ZONING BOARD OF APPEALS

MEETING – JANUARY 26, 2017

(Time Noted – 7:01 PM)

Mr. McKelvey: I’d like to call the meeting of the ZBA to order.

Ms. Gennarelli: 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 relief under the Code. The Board will then ask the Board…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. I would ask if you have a cell phone to please put them on silent or turn them off and when speaking, speak directly into the microphone as it is being recorded. But don’t get too close to that mic on the left there. And the Roll call please.

Pledge of Allegiance to the Flag led by Darrin Scalzo

 (Time Noted – 7:03 PM)

**REORGANIZATION MEETING**

Mr. McKelvey: Our first order of business tonight is our reorganization meeting. Our Chairman who is not here tonight does not have to be voted on he was appointed for five years by the Town Board. So we need a motion for a Vice Chairman.

Mr. Scalzo: I would nominate John McKelvey.

Mr. Levin: I’ll second that.

Ms. Gennarelli: Would you like to do Roll call or…?

Mr. Donovan: There is no discussion on the motion? No opposition? No primary?

Mr. McKelvey: Do a Roll call Betty.

Ms. Gennarelli: Roll Call, okay.

 Darrell Bell: Present

Ms. Gennarelli: It’s a yes or a no.

 Darrell Bell: Yes

 Richard Levin: Yes

 Michael Maher: Yes

 John Masten: Yes

 Darrin Scalzo: Yes

John McKelvey: Abstain

Ms. Gennarelli: Okay, congratulations John.

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ABSENT:

 JAMES MANLEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 7:05 PM)

ZBA MEETING – JANUARY 26, 2017 (Time Noted – 7:05 PM)

TROON PROPERTIES, INC. BESSIE LANE/OLD POST ROAD, NBGH

 (8-1-97) A/R ZONE

**USE VARIANCE**

Applicant is seeking a Use variance for 185-83 Solar Farms shall be permitted in an I (Industrial) District to create two solar “electric generating” farms in a residential district. (For a two-lot subdivision before the planning board).

Ms. Gennarelli: And now we have some letters from applicants.

Mr. McKelvey: Yes.

Ms. Gennarelli: Who wants to read them?

Mr. Levin read all the letters for Troon Properties, Amodeo and Chen Group into the record.

Mr. Levin: From Troon Properties to John (James) Manley.

See letter below…



Mr. Donovan: If that’s acceptable to the Board I would suggest that you make a motion en masse to adjourn the two Troon matters, the Amodeo matter and the Chen Group matter to the dates as requested.

Mr. Maher: I’ll make a motion to adjourn as David outlined.

Mr. Scalzo: I’ll second that.

Mr. McKelvey: Roll call.

Ms. Gennarelli:

 Darrell Bell: Yes

 Richard Levin: Yes

 Michael Maher: Yes

 John Masten: Yes

 Darrin Scalzo: Yes

John McKelvey: Yes

Mr. Donovan: If anyone is here tonight for those matters that will be the matter of Troon Properties, Amodeo or Chen Group you won’t get another notice those matters will just be…the Amodeo and Troon on the February agenda and the Chen Group on the March agenda.

Mr. McKelvey: I would request that you send a letter…

Mr. Donovan: Certainly.

Mr. McKelvey: …that you normally do.

Mr. Donovan: And what the…what the Vice Chair is indicating in the past when there has been an adjournment, we indicate that the matter will be heard at the adjourned meeting and I’ll be sending letters to each applicant in that regard.

Mr. Brown: (Inaudible)

Mr. Donovan: No, I’ll copy you. I’ll send letters to your clients as the applicants but I’ll copy you as well.

Mr. Brown: Fine, thank you.

