ZONING BOARD OF APPEALS

MEETING – JULY 25, 2013

(Time Noted – 7:00 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 the 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 may take up to 62 days to reach a determination. And I would ask if anyone has a cell phone to please put it on silent or turn it off and also when speaking, speak directly into the microphone because it is being recorded. Roll call please.

PRESENT ARE:

 GRACE CARDONE

 JOHN MC KELVEY

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT:

BRENDA DRAKE

 CODE COMPLIANCE

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 (Time Noted – 7:01 PM)

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

JOSEPH & DAWN CONDELLO 40 JENNIFER ROSE WAY, WALLKILL

 (5-1-13) R/R ZONE

Applicant is seeking an area variance for increasing the degree of non-conformity of the side yard setback and the rear yard setback to enlarge deck and add a (3) three season room on the residence.

Chairperson Cardone: Our first applicant Joseph and Dawn Condello.

Ms. Gennarelli: The Public Hearing Notices for all the new applications being heard this evening were published in the Mid-Hudson Times on Wednesday, July 17th and in The Sentinel on Friday, July 19th. This applicant sent out twenty letters. All the mailings, publications and postings are in order.

Chairperson Cardone: Thank you. For the record would you please identify yourself?

Mr. Wing: Yes, I’m Jim Wing with Great Day Improvements, the contractor.

Chairperson Cardone: Okay.

Mr. Condello: Joseph Condello. (Inaudible)

Ms. Condello: Dawn (Inaudible)

Ms. Gennarelli: Okay, if you are going to talk you have to get close to the microphone.

Chairperson Cardone: And state your request for the record.

Mr. Wing: I’m speaking for my customers and what we want to do is we have a setback variance. We’re putting a sunroom on an existing deck that's already there so were not going out any farther than what's existing that they…they use at this time. We do have a positive letter from the next-door neighbor that would impact this project the most and it's a three season glass and screen sunroom that we're putting on top of the deck. If there's any questions?

Chairperson Cardone: Do we have questions from the Board?

Mr. Manley: Any plans in the future of extending the deck outward at all from the…

Mr. Condello: No.

Mr. Manley: …three season room on the…?

Mr. Condello: No, no.

Mr. Manley: …any sides?

Mr. Condello: No.

Chairperson Cardone: If I recall correctly it was a…pool in the back…? That's your pool right?

Mr. Condello: Yes it is.

Chairperson Cardone: Okay, because I didn't see it on the drawing but I…so there's not going to be anything connecting to that?

Mr. Condello: No.

Mr. Donovan: And what Code Compliance indicates being a 5'11" addition to the deck…that’s not going into rear yard…that’s going…

Mr. Wing: The addition is…

Mr. Donovan: …to the right…? 20 foot wide by 10 foot out, it's on the existing deck of the same size. They are leaving a few feet extra of that existing but again nothing is being built that's protruding out past what's existing.

Mr. Donovan: That's what my…because Code Compliance indicates in their letter adding 5'11" to the deck but I assume that addition does not go any further into the rear yard, correct?

Mr. Wing: No, that's correct.

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

Mr. Condello: Excuse me. Would you like the letter from the neighbor?

Chairperson Cardone: Sure, bring it to me, thank you.

Mr. Condello approached the Board

Mr. Masten: Grace…

Chairperson Cardone: Yes?

Mr. Masten: I noticed when I was there the other day that down in the…looking at the property…down in the right-hand corner looked like there’s a starting of another storage outer building. Is there anything in that true Sir?

Mr. Condello: Yes Sir. What I… I don't know when you're at the site but I'm taking down the existing storage shed…

Mr. Masten: Yes I noticed half of one was down.

Mr. Condello: …and I have, right, I have a Permit Application in place with the Building Department at this point to build a smaller shed down there on the bottom.

Mr. Masten: Okay, I was just curious.

Mr. Condello: Once that one's done the other structure the other…the other structure will come down and I can move everything around.

Mr. Masten: Okay I was just curious, thank you.

Mr. Condello: That Permit is pending so I haven't done anything new on that.

Mr. Masten: Okay, thank you.

Chairperson Cardone: I'd like to read this into the record.

To whom it may concern: I'm writing in response to a letter received from the Town of Newburgh Zoning Board in regards to Dawn and Joseph Condello's variance. This letter is in lieu of our attendance at the Hearing scheduled for July 25. My family and I have lived alongside the Condellos for close to eight years. At that time we've come to realize they are a responsible, trustworthy and giving family. They are also long-standing productive members of our homeowners association. We the Austin family are in support of the Condellos building an addition onto their home. Not only will the addition bring much-needed value to their home it will do the same overall for ours and the surrounding neighbors. Thank you in advance for your time and consideration, sincerely, Gifford and Ifetayo Austin.

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

Ms. Smith: Second.

Ms. Gennarelli: Could I have the letter for the record? Thank you. That's okay. Roll call.

 John McKelvey: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Thank you.

(Time Noted -7:05 PM)

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ZBA MEETING – JULY 25, 2013 (Resumption for decision: 7:41 PM)

JOSEPH & DAWN CONDELLO 40 JENNIFER ROSE WAY, WALLKILL

 (5-1-13) R/R ZONE

Applicant is seeking an area variance for increasing the degree of non-conformity of the side yard setback and the rear yard setback to enlarge deck and add a (3) three season room on the residence.

Chairperson Cardone: The Board is resuming its regular meeting. On the first application of Joseph and Dawn Condello seeking an area variance for increasing the degree of non-conformity of the side yard setback and the rear yard setback to enlarge the deck and add a (3) three season room on the residence. This is a Type II Action under SEQRA. Do we have discussion on this application?

Mr. McKelvey: I think it will improve the looks of the house.

Chairperson Cardone: Do we have a motion for approval?

Mr. McKelvey: I'll make a motion we approve.

Mr. Maher: Second.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

GRACE CARDONE

 JOHN MC KELVEY

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT:

 BRENDA DRAKE

 CODE COMPLIANCE

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 (Time Noted – 7:42 PM)

ZBA MEETING – JULY 25, 2013 (Time Noted – 7:05 PM)

BRIAN AGNEW 7 FAIRVIEW LANE, NBGH

 (83-2-10.2) R-1 ZONE

Applicant is seeking area variances for the maximum building coverage, maximum lot surface coverage and for increasing the degree of non-conformity of the front yard setback and rear yard setback to build an enclosed screened in porch on the residence.

