variance… I could be wrong.

Mr. Donovan: You know what it doesn’t fit neatly into either category.

Chairperson Cardone: No.

Mr. Donovan: It does not.

Chairperson Cardone: I had the same reaction when I looked at it. Is this use or is this area?

Mr. Canfield: I think Joe was based it on his past referrals as use that’s why he went with a use. A…we have not discussed it, I kind of took him by a…surprise when I disagreed with him a…but that’s just my opinion.

Mr. Donovan: Actually it was more surprising you agreed with me.

Mr. Gallo: All you have to do is agree with me.

Mr. Canfield: I…I…I can say too and…and if certain individuals in the room that may take this under consideration a…that there is a need for our signage a…ordinance to be reviewed and perhaps brought up to current standards and what the industry offers today a…as the Board sees on…on more and more occasions you know the need for different types of signage. It needs to be addressed a…however, it’s still left in this Board’s hands at this time simply because we can’t make a determination on it and that’s why we referred it to your Board as uncomfortable as it may be. We don’t like to put you in that position but a…like Dave said, it…its…it’s not addressed in the Code.

Chairperson Cardone: Yes Mr. Gallo.

Mr. Gallo: May I speak?

Chairperson Cardone: Yes, please.

Mr. Gallo: I definitely believe this is not a sign, its lighting. There’s no doubt it’s not a sign. It’s just lighting. I have…I have legal signs so…I mean, don’t say this is a sign because it’s just a…am I correct, assuming it’s lighting?

Mr. Canfield: In your determination you may be correct.

Mr. Gallo: Okay.

Mr. Canfield: I’m not going to try to speak like Dave now but… I can only speak to our…our determinations in the past, if you have corporate a…colors, a…contrasting colors, colors that are relative to a specific product, they have been viewed in the past as signage. So, yes this is signage in our…in our opinion.

Mr. Gallo: (Inaudible) If it is signage the square footage is infinitesimal if you want to get into square footage. I’m just…I’m just trying to defend myself because it’s just a band and there are other businesses that have this band. That’s only one, there’s two or three others that have that band, mostly diners so I don’t know how they got to put it up. But I’m asking to put it up. I don’t do things…I do things the right way. You guys know that.

Mr. Canfield: And I…I don’t know what pictures you’re submitted but…

Mr. Gallo: The Lexis Diner.

Chairperson Cardone: Here’s one, right here.

Mr. Gallo: Let me show it to you.

Mr. Canfield: The Lexis has been there for quite a while a…I don’t know the exact dates when they did that a…

Mr. Gallo: Less than ten years ago. And I’ve been there forty years, my last remodel was fifteen years ago so…

Mr. Canfield: Right. Obviously you did your research. That’s to be commendable.

Mr. Gallo: Well no, I’m a businessman you know, I’ve been…I don’t think anybody has anything against the Dairy Queen, I mean, we probably could pole the audience so...

Mr. Canfield: I was wondering why you didn’t bring it tonight.

Mr. Gallo: Well no, no…see, no, no that would…that, would be a bribe. That would be a bribe. I can give some member in the audience something but I can’t give anything to you people up there. I’m not going to get locked up. Alright, no…

Mr. Donovan: Well I...I think that we probably need to look at what we did with the a…flashing signs if we categorized that as a use or an area variance because that’s in the same subdivision.

Mr. Gallo: (Inaudible) …I don’t want to get into that.

Mr. Donovan: No, we understand that you’re not. There was a recent application before this Board that dealt with a different subdivision but within the…the 185-14-C.

Chairperson Cardone: Did we do that as an area?

Mr. Donovan: I don’t know if we characterized that as an area or a use though. I don’t remember.

Chairperson Cardone: Because the…the issue was a… right, that it was a…it was not stationary.

Ms. Smith: Right, it moved, changed constantly. Correct?

Chairperson Cardone: That was the issue.

Ms. Smith: Because of the change.

Mr. Donovan: Right, my…my…my concern is that’s 185-14-C-1. Now we construing 185-14-C-4, so relief from something in the same subdivision I think should be constant, either an area or a use variance.

Ms. Gennarelli: If Code doesn’t remember we’ll have to look.

Mr. Donovan: I don’t remember.

Ms. Gennarelli: Does Code Compliance remember?

Chairperson Cardone: Well it would be…

Ms. Gennarelli: We’d have to go back and check the records then.

Chairperson Cardone: Right. And a…Joe you don’t remember if it was a use or area?

Mr. Mattina: I don’t remember.

Mr. Canfield: We can check during the break. We can go over and check.

Chairperson Cardone: Okay.

Mr. Canfield: Or we can go now.

Ms. Gennarelli: Or check the agenda. Joe, you can check the agenda.

Mr. Mattina: What?

Ms. Gennarelli: The agenda.

