ZONING BOARD OF APPEALS

MEETING – MAY 25, 2017

(Time Noted – 7:02 PM)

Mr. Manley: Good evening, 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 relief under the Code. The Board will then ask the applicant any questions it may have and then any questions or comments from the public will be entertained. After all of the Public Hearings have been completed the Board may adjourn to confer with Counsel regarding any legal questions it may have. The Board will then consider the applications in the order heard and 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 cell phones to please put them on silent or turn them off and when speaking, speak directly into the microphone as it is being recorded. Could I have the roll call please?

PRESENT ARE:

 DARRELL BELL - Arrived 7:11PM

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

Pledge of Allegiance to the Flag led by Anthony Ricci from the Wallkill High School

(Time Noted – 7:04 PM)

ZBA MEETING – MAY 25, 2017 (Time Noted – 7:04 PM)

ORLANDO & ADRIANA SILVA 136 N DIX AVENUE, NBGH

 (73-7-1.1) R-3 ZONE

Applicant is seeking an area variance for accessory buildings may be located in a side or rear yard to keep a prior built accessory building (10 x 12 shed) (Has two front yards N Dix Avenue and Wilson Avenue).

Mr. Manley: Thank you and thank you Anthony. The first order of business this evening for a Public Hearing tonight is going to be the application of Orlando and Adriana Silva of 136 North Dix Avenue in Newburgh seeking an area variance for accessory buildings may be located in a side or rear yard to keep a prior built accessory building (10 x 12 shed). They have two front yards N Dix Avenue and Wilson Avenue. Ms. Gennarelli are all the mailings in order?

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

Mr. Manley: Thank you.

Ms. Gennarelli: You’re welcome.

Mr. Manley: Is the applicant here this evening? Good evening. If you could just state to the Board what your request is and the necessity for the variance. The Board Members do make site visits to the properties so they have been out to your site. So if you could just give us some background and history and then the Board and the public may have some questions and we just need you to identify yourself as well.

Ms. Silva: Hi, my name is Adriana Silva and I would like to keep the shed, I put stuff in there like my lawnmower, generator, some bikes, tools and if I don’t have that I would have to like rent a storage and would be like extra money for me which I don’t...I can’t afford at the moment. And when I purchased the house it was already...it was built there.

Mr. Manley: Could you share with the Board what year you purchased the home?

Ms. Silva: I purchased the home 2015.

Mr. Manley: Okay, so you’ve been there just about two years now?

Ms. Silva: Two years, yes.

Mr. Manley: And your testimony to the Board this evening is that the shed already existed when you purchased the home?

Ms. Silva: Yes.

Mr. Manley: Okay.

Mr. McKelvey: And the street behind you is a paper street I think, isn’t it Betty?

Ms. Gennarelli: Yes, a paper road.

Mr. McKelvey: We had another one of the neighbors with the same thing.

Mr. Maher: So, in essence on...on paper it shows a road there in reality there really isn’t.

Mr. Manley: Does the Board have any questions for the applicant at all?

No response.

Mr. Manley: Hearing no questions at this time from the Board is there anyone from the public that has any questions with regard to this application?

No response.

Mr. Manley: I’ll return back to the Board for one last round if they have any questions?

No response.

Mr. Manley: Hearing none I’ll ask for a motion to close the Public Hearing.

Mr. McKelvey: I’ll make that motion.

Mr. Masten: I’ll second it.

Ms. Gennarelli: Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 John Masten: Yes

John McKelvey: Yes

 Darrin Scalzo: Yes

 James Manley: Yes

Mr. Manley: The Public Hearing at this point is closed. The Board will take this up at the end of the meeting during public deliberation at which point they’ll vote on the variance.

Ms. Silva: Okay. Thank you.

Mr. Manley: Thank you.

 (Time Noted - 7:07 PM)

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ZBA MEETING – MAY 25, 2017 (Resumption for decision: 8:18 PM)

ORLANDO & ADRIANA SILVA 136 N DIX AVENUE, NBGH

 (73-7-1.1) R-3 ZONE

Applicant is seeking an area variance for accessory buildings may be located in a side or rear yard to keep a prior built accessory building (10 x 12 shed) (Has two front yards N Dix Avenue and Wilson Avenue).

Mr. Manley: The Board is reconvening its meeting this evening. The Board is now going to discuss the application and testimony for Orlando and Adriana Silva, 136 North Dix Avenue in Newburgh. This is a Type II Action under SEQR. And we’re going to go through the area variance criteria. First of all, with regard to this application does the Board wish to comment on whether the benefit can be achieved by other means feasible to the applicant with regard to the accessory building?

Board Members: (Inaudible)

Mr. Scalzo: No.

Mr. Maher: I don’t think there’s anything has to be done...

Mr. Scalzo: No, I don’t know what you can do...paper street behind it.

Mr. Maher: (Inaudible) front of house frontage front street issue anyway, existing location is the best for it.

Mr. Levin: I agree with that.

Mr. McKelvey: And it was there when she...they moved in.

Mr. Manley: Does the Board under the second criteria feel that there would be an undesirable change in the neighborhood character or detriment to nearby properties?

Mr. McKelvey: No.

Mr. Levin: No.

Mr. Bell: No.

Mr. Maher: There would be if she moved it.

Mr. Manley: The third item to consider is whether the request is substantial in nature?

Mr. McKelvey: No.

Mr. Scalzo: No.

Mr. Levin: No.

Mr. Manley: Whether the request will have adverse physical or environmental effects?

Mr. Scalzo: No.

Mr. Levin: No.

Mr. Bell: No.

Mr. McKelvey: No.

Mr. Manley: Whether the alleged difficulty is self-created? It is relevant but it’s not determinative.

Mr. Scalzo: Well she purchased it and it was there so I don’t believe it was self-created.

Mr. Manley: Going through the five factors and the Board having a chance to go through the testimony of the applicant and the application does someone from the Board mwish to make a motion?

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

Mr. Masten: I'll second.

Mr. Manley: We have a motion and a second to approve.

Ms. Gennarelli: Okay, roll call.

 Darrell Bell: Yes

 Richard Levin: Yes

 Michael Maher: Yes

 John Masten: Yes

John McKelvey: Yes

 Darrin Scalzo: Yes

 James Manley: Yes

Mr. Manley: The request for the variance is granted.

Ms. Silva: Thank you.

Mr. Manley: You’re welcome.