Chairperson Cardone: Our next applicant Brian Agnew.

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

Mr. Agnew: I’m accompanied tonight by my architect, Stephen Whelan.

Chairperson Cardone: And just for the record you have to identify yourself.

Mr. Agnew: Oh yes, I am Brian Agnew the property owner and I have brought my architect Steve Whelan and my builder Mike Brooks to answer technical questions. Before I start I want to point out that I was cautioned that I had an outstanding Violation and that might complicate the decision tonight so I have removed the shed that was on my property in violation of I can't remember which requirement. So I know Grace when you were there you saw that the shed had been removed…

Chairperson Cardone: Right.

Mr. Agnew: …I’m not sure if everyone else knows that it was removed so I just wanted to point that out.

Chairperson Cardone: Okay, thank you.

Mr. Agnew: Sure.

Chairperson Cardone: Okay, someone should just state the request and…

Mr. Whelan: We're looking for four variances, one is for maximum building coverage, one is for maximum lot surface coverage and we are looking for increasing the degree of the non-conformity the front yard and the rear yard setback and this is all to enlarge an existing screened in porch.

Ms. Gennarelli: Excuse me could you just identify yourself to me for the record so I could…?

Mr. Whelan: Steve Whelan I am the architect.

Ms. Gennarelli: Whelan, okay thank you.

Chairperson Cardone: Do we have questions from the Board?

Mr. McKelvey: You're pretty well on the end of the street there, right? Your house is near the end of the street?

Mr. Agnew: Yes it's private road.

Mr. McKelvey: Yeah that's what I…

Mr. Agnew: There are two rows of trees that border the road and I own both of them and so if anything am planning to bolster the barrier that already exists. It's really, if you saw it…

Chairperson Cardone: Yes, yes.

Mr. Agnew: It's really neat.

Ms. Smith: Vegetation. So you're basically increasing by six…seven feet is it? The width?

Mr. Whelan: Yes give or take 7 feet we have…there’s also going to be a fireplace on there…

Ms. Smith: I saw, yeah.

Mr. Whelan: …so we're still working out the details of the fireplace but it'll all be…we’re trying to get like the maximum that we can and we're probably going to end up backing it off just a little bit.

Ms. Smith: So the construction of the fireplace will be within the porch that you going to make 7 feet wider per se?

Mr. Whelan: It will be within…

Ms. Smith: It won't be another four or 5 feet outside of the a…the framing of the…the a porch?

Mr. Whelan: We are going to be using that 50 foot I believe it's either a front yard or a side yard setback that's going to be that's what's going to govern how far out we are going to go.

Ms. Smith: Okay.

Chairperson Cardone: And obviously this house was built before they had the Zoning regulations.

Mr. Agnew: Yes, because each and every room violates some…

Chairperson Cardone: It is in violation…that's right…

Mr. Agnew: But I love the house and a…

Chairperson Cardone: It’s a nice location.

Mr. McKelvey: It is a nice location. Yes.

Ms. Smith: I was having a hard time finding the shed then I realized it was gone.

Mr. Agnew: I have Betty to thank for walking me through the process and for encouraging me to solve that problem before tonight’s meeting, so thank you, Betty.

Chairperson Cardone: Do we have any other questions from the Board? Any questions or comments from the public? Do I have a motion to close the Public Hearing?

Mr. Masten: I’ll make a motion.

Mr. Manley: Second.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Thank you.

 (Time Noted - 7:11PM)

ZBA MEETING – JULY 25, 2013 (Resumption for decision: 7:43 PM)

BRIAN AGNEW 7 FAIRVIEW LANE, NBGH

 (83-2-10.2) R-1 ZONE

Applicant is seeking area variances for the maximum building coverage, maximum lot surface coverage and for increasing the degree of non-conformity of the front yard setback and rear yard setback to build an enclosed screened in porch on the residence.

Chairperson Cardone: On the application of Brian Agnew seeking area variances for the maximum building coverage, maximum lot surface coverage and for increasing the degree of non-conformity of the front yard setback and the rear yard setback to build an enclosed screened porch on the residence. This is a Type II Action under SEQRA. Do we have discussion on this application?

Ms. Smith: The applicant did remove the existing shed. That is such an older neighborhood where the lots are very unique in themselves. It’s certainly going to look beautiful.

Mr. McKelvey: It is a nice piece of property.

Ms. Smith: Very pretty, yes.

Mr. McKelvey: It will improve the property.

Chairperson Cardone: Do I have a motion for approval?

Ms. Gennarelli: Did you want to make a comment? Did you have a question?

Mr. Whelan: A question.

Mr. Donovan: Be careful. Don't screw it up now.

Mr. Whelan: I'll tread lightly. On the zoning analysis chart now with the removal of that shed some of those percentages for the lot coverage and the surface lot coverage everything changed. Should that be revised when we submit for the Building Permit?

Chairperson Cardone: It should be. It should be actually before we write the Decision.

Mr. Donovan: Well in actuality…yeah correct. So if you could submit that to the Building Department within the next few days. Okay?

Mr. Whelan: Tomorrow.

Mr. Donovan: Tomorrow is good.

Chairperson Cardone: Good.

Mr. Whelan: Okay.

Mr. Donovan: Betty could you forward it on to me because that will ultimately change…you are absolutely right, it will ultimately change the percentages of the lot coverage.

Ms. Gennarelli: Okay, okay.

Mr. Donovan: Then we can write the Decision accordingly.

Mr. Maher: Well, what I'm thinking is there a possible need in the future for a shed of some size to be added to the property?

Mr. Agnew: When I looked in that shed there was one thing in it and I decided I probably could live without it especially given that there is going to be a bench built within the new enclosed porch so no, no shed in the future.

Mr. Maher: I just don't want to have it not get it now and come back in a year if you want a shed there.

Mr. Agnew: No I will come back here for something completely different I'm sure because I can't do anything without your approval.

Chairperson Cardone: Do we have a motion for approval?

Ms. Smith: So moved.

Mr. McKelvey: Second.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

GRACE CARDONE

 JOHN MC KELVEY

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT:

 BRENDA DRAKE

 CODE COMPLIANCE

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 (Time Noted – 7:45 PM)

ZBA MEETING – JULY 25, 2013 (Time Noted – 7:11 PM)

COTTER ROAD, LLC. 1 AUSTIN TYLER COURT, NBGH

 (34-2-61.21) R-2 ZONE

Applicant is seeking an area variance for the front yard setback to build a single-family residence.