Mr. Maher: Jerry, I know we had a lot of discussion over the past two years of signage and the way in which it’s interpreted as far as the quantity thereof for each of the properties. So, I know when we discussed Applebee’s, in particular, we had the discussion about the variance that was needed as far as the size of the…

(Inaudible)

Mr. Donovan: I’m sorry, Mike.

Mr. Maher: …so the discussion we had there was that when the application came before us at first it was for a vast amount of…a large variance because we…the calculation was done to include every awning on the building as signage because it had different colored strips on it. And the discussion we had was that a…Stop and Shop wanted to put a gas station up by Newburgh Mall there and they had their logo in the middle of the a…canopy on two sides of it or four sides of it. And the discussion was well if they added a purple stripe around the perimeter are we now having to give them a variance for having four hundred feet of signage for that small area? And then it was discussed, it was Joe’s Gas Station with that black stripe also and it was…it’s difficult to determine because of the fact you’d say corporate colors are there but you know, does the red, blue and whatever color…well without my glasses I don’t see really. The red, blue and yellow is that, you know, the corporate colors of the Lexus? Is that classified as signage on their building…around the perimeter? I’m having a hard time with the…the stripe or the color around the perimeter being determined as signage…

Mr. Canfield: That’s part of our conversation but I don’t think that’s what’s before you tonight. Okay? What’s before you tonight is the section that’s within 185 Section 14 of signage and it is C-4, the outlining and the…or of the perimeter of a building by direct illumination or part thereof of a building a…is not permitted. That’s what it is. So it’s not a question…I know that’s part of our discussion whether we’re talking, is this signage or is it not signage, but what’s before you is this illuminated band, that section of the Zoning Ordinance says it’s not permitted. So that’s what’s before you.

Chairperson Cardone: But it is the fact that it is lit that is the problem.

Mr. Canfield: That’s correct. The words in the Code are direct illumination.

Chairperson Cardone: That’s right. Mr. Gallo you showed us the a…I see the Diner picture, did you…did the other picture show other places or is that the only one you took pictures of?

Mr. Gallo: There’s a…is the Marlboro Diner on 9W in the Town of Newburgh too, isn’t it, also? That has a strip too; I could have taken a picture of that sign also.

Chairperson Cardone: Right.

Mr. Gallo: And if I go out there I could probably find three or four more…

Chairperson Cardone: Not in Marlboro, you mean the one in Middlehope going toward Marlboro?

Mr. Masten: It’s now the Marlboro Diner.

Mr. Gallo: Yeah, it’s called the Marlboro Diner. I think that’s the Town of Newburgh. Am I correct?

Chairperson Cardone: Oh, is it?

Ms. Gennarelli: They just changed.

Chairperson Cardone: Oh, they did.

Mr. Gallo: Yup, yup, that’s the Town of Newburgh. There’s two bands there, they do light up.

Mr. Masten: And also the a…

Mr. Gallo: I mean they’re all over the Town. I’m just asking for legally. I just didn’t, you know…

Chairperson Cardone: Right.

Mr. Gallo: …other people just put them up. I’m…I’m sitting there right on the corner. You drive by there every day.

Chairperson Cardone: Right.

Mr. Gallo: I don’t want to get in any trouble. I mean, you can look at my building from Town Hall so...it’s kind of obvious where I’m sitting so…and I think I keep the property up very well, I believe, that’s not an eyesore at all. See I’m not trying to say that I should have it because somebody else does. I’m just saying that, you know, it’s out there.

Chairperson Cardone: The thing is as use variance it’s a very a…you have to meet all of the criteria and that would be very difficult to do.

Mr. Gallo: So I…so I should go for the other variance the one you’re mentioning then? Take the use out of there and give me the other one? Right? Am I correct? So maybe that’s what it should be?

Mr. Canfield: I can’t coach you but…

Mr. Gallo: Okay, going for…what’s the other variance called? Could you tell me what it’s called?

Mr. Canfield: Area.

Mr. Gallo: Okay, I’m going for an area variance then, put that on the record please. Thank you.

Mr. Canfield: But I think Lou, it’s still up to this Board to make that determination. That’s part of what they’re wrestling with.

Mr. Gallo: Let me know.

Chairperson Cardone: Right.

Mr. Gallo: I’m not trying to… (Inaudible) Also my signage meets the current code, it’s below the code because of you know…the square footage is below so…

Mr. Mattina: Neither, it was an interpretation.

Ms. Smith: Oh, that’s why we couldn’t remember.

Chairperson Cardone: Actually I…

Mr. Canfield: Did you hear that?

Chairperson Cardone: …I knew that. I said that to Dave when he left.

Mr. Donovan: That’s what we were talking about when unfortunately we were…

Chairperson Cardone: That’s what we were talking about.

Mr. Donovan: …talking over Mike before.

Mr. Mattina: It was neither. It was an interpretation.

Chairperson Cardone: It was an interpretation, yeah. And the results were it’s not allowed.