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:20 PM)

ZBA MEETING – MAY 25, 2017 (Time Noted – 7:07 PM)

JOHN ABRAMS 370 LAKESIDE ROAD, NBGH

 (28-1-19) R-1 ZONE

Applicant is seeking area variances for the maximum allowed square footage of accessory structures, the maximum height, the maximum lot surface coverage and the maximum allowed (4) four vehicle storage to build an accessory building (56 x 60 x 24).

Mr. Manley: The next Public Hearing this evening for the Board to hear is the application of John Abrams, 370 Lakeside Road, Newburgh seeking an area variance for the maximum allowed square footage of accessory structures; the maximum height, the maximum lot surface coverage and the maximum allowed (4) four vehicle storage to build an accessory building 56 feet by 60 feet by 24 feet high. Ms. Gennarelli are the mailings in order?

Ms. Gennarelli: Yes, this applicant sent out thirty-three letters. All the mailings, publications and postings are in order.

Mr. Manley: Thank you.

Ms. Gennarelli: You’re welcome.

Mr. Manley: Good evening, could you identify yourself for the record?

Mr. Brown: Charles Brown, engineer for the applicant a...Mr. Abrams wants to build a two thousand eight hundred and thirty five square foot accessory building and twenty-four foot high and he is going to be exceeding the a...total surface coverage and that building is big enough a...accommodate cars to put us over the four car maximum. A...Mr. Abrams a...has a couple a...classic vehicles he’d like to...you know, protect them, work on them a...as far as it being out of character of the neighborhood a...this is going to be placed a...over the hill so it won’t be visible to the road. The only people that would see it are the neighbors on...on each side. A...it’s in that area of...of Orange Lake that was zoned originally R-3. He bought the property when it was zoned R-3 and now it’s zoned R-1 that went into effect in 2006 a...when that happened the setbacks (Inaudible) credit given for sewer and water a...which he...he had both and he has very little buildable area left. It’s going to be well screened; it won’t be a detriment to the environment or the neighborhood. The buildings across the street, the lots across the street are much, much smaller and a...more densely developed.

Mr. Manley: Does the applicant wish to keep the other items that are on the property? The other out buildings?

Mr. Brown: A...he has one small building that’s shown on there that’s going to be taken down to accommodate this structure...in the vicinity of this structure.

Mr. Manley: Okay, why would he need to keep that small garage type building if he’s going to have such an enormous garage in the back?

Mr. Brown: A...that’s a good question, unfortunately he’s out of Town on vacation so I can’t have the opportunity to ask him that question right now a...but if that’s a condition of the Board’s approval I’m sure he’d be okay with it though.

Mr. Manley: He’s going to have a road that will go all the way from the front of his property to the back to where this new garage is going to be?

Mr. Brown: The driveway will be continued from the house area, yes, back this a...this...this accessory building.

Mr. Manley: And paved?

Mr. Brown: That I don’t know, I’m assuming so.

Mr. Manley: Will there be an apron on the front of the garage?

Mr. Brown: We figured all of that as impervious area which put us...you know, over the a... put us over surface coverage so the plan as shown does show that as...as paved area with the apron on it.

Mr. Manley: Was that included in the lot coverage area?

Mr. Brown: Yes.

Mr. Manley: The paved area?

Mr. Brown: Yes, the proposed paved area, yes. So in other words if we do not pave that the pervious area would be decreased and the amount of overage on the lot coverage would also be decreased.

Mr. Manley: Right if he did not. Correct.

Mr. Brown: Correct. Do any of the Board Members have any questions for the a...applicant’s representative Mr. Brown?

Mr. Maher: It says the building is obviously 2400 square feet and then the lean to just a...overhang? (3360 total)

Mr. Brown: (Inaudible) was included in the square foot.

Mr. Maher: No it’s just an overhang though it’s not actual.

Mr. Brown: Correct.

Mr. Maher: There’s no sidewalls on it just an overhang area?

Mr. Brown: No just a columns.

Mr. Scalzo: And your clients married to that twenty-four foot height?

Mr. Brown: A...yeah, based upon the...the size of the building a...and this is a pre-manufactured building a...that’s what they...that’s the plans that they gave him a...I don’t know if there’s any flexibility on that based upon their you know minimum criteria for basically this...this type of pole barn building.

Mr. Manley: What would he need the second story for if he’s just storing classic cars? Is he going to have an elevator that brings the cars to the second floor or...?

Mr. Brown: No, no there’s...there’s no second floor on this.

Mr. Manley: So it’s all open space up above?

Mr. Brown: I’m assuming it will be roof trusses generally that’s what they do with the pole barns a...they, you know, the...the columns are generally around eight foot on center, they put a beam between the columns and then they use trusses for the roof.

Mr. Manley: So I guess the question is why not lower the height of the roof and save money and not have to have such an expensive pole barn? I mean that...that could be a huge cost savings.

Mr. Levin: Charlie, do you...do you have a decision a...the right to make that decision?

Mr. Brown: A...if I say yes and Mr. Abrams doesn’t like it then you know we missed... have the opportunity to come back to this Board in how many months...so at this point I’ll say yes.

Mr. Levin: What do you think you can lower it to?

Mr. Brown: A...you want the...I’m pretty sure if I remember right he’s got ten foot inside?

(Inaudible)

Mr. Maher: It shows a ten...it shows a ten foot high door.

Mr. Brown: So sixteen...actually sixteen...six...actually there’s not much flexibility on that now that I think about it on the height. But again this is, you know, behind the a...ridge there so it’s not going to be visible from...a...from the road or anybody other than the two adjoining neighbors.

Mr. Manley: I mean that is huge structure. I mean it’s...it’s bigger than the house and you know for an accessory structure usually when you’re talking accessory...accessory is smaller than the main structure normally. In this case the garage is going to be over the size of the house.

Mr. Brown: Yeah.

Mr. Bell: It’s going to be seen from the road.

Mr. McKelvey: It is...it is large.

Mr. Manley: I mean something like this...this is what you’d normally seen in a...an agricultural area like a huge barn that somebody would be using as a barn as opposed to a...residential storage. Before we open it up to the public does the Board have any other questions?

Mr. McKelvey: You say...you say he’s only got a couple of cars he wants to put in there?

Mr. Brown: A...I don’t know how many cars he has. He does have again a...old cars...classics they’re called. A...he a...he has some friends that they, you know, that they build a...fix these cars up for each other in there. It’s not a commercial operation by any means they a...they’re have a club (Inaudible) where they maintain a...a classic cars.

Mr. McKelvey: Where has he got the cars now?

Mr. Brown: A...

Mr. McKelvey: They weren’t there when I was there.

Mr. Brown: Well a...do you know?