Chairperson Cardone: Our next applicant Cotter Road, LLC.

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

Mr. Brown: I am Charles Brown the engineer for the applicant the proposal before the Zoning Board is for a 5 yard…a 5 foot front yard setback a…the zone requires 50 a…the foundation was placed such that a…we would be at 45 feet. A…the a…it’s not going to have a detrimental effect on…on the neighborhood because it's the same house, it's just slipped forward 5 feet a…that one either…same with the environment because again it's the same house. As far as it being a self-created a...actually this was a mistake on the part of the excavator went off the subdivision plan that erroneously had a 40 foot front yard setback. I do have a copy of those plans here with me for the Board. A…it is a relatively minor setback, it is again just for 5 feet out of 50 so it's 10%.

Mr. McKelvey: Can I ask a question? When did they check the foundation when the…when the footings were poured? Or after?

Mr. Brown: When the footings were poured we had the surveyor go out there and that's when we…

Mr. McKelvey: I am talking the Town.

Mr. Brown: Well I discovered it. Okay? I…I discovered it and I submitted the a…as built survey for the foundation to the Town. And that's…then…then the Building Department gave us the referral to this Board.

Mr. Maher: But did the a…it was staked out, correct, prior?

Mr. Brown: It was staked out based on the plot plan that I a…gave them that had the 50 yard or 50 foot front yard setback, yes, the a…

Mr. Maher: Who did the…who did the stakeout?

Mr. Brown: A…that would have been a…Den…a...Weeden out of Walden.

Mr. Maher: Weeden Surveying.

Mr. Brown: Weeden Surveying, yes, yeah. The stakeout was correct.

Mr. Manley: Was it not checked by you before they actually poured the foundation?

Mr. Brown: Do I check the stakes? No. No, the stakes were…the stakes were correct. The foundation a…a…contractor took it upon himself to move it further towards the road.

Mr. Manley: Do you have a letter from that contractor indicating his error and omission?

Mr. Brown: I could probably get that a…there’s you know quite a bit of language barrier between you know him and…and me so a…and actually the a…as a result of this the contractor has thrown him off the job so I don't know if he'll be willing to do that, I mean he's no longer working for the builder now.

Mr. McKelvey: I have a problem because were getting a lot of this lately…of the foundations being moved.

Mr. Brown: I understand. I'm not happy about it either.

Mr. Manley: This is…this has been an ongoing issue and the Town has made an attempt to prevent this by requiring ahead of time the information on the…on the plot plans identify exactly where everything is going and even doing such there's these issues that seem to keep creeping up that you know, oops and oops and it's just…it’s just constant and you know it's…it does have a detrimental, in my estimation, impact on our…our Town when this is not done properly.

Mr. Brown: I…I agree and this is why, you know, my builders use actually site plans that we generate and they submit that with the Building Permit and I forwarded those in this case to Dennis Walden and he states that accordingly. Why the a…a foundation a…contractor decided to…to move it forward is beyond me. Again he told me he was going off the subdivision map which Dick Barger did back in 90 that had 40 foot setbacks a…that’s not an excuse so...so I understand that.

Mr. Manley: So, my question…my question to you is then if somebody actually made a mistake and there was an error and omission wouldn't there be some sort of insurance on the part of one of the people that made the error or omission to actually file a claim against their…their carrier to correct…to correct the issue as opposed to the Town having to suck up the fact that, you know, the Zoning Code was not properly followed in this particular case. Wouldn’t that be a a…a remedy?

Mr. Brown: Oh, I agree a…but then you know, again the original subdivision was approved by the planning board and it showed 40 foot setbacks and the zoning at that time had 50 foot setbacks so you know, this is an error that actually happened, you know, at during the time of the subdivision. Again I have that map with me a…that unfortunately because of the arrogance of the a…foundation contractor carried through. A…you know we're…we’re here to ask for the variance…if, you know…

Mr. Maher: Charlie, let me ask you a question again? So you said it was staked out?

Mr. Brown: Yes.

Mr. Maher: There were stakes in the ground, actual stakes in the ground visible…?

Mr. Brown: Right.

Mr. Maher: …to the excavator to identify the area that this foundation was going?

Mr. Brown: Right, this is…this is a raised ranch so the excavation is not deep so the excavator did, you know, trench it pretty wide but we…that's…that's why…a…you know, that’s why it's only 5 feet cause he stayed within the excavation.

Mr. Maher: No, I understand that but generally…generally you do your stake out, you know, further (Inaudible)

Mr. Brown: Yeah we do 10 foot offsets…

Mr. Maher: Right and then, you know, if you scrape or dig it he's going to actually, you know, try and get that data to make sure he moves those stakes out further so he doesn't impede or encroach on the setback.

Mr. Brown: Right. The house that's a…just to the east of us is much closer to the road so it's not out of character with the neighborhood either. Again...I…I…

Mr. Donovan: To the east Charlie where it says reputed owner County of Orange?

Mr. Brown: Yeah, the…the next lot after that there there's a house it's…it's a relatively old but it's a…is very close to the road.

Mr. Donovan: Closer…closer than…?

Mr. Brown: Yes, within 30 feet of the property…of the a…right away.

Mr. Donovan: And how about to the west?

Mr. Brown: To the west a…there’s nothing on the corner. I don't think there's anything between us and a…Route 32 to the west.

Mr. Donovan: What's in the ground now?

Mr. Brown: The foundation…the footings and a foundation wall which is a frost wall, half wall.

Mr. Maher: Well in actuality to the…to the west we have (Inaudible) built I believe in about (Inaudible) five or so…

Mr. Brown: Oh yes, yes, yes you're right.

Mr. Maher: And that one there and then you have the one…the ranch down from that before you get to 32.

Mr. Brown: Yeah, I didn't measure those; you're right though Mike, you're right. Across the street there's nothing between us and 32 right.

Mr. Donovan: So in addition this evening, I mean, I was handed the Stop Work Order issued by Mr. Mattina. He’s indicating that you violate the setbacks both on Weyants and on Austin Tyler.

Mr. Brown: No, just Weyants.