Mr. Donovan: And that it’s not allowed.

Mr. Mattina: The interpretation was the movement of that specific sign was…

Chairperson Cardone: Right, right.

Mr. Mattina: …not permitted.

Mr. Donovan: Now they could have asked for relief in the alternative then we would have addressed the issue at that time.

Mr. Mattina: Correct.

Mr. Donovan: But basically if they wanted to come back for a variance I think that what we decide tonight, should we decide tonight should we decide the issue whether it’s a use variance or area variance will be binding on that application as if and when it does come back.

Mr. Canfield: A question Mike (Dave), would it be appropriate since there so many concerns and unanswered questions that this get viewed as a determination, prior to you making a decision?

Mr. Donovan: Well I…I think that if…if this Board determines that relief under 185-14-C is in the nature of an area variance that would be determinative or binding upon future applications looking for relief under 185-14-C.

Chairperson Cardone: And that would include all six items, there are only six?

Mr. Donovan: Correct, yeah.

Mr. Canfield: You’re going specific to one though not all six.

Mr. Donovan: We…we’re going specific, we can only rule on the application that’s before us. But let’s…let’s say for example this Board decides this evening that the relief from 185-14-C-4 requires an application for an area variance a…if someone were to come back you know, a couple of months from now looking for relief from 185-14-C-3 and the question is what is standard? In my view, would be an area variance stand because that’s the determination that we’ve made. If there’s new facts that come forward that indicate that perhaps that’s mistaken and we should…we should obviously take notice of any new facts or new information before the Board but absent new facts and new information then future requests under this subdivision would be for area variances.

Mr. Canfield: Wouldn’t this separate application be judged on its merits specific to that application?

Mr. Donovan: It would be…it would be specific to 185-14-C-4 because the law is clear that…

Mr. Canfield: But that’s my point and that’s what I’m trying to get to…that….

Mr. Donovan: But…I…I guess what I want to make sure the Board is aware is that it wouldn’t be 185-14-C-5 oh that’s a use variance. I mean we would have to have some reason to make a distinction but to…it being a not…not an area variance request for some other relief under items one thru six or items one through six absent four.

Mr. Canfield: In that sense, one through six is a broad area…

Chairperson Cardone: Yes, it is.

Mr. Canfield: ...it does not specifically deal with just illumination. There is a…it speaks of height of signs, affixing to structures so in that sense then I will agree with Counsel. It is such a broad area that I would…

Mr. Donovan: Twice tonight.

Mr. Canfield: …caution you then it’d open Pandora’s Box in that respect.

Chairperson Cardone: Right. Of course, you wouldn’t know because you didn’t write the law but the reason for that particular item, number four, as opposed to number one or number two. I mean, number one, two, three, you can clearly see that that’s…

Mr. Canfield: Yeah, one through a…one through four deal specifically with illumination. Back in the day that this was a…authored…my thoughts can only be that perhaps the…the founders of this…this section of the code were concerned with a…you know, the lighting of the signs and what the overall appearance of the Town would be with the flashing lights, with the banded a…although neon isn’t used but I think that it was referring to, back in the day, that was the lighting of the time. A…but the…the fathers of the Town at that time, I think, were concerned with the general appearance of illumination and as you may know a…the Board (Town Board), I believe, is beginning to look at the signage. And I have read newspaper articles where some people have referred to signage and their concerns was the Las Vegas look a…and I think that’s perhaps what this originally was directed at, to eliminate that and not allow our…our Town to be…to give that appearance. A…but I can say in today’s industry, the lighting industry has changed immensely a…LEDs, a…different types of lights, different sequences. I mean it’s…the technology has rapidly changed and as we’ve experienced our signage ordinance is not current with you know, what’s available today nor is it…I don’t want to shoot myself in the foot because I do like Dairy Queen but I’m not waiving his banner but our signage ordinance today is not conducive to today’s businessman and today’s corporate a…you know, requirements.

Chairperson Cardone: I have a concern a…with treating it as an area variance because as I’m looking at everything under that section you say that opens a whole Pandora’s Box because if you...my feeling is that if you treat one as an area then you have to treat the others.

Mr. Gallo: Can I say something? Doesn’t…in my…doesn’t area mean square footage, am I correct? Area? Yes? Area square footage?

Mr. Donovan: Not necessarily.

Mr. Gallo: Not necessarily? Okay. Oh, boy.

Mr. Donovan: That wasn’t the answer you wanted but…

Mr. Gallo: That wasn’t…that was not the answer I wanted. You know…

Mr. Donovan: Listen, there are simple cases and we have…we have some of those…they have some of those tonight. You know, a guy needs to be a hundred feet from the…from the property line and he’s only fifty…

Mr. Gallo: No, no, I know.

Mr. Donovan: …he needs a…he needs an area variance.