Mr. Hustins: His parents I know...

Ms. Gennarelli: Excuse me.

Mr. Hustins: I’m sorry. I John Hustins, I’m his neighbor 364 Lakeside...I know one of the...what he has also is a...very large toy collection...automobiles...you know, cars that’s currently at his a...office. He has that whole garage...his toys and that is going to be part of this a...and he also owns the lot across the street from where he is right now with a garage that his parents live at so if you didn’t see something there it would be at one of the other two locations.

Mr. McKelvey: You don’t know how many cars he has do you?

Mr. Hustins: A...currently? I think with the family...five...but I know he’s planning on getting a...an MG or two a...as a project with his sons... (Inaudible)...

Mr. McKelvey: Cause he can only have four cars there.

Mr. Hustins: In...well that’s one of the variances he’s applied for is more than four cars. Because it is going to be more than a four car garage...that’s addressed.

Mr. McKelvey: That’s not allowed though.

Mr. Hustins: That’s why he’s applying for a variance but I am the neighbor directly next door to it I’ll be looking at it and if I could have I would have built a garage just as large.

(Inaudible)

Mr. Hustins: (Inaudible) a variance for it.

Mr. Scalzo: I recall and I asked you if you were married to the height as well. Yes.

Mr. Hustins: Exactly.

Mr. Bell: I was going to say he was just here.

Mr. Masten: Yeah.

Mr. Hustins: (Inaudible)

Mr. Scalzo: I believe yours was more decorative...

Mr. Hustins: With the dormers, yes, exactly. But it is well down the path off I don’t even know how much of it I’ll see from...from where I am, you know, even from upstairs. But I would a...voice my approval of (Inaudible). Thank you.

Mr. Manley: My concern that I always have is sometimes not necessarily with the individual that’s going to use the garage today it’s what happens tomorrow and in the future because once it’s built it’s there and if this individual decides that he’s going to retire and move to Florida, sell his car collection and the next thing that happens is somebody comes in and decides they’re going to put an apartment in there, they’re going to run a business out of there, it then creates an enforcement issue for the Town.

Mr. Brown: Understood.

Mr. Manley: And it’s very difficult to, you know, enforce once the...you know, once the barn doors are open you...you know it’s very, very difficult to enforce a...as we’ve seen. You know, we’ve had cases before us where just last month the gentleman was told he can’t use his garage to put a living quarters in it and he ended up putting living quarters in it, it winds up in Town Court now he’s trying to get a use variance after the Zoning Board told him he couldn’t have living quarters...

Mr. Brown: I’m very familiar with the project...

Mr. Manley: You probably are and you know this is unfortunately what happens and it may not be the...the owner today it’s about what happens tomorrow.

Mr. Brown: Yeah, well Mr. Amodeo is paying the price for that one a...he’s a totally different type of individual than a...Mr. Abrams so you know that...that comparison doesn’t sit well with me.

Mr. Manley: But again it’s not necessarily about the individual that’s here before us it’s about what comes down the road and you know that’s...that’s why we have the zoning and that’s why they set...that’s why the Town has set these limitations because they know that these things often times morph into other stuff.

Mr. Brown: Understood.

Mr. Manley: And, you know if it was an I/B Zone or a Business District then you know...

Mr. Brown: We wouldn’t be here.

Mr. Manley: Exactly then it really doesn’t matter because that’s what those areas are for. So does the Board have any other questions before I open it up to the public?

Mr. Maher: Is...is the...is the overhang in the front a requirement?

Mr. Brown: A...no, it’s not it’s, you know, something that he prefers a...you know again it...it...this is the request you know we are (Inaudible)...

Mr. Maher: I mean that’s...that’s literally nine hundred and sixty square foot of the...of the a...request there alone.

Mr. Brown: You know, with...with...with the...the...if the over a...hang was a...taken off then we could probably reduce the height by two feet.

Mr. McKelvey: But you can’t make that decision, can you?

Mr. Brown: A...I’m going to say yes, I’m going to go out on a limb and say I can.

Mr. Scalzo: Charlie the a...this isn’t I don’t think related to any of the variances you’re looking for but a...at the roadside one of the decorative walls appears to be encroaching onto the adjoiner...any request to move that by that adjoiner?

Mr. Brown: The...one of what walls please?

(Inaudible)

Mr. McKelvey: Take the mic with you Charlie.

Mr. Brown: I got it.

Ms. Gennarelli: He did.

Mr. McKelvey: Oh, yeah, okay.

Mr. Brown: Yeah, you guys have trained me well. A...where is that?

Mr. Scalzo: On the north side.

Mr. Brown: Oh, a...

Mr. Scalzo: Well like I said, you’re not here for that there’s a... (Inaudible)

Mr. Brown: As far as I know, no. (Inaudible) driveway a...I a...haven’t heard of any complaints on that.

Mr. Scalzo: Okay.

Mr. Manley: Just one other for you Charlie, there’s two meter panels that are a...at the residence. Is it a one family house or a two family?

Mr. Brown: No this is a two family, it was a two family when he bought it and again at that time it was in the R-3 a...a...you know that the size of lot for a two-family a...was...was reduced with sewer and water and all that. So a...it was legal when he bought it as a two-family and it’s continued to be a two family a...

Mr. Manley: But you’re...now we’re adding to the...the density by having a two-family plus having this large garage.

Mr. Brown: A...yes. Again, you know he owned it back when it was R-3 so a...it was not a self-created hardship. This would be completely in compliance with the R-3 Zone a...a...as shown here except for the a...size of the building, the height of the building. We would meet all setbacks a...we would meet the lot coverage and all the rest of that because you get credit for sewer and water in the R-3.

Mr. Manley: But there was a reason why they, obviously the Town changed from R-3 to R-1 and that was more than likely to create less density...more than likely.

Mr. Brown: Certainly keeping you guys busy.

Mr. Scalzo: It wouldn’t happen to hundred foot buffer for the wetlands that are way in the back, any impact there?

Mr. Brown: No, we meet that buffer.

Mr. Manley: At this point I will open the floor up to anyone from the public who has any questions with regard to this application. Yes sir?

(Inaudible)

Ms. Gennarelli: Would you please come...come up and introduce yourself.

Mr. Fowler: Stay close by Charlie...a...my name is Art Fowler; I live at 8 Snider Avenue on the other side of the lake. I’m a partner, I own...I’m a...the president of Double Eagle Development which is partner in the property to the north of this. Probably we would have the biggest impact of anybody from a visual standpoint a...it was a (Inaudible) property that that we subdivided there and Doce and I are partners on that and I discussed this with Darren. I don’t think we have any issues with it; I just want to make that a public record. I just want to take a look at the diagram one time because I haven’t had a close look at that.