Mr. Maher: Now on the…on the…on the drawings submitted dated 6-25, I think what Joe may be referring to is the corner closest to Weyants and Austin Tyler, it appears that that corner does slice that line in half. If you look on that…yeah…

(Inaudible)

Mr. Donovan: I mean that Charlie a map showing it at 50, you're showing it right on the 50 at that front corner but…

Mr. Brown: Yeah.

Mr. Donovan: … Mr. Mattina has indicated that it's I don't know how much less but he's indicated setting it encroaches onto Austin Tyler as well.

Mr. Brown: No, we’re at the 50. That was…that was surveyed by…by Dennis Wolmagen …but that was Weeden from Walden. And I…we…we do meet the setback off of Austin Tyler.

Mr. Donovan: Isn't it Howard Weeden from Walden?

Mr. Brown: Howard Weeden from Walden, yes, Dennis Walden is from, yes, Dennis is no longer with us. Thank you Dave. I always get the two of them mixed up.

Chairperson Cardone: Did you have a copy of this Stop Work Order that has the information Dave was just talking about?

Mr. Brown: Yes, we included that with our application, that…that was part of the referral from the a…Building Department…

Chairperson Cardone: Right.

Mr. Brown: …to this Board.

Chairperson Cardone: And you didn't question that at the time that he wrote…?

Mr. Brown: No I got…I…I…I have a copy of the survey from Howard Weeden from Walden and a…that indicates that we do have the five…or 50 feet from Austin Tyler.

Mr. Maher: So one question I have, is it possible because in the package this was dated 3-19-13 and this one is dated obviously back in March and it has…has a 15 and 4 oh I'm sorry, has a…a 50 and a 40 as the front yard setbacks. Now the side yard setbacks are incorrect on that so and is it possible that the…the…whoever staked it out got a wrong copy?

Mr. Brown: No, because we located a…the side yard setbacks are correct. The way they work in this zone is its 30 minimum but 80 for a total of both because it's a corner lot you only have one side yard so are allowed the 30. A…the other yard there referring to is we call it a rear yard also cul-de-sac that's at the totally other end of the lot from the building and that we indicated as a rear yard. Otherwise this would have essentially three front yards so a…

Mr. Maher: I understand.

Mr. Brown: …you know and…and we pretty much followed what a…was on the original subdivision with the correction of the 50 foot for the two front yards.

Mr. Donovan: Now Charlie the… the porch in the front that, is that roofed or proposed roofed?

Mr. Brown: No it's not. But it exceeds the…what is it 30 inches off the ground…?

Mr. Donovan: Yeah, yeah I'm looking at 185-18-C-1(a)…

Mr. Brown: Right there is a…there's a height…

Mr. Donovan: …which a…yeah okay…

Mr. Brown: If it's more than a…

Mr. Donovan: …because it would exclude unroofed steps or terraces not higher than 1 foot from ground level.

Mr. Brown: 1 foot, okay. It's less than I thought then.

Mr. Donovan: Okay.

Mr. Brown: This will be more than a foot that's why we included it in the application. You know, you know if the a…if the Board pushes it, you know, and wants a…us to reduce the variance I could have the final lot graded out so that that porch does not exceed the 1 foot and a…you know then we're dealing with the overhang in the front a…which is 1 foot less.

Mr. Donovan: And…and well, sorry what I’m talking about is 185-18 Exception to District Regulations allows you to in effect net out any unroofed steps so it shows that that porch if it's 1 foot or less off the ground you can exclude that and then you're probably looking at a…your eyes are calibrated better than mine…Charlie…

Mr. Maher: A…probably…

Mr. Donovan: A foot?

Mr. Maher: … a foot or so.

Mr. Brown: A foot yeah a foot less. Yeah.

Mr. Maher: Well you can’t redo the front without re-pouring this wall?

Mr. Brown: Correct. Now if we eliminated the a…cantilever in front of the building then that's another two foot that we would reduce but it would really change the character of the house. The…the cantilever is on the second floor but that is included per the definition.

Mr. Donovan: Right.

Mr. Brown: So…so we had to…we have to include that also.

Mr. Maher: Is this how a spec house?

Mr. Brown: Yes. They do have…they do have somebody interested but they are not in contract but it was started as a spec house yes.

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

Mr. Donovan: May I ask? Is there any benefit by moving the house up, I mean is there…is there…I’m not familiar with the property is there any issue with topography, composition of the soil that that yields you any benefit by moving the house up 5 feet?

Mr. Brown: None whatsoever. The lot is actually relatively a…

Chairperson Cardone: It's flat.

Mr. Brown: …flat for, especially for Weyants Lane.

Mr. Donovan: Okay. So basically what you're saying is simple human error?

Mr. Brown: Yeah. On a…on the behalf of the sub-contractor who has been terminated based…due to this...back charged for my fees too.

Chairperson Cardone: But the point is there should be someone that's looking over the contractor's shoulder to make sure that they are following the plans.

Mr. Brown: I agree.

Mr. McKelvey: We had one last month too.

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

No response.

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

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

Mr. McKelvey: Second.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Thank you.

Mr. Brown: Thank you.

Chairperson Cardone: Before proceeding the Board will take a short adjournment to confer with Counsel regarding legal questions that were raised this evening. And if I could ask you in the interest of time if you would step out into the hallway and we'll call you back in very shortly. (Time Noted - 7:26 PM)

ZBA MEETING – JULY 25, 2013 (Resumption for decision: 7:46 PM)

COTTER ROAD, LLC. 1 AUSTIN TYLER COURT, NBGH

 (34-2-61.21) R-2 ZONE

Applicant is seeking an area variance for the front yard setback to build a single-family residence.

Chairperson Cardone: On the application of Cotter Road, LLC. seeking an area variance for the front yard setback to build a single-family residence. This is a Type II Action under SEQRA. Do we have discussion on this application?

Mr. Manley: We did have a…testimony from the applicant’s representative that a…he could work with a foot variance as opposed to the five. And based on the fact that the Board is generally grants the least amount of variance necessary in order to achieve the benefit for the applicant that that's an option for as opposed to denying the entire application.

Chairperson Cardone: There was also some discussion about the nearby houses and the…

Mr. Maher: Yeah, as far…I know there was some points…

Chairperson Cardone: …as far as footage from the road.