Mr. Gallo: But I don’t want to be lumped into those others…I know what you’re talking about. You’re talking about those signs that change text and everything and…

Chairperson Cardone: Right.

Mr. Gallo: …that has nothing to do with this. I mean this is…

Mr. Donovan: Except that it’s in 185-14-C.

Mr. Gallo: Okay.

Mr. Donovan: It’s in that subdivision. That’s the issue and certainly if…if an application came before this Board at some time in the future somebody is going to do their homework, presumably, and they’re going to look and they are going to see this decision, they’re going to say, hey, you decided 185-14-C-4 was an area variance, don’t tell me 185-14-C-2 is a use variance. It’s the same thing. If you say lighting is allowed...it’s allowed for him from the Dairy Queen because you like Dairy Queen so it’s an area variance but you don’t like my use so it’s a use variance. And I…you know, we…we expose ourselves to that argument.

Chairperson Cardone: Right.

Mr. Canfield: It…it’s just a thought that comes to mind which may aide the Board in the decision, it may be advantageous because we’ve had so many sign variances a…as…as it pertains to also illumination, you might want to go back and just examine how you did view those applications and give you a…maybe a consistent you know, sense of direction for this.

Mr. Donovan: You know what I think we may have…they may have all been interpretation because I…I keep a pretty a…you know, I’ve only been here six or seven years now but we’ve done over three hundred and fifty variances and I try to organize them by category and I looked for all the sign variances were size. They wanted extra square footage. I didn’t have them under a area or use variance relative to anything under 185-14 and that may be because they all been interpretations. Didn’t occur to me but that…that may very well be where our decisions have been.

Mr. Canfield: That’s a valuable piece of information you just gave me.

Mr. Gallo: Can I say something?

Chairperson Cardone: Sure.

Mr. Gallo: If you consider this a sign and I measure the square footage of these little LEDs, I would be under the square footage allowed for my corner by the way. Because the LEDs are only an…an inch by…I’m just…I’m just pointing it out to help you guys out. If you want to go size I…I don’t need a variance because I have the square footage.

Mr. Donovan: Well, you still outline the perimeter of the building.

Mr. Gallo: Well that…that’s another…that’s another story but I just mean I don’t know where you’re going with that. It’s getting technical. All I’m trying to do is put two bands on the…I’m not going to go there. Okay. Whatever you guys decide, wherever it’s got to go. But I don’t…I don’t want me to be a precedent for all these other people. I don’t want to get involved with that. I don’t want to get held up because people are asking for changing signs and everything else and I just happen to be the guy that came along and he’s going to get held up because…

Mr. Donovan: I can appreciate that’s not your concern. Unfortunately, it’s…it’s the Board’s concern and…and my concern to advise them of that.

Mr. Gallo: Okay.

Chairperson Cardone: Any…I didn’t ask if there were any comments from the public. No?

No response.

Mr. Gallo: I guess I still don’t know where I stand then. I mean, I’m not…we’re talking about a vote, I’m talking about we haven’t decided what I’m asking for, have we? I don’t know. I’m in the middle now.

Chairperson Cardone: Well according to what we have here you’re asking for a use variance.

Mr. Gallo: And am I to assume a use variance is hardship?

Mr. Donovan: The a…criteria for a use variance is obviously, as you heard tonight, different than the criteria for an area variance. It’s much more difficult…much more difficult a burden. A…because you have…you have to demonstrate some unreasonable hardship, you have demonstrate that you can’t realize any economic return on your business unless you had these LED lights. And if you can’t…and you have to put what the law calls competent financial evidence in front of the Board a…and if you don’t do that the Board really can’t give you a use variance.

Mr. Gallo: Okay. I understood a use variance just needed one of those things. I didn’t think you needed…I thought you just had to…

Mr. Donovan: Yeah, you need all of them…

Chairperson Cardone: You need all of them, all four.

Mr. Donovan: …and unfortunately, sometimes its…it’s viewed as like going to the supermarket and getting a quart of milk. You pay your fee, you get your variance but it doesn’t always work that way.

Mr. Gallo: You know I can’t show all those hardships, I mean…

Mr. Donovan: Right, right.

Mr. Gallo: …let’s face it, you know it’s… I guess it’s not a use variance I’m going to go for an area variance and that’s what I’m asking for. But I also feel I don’t need an area variance because the square foot…if you’re going to interpret it as square footage, is that what an area variance is? Square footage, am I correct? I don’t know.

Mr. Donovan: As I said before…

Mr. Gallo: It’s a grey area.

Mr. Donovan: …not necessarily.

Mr. Gallo: I’m not going to win either way. Alright, what should I do then? I don’t know.

Mr. Donovan: Well I…I give the Board legal advice.

Mr. Gallo: You know, ten years ago I would have just put it up and not worried about it but you know, in this day and age you try and do everything your supposed to do the right way so…just trying to get approval. I have a Building Permit for everything except that so…

Chairperson Cardone: Do we have any other comments from the Board? The Board…the Town Board is looking at signage issues.