Mr. Manley: Absolutely.

Mr. Fowler: (Inaudible)

Mr. Scalzo: Now sir, you say...

Ms. Gennarelli: You can take the microphone with you please Art, thank you.

Mr. Scalzo: ...as you approach the map the upper right hand side has the vicinity map to it, Double Eagle Development there you also own Lot 18.22?

Mr. Fowler: That’s correct.

Mr. Scalzo: Alright, so...so this would be perhaps a visual impact on that lot...

Mr. Fowler: Yes, yes either one. We know that...we know Mr. Abrams takes good care of his property a...we don’t have an issue with the height or with his visibility of the building. Any questions for me?

No response.

Mr. Manley: Is there anyone else from the public that has any questions or comments regarding this application?

No response.

Mr. Manley: Hearing none I’ll return back to the Board for one last round of questions or comments.

Mr. Maher: So...so should...should we take into consideration losing the front overhang or should we go with it as it is or what were your...?

Mr. Brown: Well again I would to...to go with it as it is. You now have heard from the neighbors on both sides a...I mean, even though the other neighbor spoke before the Public Hearing it’s still part of the record right?

Mr. Manley: Right.

Mr. Brown: Or do you want him to come up and state it again? A...

Mr. Manley: No, the Public Hearing was open when he was here.

Mr. Brown: Okay. A...so we prefer to you know see this application as submitted a...but again it’s up to the Board.

Mr. Manley: Very good. At this point does the...?

Mr. Levin: Would it be advisable to hold it to next month?

Mr. Manley: That’s up to the Board. If the Board feels that they have enough information this evening we can close the Public Hearing. If you feel you need more information then you would just need to...

Mr. Levin: Well if you’re comfortable...I...I’d like to look at lowering it and if you can do it and take the front off I would...I would be more a...less objected to it.

Mr. Brown: I will then suggest then that we a...as a representative of the applicant waive the sixty-two days a...that you as the Board close the Public Hearing but hold this over till next month and I’ll make sure that my client is here to a...make those decisions.

Mr. Manley: The problem is if we close the Public Hearing if there’s changes to it that the public may or may not like to comment on we’ve closed the Public Hearing they’re...they’re not able to make those comments or you know, that doesn’t get entered into the record.

Mr. Brown: Right. Okay.

Mr. Manley: So...

Mr. McKelvey: Why can’t we hold just hold it...

Mr. Brown: Okay hold it open then.

Mr. McKelvey: ...open?

Mr. Brown: Okay, we’ll take that.

Mr. Manley: So is it the Board’s pleasure that Mr. Brown rework the presentation to reflect changes in the square footage to be...

Mr. Levin: For tonight you’re saying...?

Mr. Manley: For well...for the next meeting.

Mr. McKelvey: For the next meeting.

Mr. Levin: Oh, the next meeting, okay.

Mr. Manley: You had said you wanted him to rework...

Mr. Levin: (Inaudible) Yeah.

Mr. Donovan: So if that’s the case the Board would need to entertain a motion or make a motion to continue the Hearing until the June meeting for the purpose of submitting a revised plan within a sufficient time for the Board to review it and for the public to review it.

Mr. Manley: And I’d also say so that Mr. Brown has some direction on what the Board is looking for. Are you looking for a minor reduction in the square footage? Are you looking for a moderate reduction? Or are you looking for a major reduction? And I think that he needs some direction so that you know if...if the Board says hey we want you to eliminate the front but he only eliminates a hundred square feet that’s minor or moderate is nine hundred or a thousand or major is fifteen hundred. We kind of need to give him a...some...some direction on...

Mr. McKelvey: What’s the size of the building he is going to take down?

Mr. Manley: Well and that’s the other question too Charlie if, you know, is the applicant going to remove that garage...?

Mr. Brown: Yeah that...

Mr. Manley: ...that all plays into the square footage.

Mr. Brown: Yes it’s figured in. The removal of that building is figured into the square footage.

Ms. Gennarelli: It’s already taken out.

Mr. Bell: It’s taken out.

Mr. Brown: Alright.

Ms. Gennarelli: It’s already taken.

Mr. Donovan: But I think there was a discussion about the potential removal of another structure, right?

Mr. Manley: The one-car garage.

Mr. Donovan: Yeah.

Mr. Bell: The one-car garage.

Mr. Manley: And you had said that that...would be a possibility...

Mr. Donovan: You went out on a limb Charlie but then I think you came back and the limb got a little weak underneath you so you...

Mr. Brown: Yeah.

Mr. Donovan: ...weren’t so sure about that.

Mr. Maher: Well I don’t...I don’t think we’re clear on what building we’re talking about. What building...?

Mr. McKelvey: (Inaudible) garage.

Mr. Manley: The one-car garage.

Mr. McKelvey: The one-car garage.

Mr. Maher: I...we...referred to the building, we didn’t even refer to the garage so there’s the two additional ones I’m looking at so...yeah, so clarify if we’re talking about the garage and...

Mr. Donovan: Yeah, so I think he’s got shed to be removed, right that’s being removed. There’s another...

Mr. Maher: Right the one...

Mr. Donovan: ...shed that’s eighty square feet that was staying.

Mr. Maher: (Inaudible)

Mr. Donovan: And then the other garage/pool supplies three hundred and ninety five square feet I think...believe that was the one that the Board was suggesting...

Mr. Maher: I just want to make sure what’s staying that was confusing.

Mr. Brown: Yeah I think that actually has the pool pump and the rest of that...

Mr. Donovan: Well that may be more difficult to take down, right? Yeah.

Mr. Brown: Yeah. So we’ll...we’ll see if what (Inaudible)...

Mr. Manley: Yeah, if we could have a motion to a...keep the Public Hearing open until our June meeting which would be a...?

Ms. Gennarelli: June 22nd.

Mr. Manley: June 22nd.

Mr. Levin: I make a motion to keep it open to June 22nd.

Mr. Masten: I’ll second it.

Ms. Gennarelli: Roll call.

 Darrell Bell: Yes

 Richard Levin: Yes

 Michael Maher: Yes

 John Masten: Yes

John McKelvey: Yes

 Darrin Scalzo: Yes

 James Manley: Yes

Mr. Donovan: And if I can Charlie just if you could submit to Code Compliance in sufficient time so the Board can get the report so we have the percentages and everything in front of them before making the decision.

Mr. Brown: Will do.