Mr. Maher: …as far as it was consistent with the a…with the neighborhood but no a…evidence was presented tonight to…to substantiate the front yard setbacks being consistent.

Mr. Brown: (Inaudible).

Ms. Gennarelli: Excuse me.

Chairperson Cardone: Excuse me, speak into the microphone, it has to go into the record.

Mr. Brown: I do have the a…sub…Charles Brown, engineer for the applicant. I do have the a…subdivision plans by Dick Barger that show the zoning table and his error, he had 15 foot for each side, 40 foot for the rear and 40 foot for the front and that's actually based upon a…a having either Town water or sewer. These plots have neither but he does show two houses a…a…up further Weyants Lane and both of them are closer than the…a…40 foot even. I do have that map available if the Board wants to see that.

Mr. Maher: When was the date on that?

Mr. Brown: The subdivision was approved a …1-19-09.

Chairperson Cardone: And these were the houses to the east or the west?

Mr. Brown: To the west.

Mr. Donovan: Hey Charlie are those houses built?

Mr. Brown: Yes they’re existing lots they are shown on the survey.

Mr. Donovan: So the map that you have there shows the houses as built? Or as proposed?

Mr. Brown: No, existing houses on the adjoining lots. Two lots…let me get my bearings here, yeah two lots to the left down Weyants Lane.

Mr. Donovan: How far from Weyants Lane are those?

Mr. Brown: A…from the right away? One is about 30 and the other is about 40, I didn’t bring a scale with me but I could…I could scale those off.

Mr. Donovan: And those houses were built some time ago or…?

Mr. Brown: A…I don't remember anything new get built out there in some time…

Mr. Donovan: Okay.

Mr. Brown: …they were obviously there at the time that a…let see, Dick did his original certification in 06 so they were there at that time.

Mr. Donovan: Okay.

Mr. Brown: And again subdivision was approved in 09.

Mr. Maher: Can I see that Charlie?

Mr. Brown: Sure.

Mr. Brown approached the Board

Mr. Maher: Thanks. So the…so the setback the front yard setback on the proposal is 40 feet based on the current based…on the a…on what you provided here right?

Mr. Brown: Yeah and again I…

Mr. Maher: (Inaudible) It does show a 50 foot (inaudible)…my mistake. It says 50 foot there. But the setback is 40 foot so then...

Mr. Brown: Yes that that's the error that the a…the table was in error. It should be 50 front, 30 one side, 80 both sides and 50 rear. I'm sorry 40 rear.

Mr. Maher: Just for the record the two houses to the west of it are in fact closer than the 50 yard setback currently.

Ms. Gennarelli: Did you want to submit that for the record?

Mr. Brown: I…I can make a copy of it and submit it tomorrow I think that's my only…well sure I'll get another one from the County if I need it or the Town Building Department.

Ms. Gennarelli: I can make you… I can make you a copy tomorrow.

Mr. Brown: I appreciate that then I'll…I’ll pay for whatever it is.

Board Members reviewed site plan

Ms. Gennarelli: I’ll make a copy and give it to you tomorrow.

Mr. Brown: Okay, thank you.

Chairperson Cardone: Okay does that answer the question that came up?

Mr. Maher: It does show that it is consistent with the neighborhood.

Chairperson Cardone: Okay. And do we have a motion for approval?

No response.

Chairperson Cardone: Okay. Do we have a motion for a disapproval?

No response.

Chairperson Cardone: Okay, I need some kind of the motion.

Mr. Donovan: I was at a meeting one night where a Member said I make a motion to make a motion.

Chairperson Cardone: My words exactly.

Mr. Maher: Based on the discussion this evening and the obvious issue with the location in the wrong place again, not particularly this property but for many of them, the applicant stated that he was able to reduce the variance needed to a foot or thereabouts, based on the elevating the front yard to eliminate the porch counting as a…a part of the setback part. So with that being said I'd make a motion to approve the setback to the current foundation itself not including the front porch to meet the requirements.

Mr. Manley: I would…I would second that.

Chairperson Cardone: That's with the one foot difference.

Mr. Maher: Right, it would have to be resurveyed basically to get the exact measurement there to the front corner of the house because currently it's set as the front porch but again raising the grade in the front eliminating the variance…eliminating the front porch as part of the structure below the 12…which I believe it is Dave…

Mr. Brown: Right, in other words eliminating the front porch a…would reduce this front yard variance request by 1 foot, eliminating the cantilever a…on the second floor would…would reduce it by another 2 feet.

Mr. Donovan: So, so then you're talking about…

Mr. Brown: It doesn't add up does it?

Mr. Maher: Well I don't…the way…the way in which the…the house is positioned based on the survey it appears the…the northerly corner on Weyants Lane if you run a straight line across the plane of the front the…well not the front of the house but the actually the setback it appears that the front corner of the house and the…I guess the westerly corner of the overhang are basically in the same plane so I'm assuming the overhang is going to remain. Is that clear as mud?

Mr. Brown: I…if we reduced our…our request to 2 feet I could make this has work by…by grading up so that the front porch was within 12 inches and reduce the overhang as necessary so that it's in line with that corner that you just referred to.

Mr. Donovan: So in other words it would be 48 feet?

Mr. Brown: Correct.

Mr. Donovan: So it might be…might be easier to just…

Mr. Maher: I amend my…

Mr. Donovan: Yeah.

Mr. Maher: …motion to a 2 foot variance for a 48 foot setback.

Mr. Manley: And I would amend my second to reflect his motion.

Chairperson Cardone: Are you clear on that?

Mr. Brown: Yes, very.

Mr. Manley: Crystal.

Mr. Brown: Crystal.

Mr. Donovan: I saw that movie.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Mr. Brown: Just so you know I am unhappy about this is you are because I miss the Eagles concert tonight at Bethel Woods.

Chairperson Cardone: Oh, what a shame.

Mr. Maher: I would imagine there to be a conversation with the excavator.

Mr. Brown: Yes. There already has been in broken English and thank you very much.

PRESENT ARE:

GRACE CARDONE

 JOHN MC KELVEY

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT:

 BRENDA DRAKE

 CODE COMPLIANCE

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY (Time Noted – 7:56 PM)

ZBA MEETING – JULY 25, 2013 (Resumption for decision: 7:56 PM)

ROBERT WHITE 4 SOUTHEAST COURT, WALLKILL

 (2-3-28) R/R ZONE

Applicant is seeking an Interpretation and/or a use variance to build a ground mounted solar array system on the property.