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ABSENT:

 JAMES MANLEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE (Time Noted – 7:10 PM)

ZBA MEETING – JANUARY 26, 2016 (Time Noted – 7:05 PM)

TROON PROPERTIES, INC. BESSIE LANE/OLD POST ROAD, NBGH

 (8-1-97) A/R ZONE

**AREA VARIANCE**

Applicant is seeking area variances (should a Use variance be granted by the ZBA) - Lot #1 - lot area, lot width, lot depth, front yard setback, rear yard setback, one side yard setback and the combined side yards setback; Lot #2 - lot area, lot width, lot depth, front yard setback, rear yard setback, one side yard setback and the combined side yards setback of a two-lot subdivision to create two solar “electric generating” farms for a Two-lot subdivision application before planning board.

Ms. Gennarelli: And now we have some letters from applicants.

Mr. McKelvey: Yes.

Ms. Gennarelli: Who wants to read them?

Mr. Levin read all the letters for Troon Properties, Amodeo and Chen Group into the record.

Mr. Levin: From Troon Properties to John (James) Manley.

See letter below…



Mr. Donovan: If that’s acceptable to the Board I would suggest that you make a motion en masse to adjourn the two Troon matters, the Amodeo matter and the Chen Group matter to the dates as requested.

Mr. Maher: I’ll make a motion to adjourn as David outlined.

Mr. Scalzo: I’ll second that.

Mr. McKelvey: Roll call.

Ms. Gennarelli:

 Darrell Bell: Yes

 Richard Levin: Yes

 Michael Maher: Yes

 John Masten: Yes

 Darrin Scalzo: Yes

John McKelvey: Yes

Mr. Donovan: If anyone is here tonight for those matters that will be the matter of Troon Properties, Amodeo or Chen Group you won’t get another notice those matters will just be…the Amodeo and Troon on the February agenda and the Chen Group on the March agenda.

Mr. McKelvey: I would request that you send a letter…

Mr. Donovan: Certainly.

Mr. McKelvey: …that you normally do.

Mr. Donovan: And what the…what the Vice Chair is indicating in the past when there has been an adjournment, we indicate that the matter will be heard at the adjourned meeting and I’ll be sending letters to each applicant in that regard.

Mr. Brown: (Inaudible)

Mr. Donovan: No, I’ll copy you. I’ll send letters to your clients as the applicants but I’ll copy you as well.

Mr. Brown: Fine, thank you.

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ABSENT:

 JAMES MANLEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE (Time Noted – 7:10 PM)

ZBA MEETING – JANUARY 26, 2017 (Time Noted – 7:05 PM)

THOMAS AMODEO, JR. 516 LAKESIDE ROAD, NBGH

 (14-3-2.1) R-1 ZONE

Applicant is seeking an Use variance for Bulk Table-Schedule 3 - Only 1 dwelling unit per lot is permitted; the 2001 ZBA variance for this structure required the second floor of the garage to be used for storage only and applicant seeks a variance to keep the Prior Built 1400 sq. ft. dwelling unit over this garage.

Ms. Gennarelli: And now we have some letters from applicants.

Mr. McKelvey: Yes.

Mr. Levin: Thomas Amato (Amodeo)

See letter below…



Mr. Donovan: If that’s acceptable to the Board I would suggest that you make a motion en masse to adjourn the two Troon matters, the Amodeo matter and the Chen Group matter to the dates as requested.

Mr. Maher: I’ll make a motion to adjourn as David outlined.

Mr. Scalzo: I’ll second that.

Mr. McKelvey: Roll call.

Ms. Gennarelli:

 Darrell Bell: Yes

 Richard Levin: Yes

 Michael Maher: Yes

 John Masten: Yes

 Darrin Scalzo: Yes

John McKelvey: Yes

Mr. Donovan: If anyone is here tonight for those matters that will be the matter of Troon Properties, Amodeo or Chen Group you won’t get another notice those matters will just be…the Amodeo and Troon on the February agenda and the Chen Group on the March agenda.

Mr. McKelvey: I would request that you send a letter…

Mr. Donovan: Certainly.

Mr. McKelvey: …that you normally do.