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE (Time Noted – 7:33 PM)

ZBA MEETING – MAY 25, 2017 (Time Noted – 7:33 PM)

ROBERT WEBB-ADVANCED PARKVIEW STREET S, NBGH

 MODULARS LLC. (52-15-11.2) R-1 ZONE

Applicant is seeking area variances for the minimum lot area, minimum lot width, minimum lot depth, minimum front yard setback, minimum one side yard setback, minimum combined side yards setback, maximum lot building coverage and the maximum lot surface coverage to construct a new single-family dwelling.

Mr. Manley: The next Public Hearing this evening scheduled is the Public Hearing for Robert Webb, Advanced Modulars LLC., Parkview Street South, Newburgh seeking area variances for the minimum lot area, minimum lot width, minimum lot depth, minimum front yard setback, minimum one side yard setback, minimum combined side yards setback, maximum lot building coverage and the maximum lot surface coverage to construct a new single-family dwelling.

Mr. Maher: Mr. Chairman I am going to recuse myself...

Mr. Manley: Okay.

Mr. Maher: ...I have an interest in this.

Mr. Manley: Okay.

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

Mr. Manley: Thank you.

Ms. Gennarelli: You’re welcome.

Mr. Brown: Thank you. Charles Brown, engineer for the applicant, this is an existing vacant lot on Parkview Street a...it’s a...these lot was created a long time ago. Again this was in the R-3 Zone when the lots were created a...the lots in the area are similar in size a...based on the original zoning the only variance we would need is the front yard setback and that’s due to the only viable area for the septic is actually behind the house. A...it’s tied in...it’s going to be tied into Town water a...a it’s in character with the other houses that are already exist in the neighborhood. The applicant owned this property before the zoning changed in 2006 and there won’t be any detriment to the environment or the a...area. Thanks.

Mr. Manley: Just a couple of things, do you want the bad news or the good news...?

Mr. Brown: Pardon?

Mr. Manley: Do you want the good news or the bad news?

Mr. Brown: Whichever way you want to provide it.

Mr. Manley: Alright, I’ll give you the good news is we can hear this tonight. The bad news is we can’t make a decision tonight.

Mr. Brown: You haven’t heard back from the County.

Mr. Manley: Bingo.

Mr. Brown: Got you.

Mr. Manley: You know that Orange County has up to thirty days to respond and to as of today when the call was made out it hasn’t been approved yet by the Department of Planning so they were unable to fax the report to us. So we’ll continue with the Public Hearing and then unfortunately we have to put it on for a vote next month.

Mr. Brown: Okay.

Mr. Levin: You have a lot of business next month.

Mr. Brown: I do, yeah.

Mr. Manley: So at this point, does the Board have any questions for the a...applicant? I do have another housekeeping item for Mr. Brown. Can I give that to you now?

Mr. Brown: Sure.

Mr. Manley: The address of the applicant in the assessor’s office doesn’t seem to agree with what we believe to be the address of the applicant. The tax records and everything that was mailed was going to Lira...

Ms. Gennarelli: Lane.

Mr. Manley: ...Lane in Walden and was returned by the Post Office. So the address isn’t accurate so it needs to probably be updated with the Assessor’s Office. We’re showing an address in Walden. What was the address again?

Ms. Gennarelli: 17 Penny Lane.

Mr. Manley: As the address so they may need to update that so that the records and everything are received properly.

Mr. Brown: That’s the address...the same address that the applicant a...gave us.

Ms. Gennarelli: Which one?

Mr. Brown: 17 Penny Lane, Walden.

Ms. Gennarelli: There’s an error in the a ... mailing list where it is listed as Lira Lane which is somehow incorrect and it needs to be corrected.

Mr. Brown: Corrected to the 17 Penny...

Mr. Manley: Right.

Mr. Brown: Will do.

Mr. Manley: Did at one time a relative live there or something that resulted in that...?

Mr. Brown: He probably moved and didn’t update the records.

Mr. Manley: Got you.

Mr. Brown: I will make sure that he does do that though.

Mr. Manley: Because Lira Lane is that development off of Plains Road I believe.

Mr. Brown: Yes, thanks.

Mr. Manley: Okay. Alright that all, I just wanted to let you know because the mail is being returned. At this point does the Board have any questions on the variances that have been requested this evening?

Mr. McKelvey: It’s true the lots on that street are small.

Mr. Brown: There...there’s actually no other way to...to develop this lot without variances a...the buildable area is a tiny little (inaudible) area for them to (inaudible) adapt based upon the current zoning. The proposal is for a very small ranch house less than fifteen hundred square feet a...this is substantially smaller than a...some of the duplexes across the street closer to South Plank Road. A...I actually lived in one of those for a while and a...they’re pretty good sized houses but a...as far as the ones on this side of the street and the houses behind it it’s...it’s a roughly the same size or smaller.

Mr. Manley: Is there...why couldn’t...is there a possibility to bring the house down slightly in size so that you don’t overtake the size of the lot and perhaps reduce some of the required variances?

Mr. Brown: It’s pretty small as it is so a...as far as shrinking the house I don’t think that...he has a buyer specific for this particular house a...if he loses this buyer he may never get a return on...on the property a...she’s a...recently widowed a...lost her son several years ago, by herself, downsizing and you know, this house is a...

Mr. McKelvey: Is that the only vacant...that’s the only vacant lot on the street, right?

Mr. Brown: There is one I think...one...one more I think. A...yeah this house is only going to be fourteen hundred and fifty square feet and that includes the garage.

Mr. Levin: Fourteen hundred fifty?

Mr. Brown: That includes the...the one car garage so...it’s small.

Mr. Levin: Is this a pre fab house?

Mr. Brown: It’s going to be a modular.

Mr. Levin: Modular.

Mr. Brown: I think so yeah.

Mr. Scalzo: Charlie, if you could help me out? In the legend I can identify where your silt fence is but then these the thicker dashed lines what am I looking at?

Mr. Brown: That’s a curtain drain.

Mr. Scalzo: Oh, thank you.

Mr. Brown: That’s shown shrunk down there in the legend by the expansion a... septic (Inaudible)

Mr. Scalzo: Oh, very good okay, thank you.

Mr. Donovan: Charlie, in your vicinity map, is it possible I know on the last map you had a tax map in there because this just shows a...this parcel, could you just put something in there to just give the Board a feel for the...the other lots in the neighborhood what their size is?

Mr. Brown: Sure, sure.

Mr. Manley: And I’m going to go ahead and read a letter into the record that the Zoning Board received on May the 22nd. This letter is dated May the 22nd.