Chairperson Cardone: Okay we had Reserved Decision last month on the application of Robert White. And if you remember last month I read a response from the planning board. We had sent a letter to the planning board and the Town Board and asked them to give input into this application and to refresh your memory the planning board and had said that they did not have input that they felt that this was a matter that should be taken up by the Town Board which is how our Board had felt. In the meantime we did not receive a written response from the Town. I called the Town Supervisor, discussed it and he said that we would be getting a response after he met with the Town attorney. And to this date I have not received any kind of a written response. I don't feel ready to make a decision on this application yet and we do have 62 days and our next meeting is the...

Ms. Gennarelli: August 22.

Chairperson Cardone: August 22 and that would give us according to would Betty told me 54 days.

Ms. Gennarelli: I think it might be 57 but you under the 62.

Chairperson Cardone: Under the 62, I don't know how the rest of the Board feels but that's my feeling at this time.

Mr. McKelvey: I have to agree with you.

Ms. Smith: Yeah I agree.

Mr. Donovan: So I would suggest a motion to continue the matter to continue the matter to August 22 then.

Mr. McKelvey: I'll make a motion we continue it to the 22nd of August.

Mr. Maher: Second.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: Okay so we will Reserve Decision until next month.

PRESENT ARE:

GRACE CARDONE

 JOHN MC KELVEY

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT:

 BRENDA DRAKE

 CODE COMPLIANCE

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 (Time Noted – 7:58 PM)

ZBA MEETING – JULY 25, 2013 (Time Noted – 7:58 PM)

OTHER BOARD BUSINESS

DOROTHY ESTES 43 FLETCHER DRIVE, NBGH

 (93-1-2.21) R-1 ZONE

Chairperson Cardone: Under Other Board Business I have a communication from Dorothy Estes, who as some of you will recall that were on the Board at that time, had appeared before the Board and had been denied on the a…application. And I’ll read a part of the letter:

I was informed that I could go back before the Town Zoning Board since I have a substantial change in my application. This is my first experience at a Zoning Board meeting and I was not aware of the procedures and thought I would be recalled to present further justification to the Board. Originally I only had a plot plan not a survey of my property and eventually discovered there were discrepancies with various measurements. I elected to have a survey done which corrected the inaccuracies of the plot plan. They are as follows: the shed which was granted a variance was actually 5'9" from the property line and not 4'5". No variance was needed. The car port was actually 2.2 feet from the property line as opposed to one foot as shown on the plot plan and 4 feet on the backside. If need be I'd be willing to take down the pool or cut the carport away from the house to make it an accessory structure to get the variance that I need.

In essence and a…along with this a new survey was submitted and everyone should have a copy of that. Okay I need some input from the Board as to whether or not you feel that this is a new application. In order to come back before the Board this would have to be a new application which would have to…and I’ll let our attorney put it into legal terms.

Mr. Donovan: So your…your options are a…to deem this to reopen the old application because you have the ability to open an old application if it's the same application. You need a unanimous vote of the Board to do that. Alternatively if you decide that it is substantially different from the application that was previously decided you have the ability to tell the applicant that and then she can submit a new application. Either way it requires a Hearing in front of the Board. The only thing that's different if you reopen a prior…prior application, the same application requires a unanimous vote. I would say that it appears to be that this constitutes a sufficiently new evidence to be a new application which would entitle the applicant to submit to the Board again and have a new Public Hearing and seek the relief that she's asking for.

Chairperson Cardone: Okay is everyone clear on that? Is there any discussion on this?

Mr. McKelvey: I think he's right, I think that it should be…

Mr. Donovan: Some words I never heard from my wife, John.

Mr. McKelvey: You mean Ron didn’t tell you that?

Mr. Donovan: He never told me that either, no. Sorry.

Chairperson Cardone: So do we have a motion to that…that effect that a…that this is substantially different and that the a…applicant should submit a new application?

Mr. McKelvey: I'll make that motion.

Chairperson Cardone: Do we have a second?

Mr. Masten: I'll second it.

Ms. Gennarelli: Roll call.

 John McKelvey: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

 Roseanne Smith: Yes

 Grace Cardone: Yes

Chairperson Cardone: That motion is carried.

PRESENT ARE:

GRACE CARDONE

 JOHN MC KELVEY

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT:

 BRENDA DRAKE

 CODE COMPLIANCE

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 (Time Noted – 8:02 PM)

ZBA MEETING – JULY 25, 2013

END OF MEETING (Time Noted – 8:02 PM)

Chairperson Cardone: O.K. everyone has a copy of last month’s minutes? Do we have any corrections, deletions, additions?

Chairperson Cardone: Do I have a motion to approve those minutes?

Ms. Smith: I'll make a motion we approve them.

Chairperson Cardone: Do we have a second?

Mr. McKelvey: Second.

Chairperson Cardone: All those in favor say Aye?

Aye All Except Mr. Manley

Chairperson Cardone: Opposed?

Mr. Manley: I abstain.

Chairperson Cardone: Do we have a motion to close the meeting? I should ask you before we close, do we have any other business you’d like to discuss?

Mr. Manley: Just one other thing.

Chairperson Cardone: I’m sorry Jim.

Mr. Manley: That’s okay; I had to abstain from the minutes.

Ms. Gennarelli: Thank you.

Mr. Manley: Just the one issue that I wanted to just see if anybody had any feedback on or what their thoughts were was on the proposed Local Law that the Town was looking to get some feedback on. And that was on the proposed Law to amend Chapter 185 entitled Zoning to add cargo storage containers as permitted accessory use to certain uses in the B, I/B and I Districts and the LHI Overlay District and to add storage buildings as permitted accessory use to offices or businesses for research and professional uses in the I/B District.

Chairperson Cardone: Okay, Jim was not here month and I had asked if anyone had any input to please e-mail me and give me that input. As of this date I do not have any answers from anyone but this will allow everyone to think it over again and I will make that same proposal. If anyone has any input please e-mail me so that I can get that on to our attorney and we can write a letter to the Town Board.

Mr. Manley: And one of the things is if we all have a similar consensus, I mean if we all disagree then obviously, you know, if we had to submit something it would probably in come individually from us directly to the Board but if we agreed and if we have a consensus as a Board a…I…I think it's good to go on the record with the Town if we are, you know, I don't…I don't know how the rest of the Board feels.