Councilman Reggiero: We recently just started looking at the different sign categories and how we’re going try to change some of the a…you know, rules…

Chairperson Cardone: The wording?

Councilman Reggiero: …of the signage. It just started like last week actually we are discussing. We are far off actually though.

Chairperson Cardone: Right.

Ms. Gennarelli: And that was Councilman Reggiero, thank you.

Councilman Reggiero: Yes, Paul Reggiero.

Ms. Gennarelli: Thank you, for the record, thank you.

Chairperson Cardone: Well you can certainly ask for reserving the decision I…

Mr. Gallo: Well at this point I don’t even know what I’m applying for. I mean, you really got me mixed up. I’m just a businessman selling ice cream cones…

Chairperson Cardone: Right.

Mr. Gallo: …and you got me into, you know, three parts of the law and I’m serious, I don’t want to be facetious but you know, you know I’m a good guy. I’ve been there a long time and I don’t want to get stuck in the middle of the Town Board and the Planning Department and the Zoning Department just because I’m remodeling my building and I’m going to be the…the scapegoat. I don’t think that’s fair.

Chairperson Cardone: Right.

Mr. Gallo: I really don’t think so. Okay? We can postpone it but I have a Building Permit to put that up. That’s part of what I’m doing, you know and I, you know I…I don’t understand. I just don’t understand. I mean I’m at…

Chairperson Cardone: Unfortunately, the…unfortunately for you, the way that the…the rules are written and the way that the law is written a…it does not conform to what the Zoning Code says.

Mr. Gallo: Okay, then how can other businesses in the Town of Newburgh have these bands with no problem? I’d like to know how they have them.

Chairperson Cardone: I don’t know…I don’t know the answer to that and a….

Mr. Gallo: Well, am I…am I correct in saying that? I mean they have the bands and they’re neon and they are there.

Mr. Canfield: You’re correct in inquiring about it but are we prepared to give you an answer right this minute…?

Mr. Gallo: I didn’t think that.

Mr. Canfield: No.

Mr. Gallo: No, I know.

Mr. Canfield: That’s not this Board, that’s my department…

Mr. Gallo: Okay.

Mr. Canfield: …and you and I can have that conversation at another time.

Mr. Gallo: No, I don’t want to be adversarial. I’m not trying to be adversarial.

Mr. Canfield: Yeah, no, no and me neither, however, you’re asking a question and I don’t…I’m not prepared to give you an answer.

Mr. Gallo: Yeah.

Mr. Canfield: I don’t know when these signs were put up and these bands were put up but I can assure you, I will look and…and we will further discuss it. You know, to answer your inquiry as to where they come from and how they got there. I don’t know but we will definitely look at it. But I do have one question that perhaps may help. Are you under any corporate direction right now, at any corporate timeframe?

Mr. Gallo: Well they told me that I…I’d have to fill out all those things but as far as the corporation is concerned I have to modernize my building. I modernized the inside. I have to modernize the outside up to their standard and that is their standard with that band and with that blue apolic so I’m under obligation to do that. Okay? I mean, that’s not to say that you can’t give me a letter and say I can’t do it but as far as they’re concerned I’m under obligation to make my building conform to the new standard. I am under an obligation to do that and that’s part of…the band is part of the standard. So if I can get a letter that I have to do it by corporate but…

Mr. Canfield: My question is, Lou, is there any timeframe?

Mr. Gallo: Timeframe, well…yes and no. I mean I should have done it two years ago and I didn’t do it and I stalled them so is there any timeframe? I’m just playing with them right now. I mean, you know, yes and no. I mean I want to get it done. I’m planning on doing the soffit within the next month because I have the Building Permit but you know while I’m doing the soffit I have to run the lighting so…you know, time is of the essence.

Mr. Canfield: The Building Permit is good for eighteen months.

Mr. Gallo: Yeah, I know that…I know that. I want to…I want to fix the building up sooner than that. I have a commitment from a…from a contractor and the people from who put the band up. I mean, I’ll wait till next month until you sort all this out. I’m not going to…I’m not going to be stupid and ask for it tonight because it doesn’t look too good tonight so…but, you know, we can hold it off until the next meeting but I don’t want to be in the middle of the re-writing the sign ordinance. I don’t want to get into the middle of that. I don’t want to wait for all that. That’s just my personal opinion if that’s okay with you.

Mr. Canfield: No, and again this is the…the Board’s meeting. I’m just a consultant here to advise them.

Mr. Gallo: Yeah, okay, that’s what I mean, yeah. I mean I just want to get a favorable…you know, however you think you can get it through. If you want me to ask for a…an area variance, I’ll just change it to area variance and we’ll hold it off until next time. If that doesn’t get you all, you know, into a…heated discussion with everybody else that’s come before you. So when I…

Mr. Donovan: Well…

Mr. Gallo: There’s not much I can do about it.