Mr. Manley: At this point, I am going to open up the Public Hearing to the members of the public for any of their comments, questions, concerns. Yes sir?

Mr. Isabella: My name is Robert Isabella; I live at 107 Parkview Street right next door. How close to the property line is this house going to be and is there a layout that we could view? And as far as the septic where’s the leech field going to be because that’s going to pretty close to the house behind it?

Mr. Manley: What I can do if you’d like is give you this to take a look at.

Mr. Isabella: Okay.

Mr. Isabella approached the Board.

Mr. Manley: This is the house, these are the distances to the side yard one is twenty-six point two five feet, this is fifteen feet to the property line, this is the leech field in the back, this is the back of the parcel there.

Mr. McKelvey: Get the mic oh, you got the mic, okay.

Ms. Isabella: Sorry, I’m his wife.

Mr. Manley: That’s okay.

Mr. Isabella: Now you need a minimum of fifteen to build off the property line, right?

Mr. Manley: Well that’s the...that’s the variance there, you’re supposed to have a larger...larger side yard. What is the exact side yard? I...I’m looking here I can’t a...right here is required so it’s thirty feet is required and they’re asking for fifteen feet instead of the thirty and then there’s a ... between both side yards you have to have eighty feet and they’re requesting forty-four and then for the minimum lot depth you need a hundred and fifty feet, they’re requesting a hundred. For the minimum lot a...that’s lot width, for lot depth requesting one fifty, need one fifty requesting one ten and then the maximum building surface the most you can have is ten percent and they’re requesting nineteen percent, maximum lot surface coverage twenty percent is required, they need twenty-four percent and then the maximum building height thirty-five feet they meet that it’s twenty feet. So you know that’s why in that letter that the other gentleman wrote they need eight out of...they need eight variances out of the nine.

Ms. Isabella: What is the design of the home? Is it a two-story? Or is it a one-story home?

Mr. McKelvey: One story, right?

Mr. Levin: One story.

Mr. Brown: Not...a...not to step on the Chairman’s toes but as far as significance we don’t need variances for the lot area, lot width or depth that’s signified by a single asterisk of existing conditions that can’t be changed. So a...we actually only need a...five variances a...the house is a one-story, low pitched ranch...there you go...

Mr. Manley: You can actually keep this if you want.

Ms. Isabella: There’s no option to make it a two-story home put a garage underneath and putting the home...?

Mr. Brown: No, no a...lot constraints a...we encountered rock in the front of the lot that’s why put the a...septic in the back a...she...she doesn’t want a big house. Like I said she is downsizing so a...no, there’s no provision to put a a second story on this. In the event that down the road someday they want to do that they would be back here before this Board a...and a you would a...get Noticed again and a...this...this woman that’s going to be living here, buying this house and this is what she wants, she’s not going to two-story house and that’s a very accurate drawing of what the house is going to be and actually now that I think about it this is not a modular it’s going to be stick built, we’ve already done the...plans for this house.

Mr. Scalzo: What may help you to understand the setback on the building, if you see where the deck is on the rear of the proposed house, there’s a dashed line surrounding this it’s the building setbacks, if they were to build the house inside those dashed lines then you wouldn’t need those variances but that’s probably a fifteen foot by fifteen foot house.

Mr. Brown: I actually don’t think it’s even that big.

Mr. McKelvey: Which side of the house do you live on?

Mr. Isabella: Pardon?

Mr. McKelvey: Which side of the house do you live?

Mr. Isabella: 107.

Ms. Isabella: We’re on this side.

(Inaudible)

Mr. Manley: This looks like this might be...

Mr. Brown: Correct.

Ms. Isabella: Okay. Then we have...we have an L shaped lot so our lot extends from here and goes back but our concern is this side (Inaudible)

Mr. Isabella: (Inaudible)

Mr. Donovan: Here’s what’s going to happen if you don’t use the microphone none of this is going to get into the minutes so get a microphone and speak. Anyway I think it will be helpful. Are they still looking at the plans, they could step back...

Mr. Manley: Yeah that way...and you can take as much time as you want.

Ms. Gennarelli: I don’t think the microphone is working. I’m not sure that those microphones are working because this one is not. I don’t know what they did...I’ve got nothing on here. Now I have it, okay. Can you do that?

Mr. Manley: The battery may be dead.

Ms. Gennarelli: No, I change them all when I get here.

Mr. Manley: Oh.

Mr. Buttwell: My name is Dave Buttwell; I live at 516 Washington Avenue which is directly behind this lot. My biggest concern, I guess, would be the...the leech fields because that’s going to be right up to my backyard. I don’t know about runoff, what will it do to my leech fields which are to the side of my house so...?

Mr. Scalzo: Sir, actually I had asked the question earlier and inadvertently answered your question. There is a curtain drain along the...probably a few feet of the rear property line. A...Mr. Brown meets the health department requirements for setbacks from the property lines to a...even the expansion area for the septic field and looking at it a...I’m going to ask you questions you know Charlie but what’s your minimum setback from your dwelling to your septic tank? Ten feet, correct?

Mr. Brown: Ten feet, yes.

Mr. Scalzo: What’s it from the any facility to any property line which is ten feet...your...?

Mr. Brown: (Inaudible) to the leech field...

Mr. Scalzo: Exactly and the a...the actual septic tank is probably five by ten? You’re all that you can do on that one side of the house...

Mr. Brown: It’s tight a...

Mr. Scalzo: (Inaudible)

Mr. Brown: ...I’d also like...

Mr. Scalzo: (Inaudible) left...

Mr. Brown: ...yeah, I’d also like to add that this lot pitches from the back towards Parkview Street so nothing from this lot is going to end up heading towards a...Washington Street. We...we actually had this field topo to just verify that because it is such a tight lot and we were so (Inaudible)...

Mr. Scalzo: My question...

Mr. Brown: (Inaudible)...space.

Mr. Scalzo: ...Charlie have you verified that all the houses on Washington that are within your area of influence for the septic are they all on central water?

Mr. Brown: They’re on Town water according to the property reports.

Mr. Scalzo: Sir, are you directly behind him?

Mr. Buttwell: Correct.

Mr. Scalzo: Do you have Town water?

Mr. Buttwell: Yes, I do.

Mr. Scalzo: It would be different if you had a well.

Ms. Gennarelli: Can you just give him the microphone for a moment? Did you identify yourself for the record?

Mr. Buttwell: Yeah, Dave Buttwell, 516 Washington Avenue.

Ms. Gennarelli: Okay, thank you.