Chairperson Cardone: Well what are your thoughts on it Jim?

Mr. Manley: Well I mean we had this before us, I…I think it honestly cheapens the Town by having the storage units. I…I…I don't…don't agree that they should be allowed at all but I mean that might be a an opinion that is just one I don't know. But I don't really think that they really serve a useful purpose for, you know, office buildings. I just don't agree with it but I think they're doing it just to accommodate one individual and if it was accommodating 40 or 50 people were there was a big outpouring request for it...

Chairperson Cardone: I think that the problem is that it isn't just for the businesses but there are other instances where they might need a storage shed let's say in order to keep lawn equipment or something of that sort and the building happens to be in like an IB zone and it's not allowed and I know that if you're in an IB zone you can’t have a storage shed to put your lawn equipment in but you could put a garage there…

Mr. Manley: Right.

Chairperson Cardone: …which is much larger than the storage shed that doesn't make sense to me.

Mr. Maher: Because the other thing to is you can rent a tractor-trailer box with tires on it, park it in your yard or park it on the property for whatever time period with no issue at all, take the wheels off and you can’t do it. It's tough on because you don't know how to…you know, time limit, unsightly, you know there forever in the front yard or not the front yard but I believe there's other businesses that now have them that's what's creating the problem.

Mr. Manley: Well in an IB, for example out at Stewart Airport at the Industrial Park again that may be inappropriate you know that may be an appropriate an area for the tractor-trailer storage containers but when you look at it in a B zone in the back to the bank having a, you know, all of a sudden they drop a storage trailer I think it really detracts from the…the area.

Mr. Maher: Do we currently have a Law on the books regarding a…those storage shells we’re dealing with for a length of time for a… for a fire, a restoration is there something in there currently that states that you can be there for a certain period of time?

Mr. McKelvey: For the fire end of it.

Chairperson Cardone: Yes.

Mr. Donovan: Not that I'm aware of. Do we, yes?

Mr. McKelvey: Yes, for fire.

Chairperson Cardone: Yeah for fire.

Mr. Manley: The Town will allow a…the Town can for 6 months a mobile home dropped in a a…

Mr. Maher: Residential, right for residential use.

Mr. Manley: A residential area.

Mr. Maher: Because I recently noticed on 32 there by New Road that that there is an office building there where Woolery used to be just next to that there was a couple of trailer…a couple of boxes on the ground there now also that appeared in a…right, right there a cheap fix. You can buy a…you know you can buy a used box and dump it anywhere you want.

Mr. McKelvey: Was this, was this…?

Mr. Manley: It's totally funny you know we want to allow these box, cargo containers but the Town banned pretty much those where you drop off for the (Inaudible) and you put your clothes and you open the door…

Ms. Gennarelli: Donation containers.

Ms. Smith: Donation boxes.

Mr. Manley: Donation containers, they banned them from the Town because they were unsightly so here we are banning those…

Chairperson Cardone: Well they were… It's true they are unsightly but they will also unsightly because dropping off more than…

Mr. Masten: Everything and anything.

Chairperson Cardone: …it contained and so all around…all around those storage areas there garbage, I mean.

Mr. Masten: Yes.

Ms. Gennarelli: It's happening again.

Mr. Maher: Now I…I…I but I mostly read that Law, the proposed Law. Is there stipulations as far as regarding a…

Chairperson Cardone: Size?

Mr. Maher: …a condition of the…of the unit that in fact that it may in fact be color coordinated with the a…with the structure in place there? I mean are there those stipulations in there?

Chairperson Cardone: I didn't see them.

Mr. Manley: I didn't see that.

Chairperson Cardone: No.

Mr. Manley: It talks about distances from the property line.

Ms. Smith: Right.

Mr. Manley: But again I'm assuming they can come for a variance, you know, and the next thing you know will be entertaining variances to put it…

Mr. Maher: Well in fact but if it's considered temporary though. Are there any time limits in there at all?

Mr. Manley: Nope. And they're also I think creating an overlay zone in order to a…to accommodate a particular area.

Mr. Maher: What area might that be?

Mr. Manley: A particular area in the Town, I think a…on a…Route 300.

Mr. Maher: Do you…are they going to allow attach attachments to that also in the form of lean-tos, decks, sheds, whatever have you?

Mr. Manley: With sheds on top of them?

Mr. Maher: I'm just curious. Is there a height restriction in there?

Mr. Manley: Yes there was a height restriction and there is a…a…they have to be set back 20 feet from any side or rear lot line and at least 10 feet from any main building, shall not occupy more than 10% of the required yard area, only one per lot.

Mr. Maher: What about a stipulation that when…

Mr. Manley: 500 sq. ft. the maximum floor area.

Mr. Maher: 10 x 50, or 8…they don’t come bigger than 8 usually.

Mr. McKelvey: I think the area that they’re talking about I don’t know if they’ve got that much room.

Mr. Manley: Can’t be more than 15 feet in height.

Mr. Maher: So that basically is a trailer with wheels on it.

Mr. Masten: Yeah.

Mr. Maher: So that’s going to fall in that same category by the sounds of it. One of the things that concerned me if you have two front yards you wouldn’t…I don’t think you should be allowed to put it in one…one of the front yards regardless if you consider it your side yard or not.

Chairperson Cardone: Right. I think by limiting the size too you would get away from having those large trailers.

Mr. Maher: No, you’re not, you have 500 sq. ft.

Chairperson Cardone: That’s what I’m saying but that should be limited. I think 500 sq. ft. is too large.

Mr. Maher: Yeah, most of them are 8 x 40, 40 foot trailer or 50 foot trailer, if it’s only 8 foot wide so that would be 400 foot maximum so…500 foot, that…that’s big. That’s extreme.

Mr. Manley: But I mean is it…you know, I don’t even know would a Permit be required? Or does it…somebody could just have it dropped off in their…

Mr. Donovan: You know, I don’t remember it’s been a while since I looked at the Law.

Ms. Smith: You would think they would want a Permit required to have some control otherwise you’re not going to know how many containers are being dropped.

Mr. Manley: Right.

Ms. Smith: And what they are going to look like. That…that’s a big concern too.

Mr. Maher: Might be surprised if a Permit wasn’t required and a C.O.