Mr. Donovan: …I’m not looking to make this any more complicated than it already is…

Mr. Gallo: Right.

Mr. Donovan: …but we have…we have a hearing tonight noticed for a use variance application a…if we want to amend the application to include an area variance request in the alternative then I guess the issue… How many mailings were there?

Mr. Gallo: Oh, here we go.

Ms. Gennarelli: Twenty-four.

Mr. Donovan: I…I think well…

Mr. Gallo: I can put out twenty-four mailings. That’s not a problem. The mailings aren’t a problem.

Mr. Donovan: I…I think that you should…you should a…I don’t know what other fees would be associated with…

Ms. Gennarelli: Just the…the newspapers.

Mr. Donovan: Yeah, okay. Alright, if that’s acceptable to the Board, I think to…to be on the safe side, the situation I don’t…I don’t… See people like me always think what happens if there is litigation and so long as the Board has a rational basis to do something our decisions generally are going to be upheld. If there is a procedural misstep a…the whole applecart could be upset. So you’re…you’re better off and again it’s my job to advise the Board, not you, but I will tell you everyone is better off if you follow all the procedural requirements. And I would recommend that the application be amended with a request for an area variance. You’d have new mailings and new publication and then this could be, if it’s acceptable to the Board, be in front of the Board in April.

Mr. Gallo: Just…that would…that would involve just putting the mailings out again and changing the word and not everything else that I had to do, right? Put the mailings out, that’s no problem, I mean paying another fee and filling out another application. We could just change that application to area am I correct, the one I have?

Mr. Donovan: Well I think you want to ask for it in the alternative.

Mr. Gallo: Do I want to?

Mr. Donovan: Well that’s up to you.

Mr. Gallo: What, no I don’t understand. I thought I just had to change one word to area from use.

Mr. Donovan: No there are…there are other…the criteria for an area variance is different than a use variance so you would have to fill out that portion of the application that seeks an area variance.

Mr. Gallo: That’s not a problem to fill it out as long as I don’t have to pay another fee. It’s not the money but it’s the principal. I pay twenty-four thousand dollars in taxes. I’m going to tell you that right now. All right? So, you know…if I have to pay another fee, I have to. If I have to re-apply, I’ll re-apply for an area if that’s what you want me to do. I’ll re-apply for an area.

Mr. Donovan: Okay, let…

Mr. Gallo: That’s simple.

Mr. Donovan: I…I don’t mean to be argumentative.

Mr. Gallo: Okay.

Mr. Donovan: It’s not…it’s not what I want you to do.

Mr. Gallo: Okay, all right.

Mr. Donovan: It’s not what I want you to do. You…you decide what you think is best for you and the Board makes a determination.

Mr. Gallo: What’s best for me is to apply for an area, you’re telling me that so that…that’s what I’m going to do.

Mr. Donovan: I…I can’t give you advice though.

Mr. Gallo: Okay, you can give it to me but that’s what I’m going to do. I’ll apply for an area variance. I’ll go back and see Betty and we’ll see. You tell her what I have to do to do that.

Ms. Gennarelli: He can’t tell me. You have to decide that’s what he’s saying.

Mr. Gallo: Well, I want to apply for an area variance.

Ms. Gennarelli: It’s up to the Board. It’s up to the Board.

Mr. Gallo: I stated on the record, I’m going to change it to an area. I’m…I’m taking this application back.

Mr. Maher: Dave, have…have we in the past changed an application mid-stream?

Mr. Donovan: Yeah, you know what Mike, we…I don’t know that we’ve done it from a use to an area variance. I don’t recall that but what we have done in the past and…and I’m confident with let’s say, they needed fifty feet in the rear on their application and it turns out they needed seventy-five feet and we discovered that at the meeting. My…my feeling and my advice has always been has always been, hey listen, a neighbor nearby knew there was a side yard…a rear yard variance even if they needed five, five feet in the front they knew there was some variance with a dimensional requirement on the property. So, we have in the past amended applications at…at the Hearing. Just instinctively it feels a little different going from an area variance to a use variance because it’s totally different relief. A…if the Board is comfortable with amending the application tonight a…you know, you have…you have the authority to do that.

Mr. Maher: I mean, I’m comfortable with the applicant re-noticing the…those properties that he has to. I don’t necessarily know that I’m comfortable having him re-apply completely.

Mr. Donovan: Well I guess what I’m saying in terms of re-applying is this, answering or filling out the information on the application relative to an area variance so we have that in our file.

Mr. Maher: Right, I…the information is obviously is necessary…

Mr. Donovan: Right.

Mr. Maher: …but the fact that he has already applied obviously and paid a fee, I don’t think it’s prudent to…for us to have to impose a fee for…

Mr. Donovan: I…I, you know that administrative stuff...