Mr. Buttwell: That I guess is my...my biggest concern and then just the...the size of the lot.

Mr. Isabella: On the side of this where his garage is going to be a...my old well is there, we don’t use it but I know it’s always wet there, is that going to be a problem with him doing any kind of building around where the well is?

Mr. Scalzo: When...well you...did you have water installed at your house or was it there when you purchased it?

Mr. Isabella: It was there when I purchased it. It...it...they converted over to Town when the Town threw the...the water main through. We don’t use the well. I know it...it when it rains and stuff around well there’s a wet spot. Is that going to...I don’t know how big that wet spot goes underground, is that going to interfere with him building?

Mr. Scalzo: I don’t know. Jerry would you happen to know if and when the Town connected water to the streets such as these was there a decommissioning procedure or requirement for any existing wells?

Mr. Canfield: That would be in a water department requirement typically water is VWWI, it’s standard for the decommissioning of well. I’d have no records whether that was done or not.

Mr. Scalzo: Okay.

Mr. Brown: You have backhoed, they’re supposed to be filled with concrete a...when they’re decommissioned to prevent anything from the surface a...going down the well shaft and getting into the aquafer and that’s not just a...septic leeches it’s also if you have a dog and the dogs doing his business on the lawn, you don’t want that stuff going down into the...into the aquafer. That’s why the AWWA has that requirement to fill it with...with concrete. A...I don’t know if it has been I mean that’s a really good question you know.

Mr. Manley: And we’re speaking of the well that’s on the...the subject parcel or the...?

Mr. Scalzo: No a...

Mr. Manley: ...or the next door neighbor’s parcel?

Mr. Scalzo: Well as far as I know. Your survey doesn’t indicate there’s a well on this lot.

Mr. Brown: Right, the surveyor must not have picked it up but we can certainly go out before the next meeting. Is the well visible?

Mr. Isabella: (Inaudible)

Mr. Brown: We can go out and pick that up and a...put it on the plan and maybe hopefully I can pull the cap off it and see if it’s filled.

Mr. Buttwell: We’re sitting here discussing the...and I think you said it was a drain that goes along the back of the lot? Curtain drain? Exactly what is that and where does it...does it empty out somewhere or...? I don’t know what it is.

Mr. Brown: They usually have two active microphone for this so we wouldn’t be doing this back and forth, but anyway...the curtain drain is a trenched filled with gravel with a perforated pipe along the uphill side of the septic and generally a solid pipe and it discharges to the low point on the lot which is right here over by Parkview Street. Again this lot pitches toward Parkview Street a...the...a...you...the reason for a curtain drain is to make sure that no groundwater that’s flowing downhill interferes with the septic system. So it’s four...four plus feet deep, filled with gravel with a perforated pipe. A...it should actually probably help with, you know, any other water problems in the area too...groundwater problems.

Mr. Buttwell: I was just afraid that it was going to...I was just afraid it was going to dump water because that would be...that’s my lot right here behind that so I was just curious if it was (Inaudible) drain out that way but if everything is flowing down...

Mr. Brown: Yes this...this is the outlet.

Mr. Buttwell: Okay.

Mr. Manley: Is there any other questions that the public has regarding this application this evening?

No response.

Mr. Donovan: Jerry, if I could put you on the spot here a little bit. Charlie indicated earlier that variances for lot area, lot width and lot depth were not required but Code Compliance has indicated that...that I think, that they’re part of eight variances that are needed. So I just...is that the denial so...so it would be Charlie’s application or...

Mr. Canfield: Yeah, I believe the section of the Code 185-18 a...it...it reads exception to District Regulations non-conforming lots of record. Existing lots nothing shall prohibit the use of a lot of less than prescribed area and width when such lot is only individualed...individually and separate from any adjoining lot at the time of the enactment of this Chapter, provided that all other provisions of this Chapter are met. That’s the part that we are looking at saying that all other parts of the Chapter are not met so therefore this lot we don’t feel is exempted from that area and width as well. So that’s why the number of variances is what we said.

Mr. Donovan: The denial is on eight grounds so you can argue that either you don’t need them this Board will decide or you...you need a variance for them. But I just didn’t want it to be in the record that you only...see Code Compliance has denied you on eight grounds so that’s...that’s your appeal...

Mr. Brown: Okay, I understand, we’ll...we’ll accept that. We’ll go with that.

Mr. Manley: Now the Board will not be closing this Public Hearing because in the event when we get the County response back we’ll be able to read that into the record and if the County comes back with something that nobody thought of and the public wants the opportunity to comment on it the Public Hearing will still be open. So just so that everybody here this evening understands this Board unfortunately can’t rule tonight because we have to, by Law, wait for the County of Orange, the Department of Planning to submit to us their comments or concerns relative to this application. Once we get that we can then vote on whether or not a...we approve the request or not. So the public will not be re-noticed with respect to the continuation of the hearing next month. If you wish to come to the Public Hearing you just simply be here at 7 o’clock on June...

Ms. Gennarelli: 22nd.

Mr. Manley: 22nd at 7PM at which point the Board will conclude this Public Hearing.

Mr. Brown: Thank you.

Mr. Manley: You’re welcome. We do need a motion to...

Mr. McKelvey: I’ll make a motion we hold it over.

Mr. Manley: Hold it over, do we have a second?

Mr. Masten: Second.

Ms. Gennarelli: John Masten, okay, roll call:

 Darrell Bell: Yes

 Richard Levin: Yes

 John Masten: Yes

John McKelvey: Yes

 Darrin Scalzo: Yes

 James Manley: Yes

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER-ABSTAINED

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 7:57 PM)

ZBA MEETING – MAY 25, 2017 (Time Noted – 7:57 PM)

NICOLE & TROY MESSNER 109 HIGHLAND AVENUE, NBGH

 (67-6-6) R-3 ZONE

Applicant is seeking an area variance for increasing the degree of one side yard setback and the combined side yards setback to keep a prior built screened porch that was converted into habitable space.

Mr. Manley: Moving right along tonight, the next Hearing before the Board this evening is application of Nicole and Troy Messner, 109 Highland Avenue in Newburgh seeking an area variance for increasing the degree of one side yard setback and the combined side yards setback to keep a prior built screened porch that was converted into habitable space. This is also a referral to the Orange County Department of Planning as of close of business today we had not received a response back yet so this one will also have to be continued to next month but we’ll go ahead and hear the Public Hearing this evening.

Ms. Gennarelli: Okay and this applicant sent out fifty-one letters. All the mailings, publications and postings were in order.