Mr. Manley: I just think that it opens Pandora’s Box. I…I know they’re trying to accommodate storage but I…I…I you know, I just don’t know if that’s the right…

Mr. Masten: Way.

Mr. Manley: …answer to it.

Chairperson Cardone: I can see trying to accommodate the storage but not that large.

Ms. Smith: Right.

Chairperson Cardone: I mean if you’re talking…to me it shouldn’t even be half that size. 500 sq. ft. is a lot.

Mr. Manley: That’s a lot.

Mr. Masten: That’s a lot of space.

Ms. Smith: Yeah.

Chairperson Cardone: That’s a lot.

Ms. Smith: For a lawnmower.

Mr. Masten: A small one.

Ms. Smith: That’s a big lawnmower. I want one of those.

Mr. Manley: You can put almost three cars in there probably.

Mr. Maher: Well, Joe’s…Joe’s size, yes.

Chairperson Cardone: So do we have a consensus?

Mr. Manley: I’ll, you know if you want I’ll email you some thoughts and then... We have time till next month right, do you think to…? This was dated June 25th.

Mr. McKelvey: I don’t know when they set the…did they set a Public Hearing for this?

Chairperson Cardone: Is it…

Mr. Manley: Oh, I’m sorry not June 25th its June 24th.

Chairperson Cardone: But there should be…is there a date there for the Public Hearing? I don’t recall.

Mr. Manley: Yeah, they haven’t a…usually they can’t do it…it has to be 30, they have to wait at least a minimum of 30 days for comments.

Mr. Donovan: Yeah. So that time period may have passed already.

Mr. McKelvey: They may, the 30 days before the Public Hearing; the…that might be over now.

Mr. Masten: That would be over yesterday.

Mr. Manley: So they might schedule it sometime in August.

Mr. McKelvey: I’m sure they will.

Chairperson Cardone: Well I think we can still get the comments in even if it’s after the Public Hearing.

Mr. Masten: Yeah.

Mr. McKelvey: Yeah.

Mr. Maher: I mean I got…I got…I mean the five points I have: size should be limited to 320 sq. ft. which is an 8 x 40 container, it should be color coordinated with the structure that it’s next to or part of, a…there should be a timeframe, it shouldn’t be indefinite, no front yards if there’s two front yards, no side yard per say if it’s the front yard and the height of 15 foot I think is a little is...

Ms. Smith: It’s high.

Mr. Maher: …is much too high.

Ms. Smith: Yeah.

Mr. Maher: The trailer on the ground um…in my opinion, you know the…the box on the ground um…

Mr. Manley: And I would agree…I would agree if…if somebody has a temporary need for storage but the Law as it’s written sounds like this is for long term.

Ms. Smith: Yeah.

Mr. McKelvey: I think it’s perm…it’s permanent.

Chairperson Cardone: I think that’s the idea, I think it’s permanent.

Mr. McKelvey: I do too.

Chairperson Cardone: That’s…that’s my understanding and that’s why I felt it should be even small than 320.

Mr. Maher: Well that’s a typical size box a… that’s a typical size trailer box…

Chairperson Cardone: Right.

Mr. Maher: …in that ballpark. Is it now…and then what’s going to be approved is what’s required obviously. And in additional as far as location, for size and for color if they aren’t followed as written then it’s in Violation.

Chairperson Cardone: Okay, did anybody have anything else to add?

Mr. Manley: What is the a…the thought as far as length of time? A year? 6 months? Or 6 months renewable or…or permanent?

Mr. McKelvey: Well what they have on the table is…permanent.

Mr. Manley: Permanent.

Mr. Maher: But if…but if it was set up as a temporary fix, I mean 6 month Permit with a 6 month renewable period a…that’s an option or something to that effect but I don’t see it being permanent. I don’t think that’s…if the business is doing that well and…and needs to have additional storage I would assume they would either apply for, you know…to renovate the building, addition, move a…you know, not that I want to make it difficult for business in Town but by the same token it’s got to remain somewhat decent living. Especially in a you know, like you said IB, a Jeannie Drive area or the airport are a different story, you don’t have you know constant through traffic or it can you, the appearance becomes a somewhat unsightly but on the main corridor, 300, 17K, 52, North Plank Road, I mean those are traveled everyday by lots of people.

Mr. Manley: But honestly, I…you don’t really see many.

Chairperson Cardone: Up to now.

Mr. Manley: Up to now. I mean there’s actually one behind the Town Hall here and that one is unsightly.

Ms. Smith: I could see it as a temporary fix a…most business have landscapers that take care of their lawns. You’re not going to put any confidential files out in a storage container. A lot of places where you order your office supplies in bulk they will hold it for you and deliver it as you need it. So maybe for a six month period would be good.

Mr. Manley: I would be fine with 6 months and…

Mr. Masten: A renewal.

Mr. Manley: …if they need to renew it for another 6 months. But a permanent structure…

Mr. Maher: But and you know, a stipulation…no attachments.

Ms. Smith: Right. Yeah.

Mr. McKelvey: Yeah.

Mr. Maher: No attachments to it. No lean-tos…

Mr. Masten: Yeah.

Mr. Maher: …no additions or whatever you want to call them.

Ms. Smith: Stands alone, yeah.

Chairperson Cardone: Right.

Mr. Manley: They tend to morph.

Ms. Smith: Yes, they do.

Chairperson Cardone: Right.

Mr. Maher: Will they…will they now allow electric to be supplied to it?

Ms. Smith: That’s not so temporary.

Mr. Maher: Because if you…you’ve got that big of a box and it’s full, I mean, it’s going to be dark in there and I can guarantee you’re going to have extension cords running to it, you know. Next thing you know well…never mind…

Chairperson Cardone: Okay. Any further thoughts please email me. Anything else? Now do we have a motion to adjourn until next month?

Ms. Smith: I will motion to adjourn.

Mr. McKelvey: Second.

Chairperson Cardone: All in favor say Aye?

Aye All

Chairperson Cardone: Opposed?

No response.

Chairperson Cardone: The motion is carried. The meeting is adjourned.

PRESENT ARE:

GRACE CARDONE

 JOHN MC KELVEY

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

 ROSEANNE SMITH

ABSENT:

 BRENDA DRAKE

 CODE COMPLIANCE

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 (Time Noted – 8:21 PM)