Mr. Maher: …my opinion.

Mr. Donovan: …I don’t think I can that’s…

Ms. Gennarelli: I don’t decide that either Dave, I don’t really. I’ll do whatever…

Mr. Donovan: Well from my point of view, I think the mailings and the newspaper would need to be done…

Ms. Gennarelli: And Orange County.

Mr. Donovan: …I don’t…I don’t know in terms of…I mean if we want to deem that the…do you have the authority to deem the application amended to include an area variance application with re-noticing and not an application fee? That may be up to the Town Board, not the ZBA, I don’t know.

Chairperson Cardone: But that would mean that all Board Members would agree that this is an area variance and not a use variance.

Mr. Donovan: I’m sorry to do this but I…I was actually suggesting that he ask for relief in the alternative. That was my initial…initial suggestion so that you have a use variance and an area variance next month when you have hopefully…I don’t know if John will be back, but you have more than four members anyway.

Chairperson Cardone: Right.

Mr. Donovan: And that way he’s not in between. He does get an answer next month whether it’s a use variance or an area variance and there’s not an issue that you didn’t apply for it.

Mr. Gallo: So…so are you telling me to keep two…two open? Use and area, is that what I’m being told?

Mr. Donovan: I’m saying…I’m saying to you that…that you could do that…

Mr. Gallo: Okay, well that’s what I’m going to do, I’ll put both of them in and whatever one you want to…

Ms. Gennarelli: Is he asking for an Interpretation?

Chairperson Cardone: That…that would be what it is. It’s an Interpretation.

Ms. Gennarelli: It sounds like an Interpretation, Dave.

Mr. Masten: Yeah.

Mr. Donovan: But…but…but…then he’s asking…

Ms. Gennarelli: Or both?

Mr. Donovan: …but ultimately he is asking for relief. And that relief is either going to be a use variance or an area variance.

Mr. Gallo: (Inaudible)

Chairperson Cardone: We’re bound by the law. We’re really not trying to give you a hard time but…

Mr. Gallo: I know that, I know that.

Chairperson Cardone: …we bound by the law.

Mr. Gallo: I’m just trying to ask you what to do, I mean, you know. Whatever you want me to do I’m going to do, I mean.

Mr. Maher: Well that’s…that’s what we’re trying to determine, the best…

Mr. Gallo: Yeah, okay, whatever you want me to do and believe me the fee is not going to bother me. Okay? The money is not the problem, it’s the principal, it’s not the money. You know that.

Mr. Donovan: It would…it would be a lot easier to just say no.

Mr. Gallo: No, no I… no, I don’t…then I have to go before the Town Board probably. We don’t want to do that. Is that correct? Whatever you want me to do.

Chairperson Cardone: So the application would be for an Interpretation and a Use and Area variance depending upon the interpretation.

Mr. Donovan: Right, it would be an Interpretation as to whether or not a Use variance or an Area variance was required and for that relief based upon that determination.

Mr. Maher: Our interpretation in that sense.

Ms. Gennarelli: Well at this point there is no fee for an Interpretation. And you know the reason why because in the code book it says fee or no fee and we are waiting for the Town Board to get back to us on that.

Chairperson Cardone: Right, with an answer.

Ms. Gennarelli: So he wouldn’t have to worry about that.

Chairperson Cardone: Okay, so…as far as tonight’s Hearing, legally?

Mr. Donovan: I think you should continue it to the April meeting.

Chairperson Cardone: Okay.

Mr. Donovan: And then, this gentleman should amend his application to request an Interpretation and/or an area variance and use variance depending on that interpretation, re-notice and republish.

Ms. Gennarelli: And also Orange County.

Mr. Maher: A single application.

Mr. Donovan: Correct. I have no…I have no objection to that Mike unless anyone else does.

Chairperson Cardone: So we need a motion then to that effect.

Mr. Maher: I’ll make a motion what Dave said.

Mr. Masten: I’ll second it.

Mr. Maher: I think we can get some clarity as far as what is needed.

Mr. Gallo: Okay.

Ms. Gennarelli: Okay?

Chairperson Cardone: Okay, we have a motion and a second.

Ms. Gennarelli: Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: So, do you understand what your next step is?

Ms. Gennarelli: You’ll get another application…

Mr. Gallo: No, no there’s no way in the world can I understand. They don’t even know. I have to go see Betty.

Ms. Gennarelli: It will have to be tomorrow. All right?

Mr. Gallo: No, not tomorrow because I’m going to a wedding in Washington, D.C. I’ll see you on Monday morning.

Ms. Gennarelli: Okay, that’s fine.

Mr. Gallo: I got to go see Betty. Do whatever Betty wants me to do.

Chairperson Cardone: Right, right.

Mr. Gallo: And she is very good in that office. I’ll compliment her.

Chairperson Cardone: Yes, she is.

Ms. Gennarelli: Thank you.