Mr. Donovan: And what the…what the Vice Chair is indicating in the past when there has been an adjournment, we indicate that the matter will be heard at the adjourned meeting and I’ll be sending letters to each applicant in that regard.

Mr. Brown: (Inaudible)

Mr. Donovan: No, I’ll copy you. I’ll send letters to your clients as the applicants but I’ll copy you as well.

Mr. Brown: Fine, thank you.

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ABSENT:

 JAMES MANLEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE (Time Noted – 7:10 PM)

ZBA MEETING – JANUARY 26, 2017 (Time Noted – 7:05 PM)

CHEN GROUP LLC.-XIANG ZHEN CHEN 101 N. PLANK ROAD (RTE 32), NBGH

 (75-1-8) B ZONE

Applicant is requesting an Use variance for the Bulk Table - Schedule 7 - Allows existing single family dwelling units and 185-19-A-4 - A non-conforming use shall not be re-established if such use has been discontinued for 1 year to keep a Prior Built 3 Bedroom dwelling unit (living space) above the proposed restaurant.

Ms. Gennarelli: And now we have some letters from applicants.

Mr. McKelvey: Yes.

Mr. Levin: To Mr. Manley, We would like to postpone the meeting scheduled for January 26, 2017 to the meeting of date March 2107….2017

Ms. Gennarelli: Oh no, that would have to be March 23rd, 2017.

Mr. Levin: The reason is that I am out of the country due to death in the family and will not be here for the February meeting. Thank you, Chen

Mr. Donovan: If that’s acceptable to the Board I would suggest that you make a motion en masse to adjourn the two Troon matters, the Amodeo matter and the Chen Group matter to the dates as requested.

Mr. Maher: I’ll make a motion to adjourn as David outlined.

Mr. Scalzo: I’ll second that.

Mr. McKelvey: Roll call.

Ms. Gennarelli:

 Darrell Bell: Yes

 Richard Levin: Yes

 Michael Maher: Yes

 John Masten: Yes

 Darrin Scalzo: Yes

John McKelvey: Yes

Mr. Donovan: If anyone is here tonight for those matters that will be the matter of Troon Properties, Amodeo or Chen Group you won’t get another notice those matters will just be…the Amodeo and Troon on the February agenda and the Chen Group on the March agenda.

Mr. McKelvey: I would request that you send a letter…

Mr. Donovan: Certainly.

Mr. McKelvey: …that you normally do.

Mr. Donovan: And what the…what the Vice Chair is indicating in the past when there has been an adjournment, we indicate that the matter will be heard at the adjourned meeting and I’ll be sending letters to each applicant in that regard.

Mr. Brown: (Inaudible)

Mr. Donovan: No, I’ll copy you. I’ll send letters to your clients as the applicants but I’ll copy you as well.

Mr. Brown: Fine, thank you.

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ABSENT:

 JAMES MANLEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 7:10 PM)



ZBA MEETING – JANUARY 26, 2017 (Time Noted – 7:10 PM)

ROBERT & PATRICIA HAIGHT 53 OVERLOOK DRIVE, NBGH

 (10-4-4) R-3 ZONE

Applicant is seeking an area variance for the front yard setback to keep a Prior Built deck (12 x 7’6”) on the residence.

Mr. McKelvey: The first of business is…

Mr. Levin: Patricia and Robert Haight, 53 Overlook Drive, Newburgh. They’re requesting a (area) variance for the front yard setback to keep a Prior Built deck (12 x 7’6”) on the residence.

Mr. McKelvey: Type II Action under SEQR. Are all the mailings in order and the postings?

Ms. Gennarelli: Okay, the Public Hearing Notices for all this new application being heard this evening was published in the Mid-Hudson Times on Wednesday, January 18th and in The Sentinel on February…on January…Friday, January 20th. This applicant sent out thirty-two letters. All the mailings, publications and postings are in order.