Mr. Gallo: She is nice, helps you out, she is very good.

Ms. Gennarelli: Thank you.

Mr. Gallo: And sorry I came but you know, I didn’t want to do anything illegal.

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

PRESENT ARE:

 GRACE CARDONE

 MICHAEL MAHER

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT: JAMES MANLEY

JOHN MC KELVEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 JOSEPH MATTINA, CODE COMPLIANCE

 (Time Noted – 9:16 PM)

ZBA MEETING – MARCH 27, 2014 (Time Noted – 9:56 PM)

AUTUMN SKY DEVELOPMENT 254 ROUTE 17K, NBGH

 (86-1-86) I / B ZONE

Applicant is seeking area variances for the maximum amount of allowed signage; signs shall be setback minimum 15 feet from the street line and directional signs shall not be greater than three (3) square feet to erect a new free-standing sign, a directional sign and signage on the building.

Chairperson Cardone: Under Other Board Business, we have a letter concerning the Autumn Sky Development:

I am writing to you on behalf of Autumn Sky Development Corporation, the owner of West Wings Plaza (to be renamed Autumn Sky Plaza), to request a six-month extension of the signage variance approval granted to Autumn Sky Development Corporation. The variance approval is set to expire on Monday May 26, 2014. The winter weather has made it difficult for the owner to construct the signage, and the applicant therefore seeks this six-month extension in accordance with Town of Newburgh Code § 185-55. On behalf of Autumn Sky Development Corporation, we request that the Zoning Board of Appeals extend the variance approval for six (6) months, commencing on May 26, 2014 and expiring on November 26, 2014. We ask that this request be placed on the Board’s March 27th agenda for consideration. Thank you in advance for your courtesies. (Dominic Cordisco, Drake Loeb) And this applicant in a very timely way has requested the six month extension of their variance.

Do we have a motion to that effect to grant their request?

Ms. Smith: Sure, I'll make a motion to grant their request for a six month extension.

Mr. Masten: Second.

Ms. Gennarelli: Roll call.

 Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

 GRACE CARDONE

 MICHAEL MAHER

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT: JAMES MANLEY

JOHN MC KELVEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 JOSEPH MATTINA, CODE COMPLIANCE

(Time Noted – 9:57 PM)

ZBA MEETING – MARCH 27, 2014 (Time Noted – 9:57 PM)

C D & SONS CONSTRUCTION CORP. 12 BANNERMAN VIEW DRIVE, NBGH

 (22-4-6) R-3 ZONE

Applicant is seeking area variances for Lot #1 (Building Permit #13-0428) for one side yard setback and the minimum lot width and for Lot #2 for the minimum lot width for a proposed Two-lot subdivision.

Chairperson Cardone: And on the Reserved Decision there were two communications:

With respect to the Reserved Decision for 12 Bannerman View Drive, for the above referenced applicant I have completed putting together the information required for the Orange County Health Department to approve the water line extension and left four copies with Jim Osbourne, PE for submission. I anticipate Health Department approval prior to the April ZBA meeting therefore I am respectfully requesting that the decision on this application be reserved for another month. Thank you for your attention to this request. (Charles Brown)

Chairperson Cardone: Do I have a motion to extend it to the April meeting?

Mr. Masten: I'll make a motion.

Chairperson Cardone: Second?

Mr. Maher: Second.

Ms. Gennarelli: Roll call.

 Michael Maher: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

 GRACE CARDONE

 MICHAEL MAHER

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT: JAMES MANLEY

JOHN MC KELVEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 JOSEPH MATTINA, CODE COMPLIANCE

 (Time Noted – 9:58 PM)

ZBA MEETING – MARCH 27, 2014

END OF MEETING (Time Noted – 9:58 PM)

Chairperson Cardone: We also have the minutes from last month and we also did not have a vote on the minutes from the month before. They were discussed, we did not vote to accept them. Are there any additions, corrections? Do we have a motion to approve the minutes for January and February?

Mr. Maher: I'll make a motion to approve January and February minutes.

Ms. Smith: I’ll second.

Chairperson Cardone: All those in favor say Aye?

Aye - All

Chairperson Cardone: Okay, and just one other item, everyone should have a copy of the Town Local Laws, please read them over, please get any comments to me if you have any comments. And is there any other Board business?

No Response.

Chairperson Cardone: Do I have a motion to adjourn?

Mr. Maher: So moved.

Chairperson Cardone: Second?

Mr. Masten: Second.

Chairperson Cardone: All in favor say Aye?

Aye All

Chairperson Cardone: Opposed?

No response.

Chairperson Cardone: See you next month. The meeting is adjourned.

PRESENT ARE:

 GRACE CARDONE

 MICHAEL MAHER

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT: JAMES MANLEY

JOHN MC KELVEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 JOSEPH MATTINA, CODE COMPLIANCE

(Time Noted – 10:00 PM)