Mr. McKelvey: Okay, state your name for the record?

Mr. Brown: Thank you. I’m Charles Brown, the engineer for the applicant this is a a previously built a wood and Trex front stoop. It was constructed to replace the old concrete stoop which disintegrated. The house was built in the late 1950’s so a…I had the same problem with the stoop at my office it just fell apart…but anyway a…it does project into the front yard a…

Ms. Gennarelli: Charlie, I’m sorry, could you just hold it a little further bit away it’s…it’s picking up…? Usually I don’t do that but…I’m sorry.

Mr. Brown: Right, no, usually you tell me to talk into the microphone.

Ms. Gennarelli: I know, get closer, I know. That’s good.

Mr. Brown: It is into the front yard setback but the existing house is also into in the front yard setback. The front floor is right there there is no other way to do this without violating the front yard setback. We’re less than three and a half percent of the area of the front yard setback so it’s not significant. It’s actually very well built and it looks pretty good so it’s in character with the neighborhood. All the house over there are in pretty good condition. And the applicants are the owners and they’re you know, looking to get everything a…legalized and straightened out a…due to some personal health issues that they’re coming down the line. They want to get this stuff straightened out in front. It’s not an impact to the environment, the neighborhood or anything else because it’s again already there and it’s a…in character with the neighborhood so…

Mr. McKelvey: It was done without a permit…is the reason they’re here?

Mr. Brown: A…yes, yes they because they replaced the concrete deck with…with…or a concrete stoop with a wood stoop they figured they didn’t need a Permit. They were wrong and they’re here to straighten that out…on their own accord, by the way.

Mr. McKelvey: Any questions from the Board?

Mr. Levin: How long ago did they replace it?

Mr. Haight: Inaudible.

Ms. Gennarelli: Can you come up to the microphone, please and just introduce yourself, your name?

Mr. Haight: Robert Haight, when we moved in about six years ago there was a big porch there. On a Friday, we were supposed to close and they…they had to have a Permit, the existings people that the deck and they tore it down and they half rigged bricks and a stoop and it started falling apart a few weeks after we moved there so I just built over top of it and only sticking out a couple of feet past with pressure treated and Trex to make it look nice and a…actually back then I went…I was afraid it was all going to fall apart, somebody was going to fall, I came here to get a Permit and when I came here I asked about it and they said it a few months to get a variance but I built it because I was afraid somebody was going to fall down the steps because it was all breaking apart. And this is a few weeks after we moved in about six years ago.

Mr. McKelvey: Okay. Any questions from the Board…other questions?

No response.

Mr. McKelvey: Any questions from the public?

Mr. Fetter: I’m Bill Fetter from Rockwood Drive. I’m just curious of the size, the current size versus the original size of the…the porch in comparison.

Mr. Brown: The…the width is pretty much the same at seven and a half feet, the…the length projecting out from the building is roughly three feet longer a…than what was there originally. I know that because I did the structural inspection on that and we had to pull the wainscoting off the front so that I could see the structure underneath and still see where the original concrete was. So it…it sticks out from the building about twelve feet a…the previous stoop was closer to eight and seven, eight feet.

Mr. McKelvey: Have you…you seen this porch?

Mr. Fetter: Have I seen this porch?

Mr. McKelvey: Yeah.

Mr. Fetter: No, thank you, I have no objections. I was just curious.

Mr. McKelvey: There…there’s a picture of it if you want to see it.

Mr. Fetter approached the Board

Mr. Fetter: Thank you.

Mr. McKelvey: Any other questions from the Board?

No response.

Mr. McKelvey: Well we’ll look for a motion.

Mr. Masten: I make a motion.

Mr. Scalzo: To close the Public Hearing?

Ms. Gennarelli: What motion was that, John?

Mr. McKelvey: Make a motion to close the Hearing.

Mr. Donovan: Make a motion to close the Public Hearing.

Ms. Gennarelli: He did? Oh, okay.

Mr. Masten: Sorry.

Mr. Donovan: I’ve got good ears though.

Ms. Gennarelli: Who was the second?

Mr. Levin: I’ll second.

Ms. Gennarelli: Okay, roll call.

 Darrell Bell: Yes

 Richard Levin: Yes

 Michael Maher: Yes

 John Masten: Yes

 Darrin Scalzo: Yes

John McKelvey: Yes

Mr. Brown: Thank you.

Mr. McKelvey: Is there any reason we need to adjourn to talk the attorney or do you want to vote?

Mr. Bell: Vote.

Mr. Maher: I have no objection to having a vote.

Mr. Scalzo: I have no objection to voting and I think it’s all straight forward.

Ms. Gennarelli: Okay, shall we go through the questions?

Mr. McKelvey: Yes.

 (Time Noted - 7:14 PM)

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ZBA MEETING – JANUARY 26, 2017 (Resumption for decision: 7:14 PM)

ROBERT & PATRICIA HAIGHT 53 OVERLOOK DRIVE, NBGH

 (10-4-4) R-3 ZONE

Applicant is seeking an area variance for the front yard setback to keep a Prior Built deck (12 x 7’6”) on the residence.

Ms. Gennarelli: Whether the benefit sought can be achieved by other means feasible to the applicant?

Mr. Maher: Obviously the front of the house and the setback already do there’s no way to not have an issue there.

Ms. Gennarelli: Is there an undesirable change in the neighborhood character or detriment to nearby properties?

Mr. Levin: No.

Mr. McKelvey: No, I think it looks better.

Mr. Bell: Yeah, it does.

Ms. Gennarelli: Is the request substantial?

Mr. McKelvey: No.

Mr. Levin: No.

Ms. Gennarelli: Will the request have adverse physical or environmental effects?

Mr. Bell: No.

Mr. Levin: No.

Mr. Scalzo: No.

Ms. Gennarelli: And is the alleged difficulty is self-created? Which is relevant but not determinative.

No response.

Mr. McKelvey: Okay, roll call.

Ms. Gennarelli: Darrell Bell…

Mr. Scalzo: But a…

Ms. Gennarelli: I’m sorry we didn’t get a motion…

Mr. Scalzo: …we need to have a motion.

Ms. Gennarelli: …a motion first, John. John you want to close the meeting really quickly I understand. He wants a new record.

Mr. McKelvey: Have a motion for a…motion for…

Ms. Gennarelli: Do we have a motion?

Mr. Maher: I motion for approval.

Ms. Gennarelli: Thanks, Mike.

Mr. Scalzo: I’ll second.

Ms. Gennarelli: Second, okay, roll call.

 Darrell Bell: Yes

 Richard Levin: Yes

 Michael Maher: Yes

 John Masten: Yes

 Darrin Scalzo: Yes

John McKelvey: Yes

Mr. McKelvey: The motion is carried.

Mr. Brown, Ms. & Mr. Haight: Thank you.

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ABSENT:

 JAMES MANLEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 7:15 PM)

ZBA MEETING – JANUARY 26, 2017

END OF MEETING (Time Noted – 7:15 PM)

Mr. McKelvey: As far as the Board goes, you’ve all had copies of the minutes are there any additions or corrections?

Mr. Scalzo: I’ll make a motion for approval of the meeting minutes.

Mr. Maher: Second.

Mr. McKelvey: All those in favor say Aye?

Aye - All

Mr. McKelvey: Opposed?

No response.

Mr. McKelvey: I guess we’ll look for a motion to close the meeting.

Mr. Maher: I’ll make a motion for adjournment.

Mr. Levin: I’ll second.

Mr. McKelvey: All in favor say Aye?

Aye All

Mr. McKelvey: Opposed?

No response.

Mr. McKelvey: The meeting is adjourned.

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ABSENT:

 JAMES MANLEY

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 7:16 PM)