Mr. Manley: Thank you.

Ms. Gennarelli: You’re welcome.

Mr. Manley: Good evening Mr. Tulve, how are you?

Mr. Tulve: Nicholas Tulve, 107 Highland Avenue, I’m representing Nichole and Troy they currently live in Florida. Troy and Nicole bought this house from the Williamsons when Troy was stationed at West Point. On his retirement he tried to sell the house and that’s when he discovered that the enclosed room in the back did not have a C.O. They tried get through all the motions before they left the area as he was originally from Florida and he retired from the military went to...they moved to Florida. The house is currently rented. I’ve lived next door for seventy years...for forty-six years...okay, yeah...the room has been enclosed since I remember. It’s somewhere in the seventies I only vaguely remember it as a patio which became a porch which became an enclosed room. And somewhere in the seventies I remember Williamson’s having a block party so to speak of all the neighbors to celebrate the enclosure of this room and so I’ve lived next to it for a long time. I don’t see it as a hindrance. It’s at the same even level of the house, in other words, the garage ends at the five yard line from the property line and that room is even with that line. And of course now the distance is more than five yards...five feet rather so I really don’t see a problem with extending it. It’s on my side of the house. I see it every day a...and I don’t have a problem with it. I think it should be complied with, it’s a nice room, I’ve been in it a number of times. I’m sure you took a look at it, somebody did...

Mr. McKelvey: The Board Members have visited the properties that were on...the Board Members have visited these properties.

Mr. Tulve: I’m sure they did. So other than that I don’t have much to say except I would suggest...I don’t know why the County...why is the County involved?

Mr. Manley: It’s within five hundred feet of Route 52 and anytime it’s within the boundaries within five hundred feet of a County or State road it has to be referred to the County, that’s under the Law, that’s under the requirements.

Mr. Tulve: Something new?

Mr. Manley: It’s been probably within the last a...ten years, I’d say.

Ms. Gennarelli: As long as I know, I’ve been here eleven.

Mr. Donovan: Thirty.

Mr. Manley: Thirty?

Ms. Gennarelli: Oh.

Mr. Donovan: Long time.

Ms. Gennarelli: Long time.

Mr. McKelvey: Is he planning on selling this house?

Mr. Tulve: He would like to sell it, yes.

Mr. McKelvey: Okay.

Mr. Tulve: He’s...he’s....right now he’s an absentee landlord, you know, and he’s been lucky the last couple of tenants we’ve had have all been local military and so they take pretty good care of the place. You know your luck can run out so they’d like to put it on the market.

Mr. Manley: Do any of the Board Members have any other questions?

No response.

Mr. Manley: At this point I’ll open it up to the public, if there’s anyone from the public that has any questions regarding this application?

No response.

Mr. Manley: Hearing none I’ll go back to the Board for one last round.

No response.

Mr. Manley: At this point I’d look for a motion to close the Public Hearing or actually to continue the Public Hearing till June 22nd awaiting the County approval.

Mr. Levin: I’ll make that motion.

Mr. Bell: I’ll second.

Ms. Gennarelli: Roll call.

 Darrell Bell: Yes

 Richard Levin: Yes

 Michael Maher: Yes

 John Masten: Yes

John McKelvey: Yes

 Darrin Scalzo: Yes

 James Manley: Yes

Mr. Manley: So the Public Hearing will be re-continued 7 o’clock June 22nd.

Mr. Tulve: Do I need to keep the sign up?

Mr. Manley: Yes, just until we close the Public Hearing.

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:03 PM)

ZBA MEETING – MAY 25, 2017 (Time Noted – 8:03 PM)

MICHAEL AMOIA 30 McCALL PLACE, NBGH

 (23-2-11) R-3 ZONE

Applicant is seeking an area variance for the maximum lot surface coverage to keep prior built accessory structures (400 sq. ft. L-shape pool house) and prior built gazebo (12 ft.) and also area variance for the gazebo shall be located 10 ft. from the main dwelling.

Mr. Manley: The next item this evening is a application for Michael Amoia, 30 McCall Place in Newburgh held open from our April 27, 2017 meeting. He was seeking an area variance for the maximum lot surface coverage to keep prior built accessory structures (400 sq. ft. L-shape pool house) and the prior built gazebo (12 ft.).

Mr. Manley: Good evening.

Mr. Paladino: Good evening, Giovanni Paladino, I’m here to assist my father-in-law Michael Amoia through the process and continue from our discussion from last month. There was an issue; I think there was some a...clarification that needed to happen on the survey there was a discrepancy in the lot coverage. We went back to the surveyor and asked her to break it out as a detailed outline of all the areas. She had a mathematical error in her survey and we...the revised survey the square footage that was in the original application was correct which is a...the existing coverage is eighty...eight thousand, four hundred and eighty square feet which is actually a coverage of forty percent not the thirty-six point four which is a...thirty-four point six which is listed in the Town of Newburgh a...Code Compliance letter. So there is a discrepancy there in the coverage or actually the coverage is a little bit more a...and I don’t know what happened exactly but it looks like she just transposed some numbers. I don’t know. It didn’t rectify the survey.

Mr. Manley: So it’s a good thing that we didn’t approve that because you would be back before us again with another application.

Mr. Paladino: Things happen for a reason.

Mr. Manley: Now the only difference is obviously it...it obviously does increase things slightly. The Board have any questions, comments, concerns?

Mr. Scalzo: Jim I wasn’t here last month so...I have read the package but...I don’t have the a (Inaudible)...

Ms. Gennarelli: I can’t hear you.

Mr. Donovan: He’s not saying anything important anyway.

Mr. Scalzo: Thank you Dave, you’re absolutely right.

Ms. Gennarelli: You were absent so...?

Mr. Scalzo: I was absent so I did have the benefit of hearing things firsthand.

Ms. Gennarelli: Okay, so are you recusing or what are you...?

Mr. Donovan: You don’t, just...you don’t have to...you absolutely do not have to.

Ms. Gennarelli: You do not have to, right.

Mr. Scalzo: I read the...read the application though.

Mr. Manley: However if you do have any questions feel free. Just to check, I doubt that’s anybody here perhaps there may be somebody from the public that has any questions with regard to this application, if there is if I could just see your hand if you have any questions or comments?

No response.

Mr. Manley: It doesn’t appear like there’s any. So at this point we’ll go back to the Board for your questions, comments.

No response.

Mr. Manley: If everybody is satisfied with their answers to their questions at this point we can proceed with a motion to close the Public Hearing.

Mr. Levin: I’ll make a motion w close the Public Hearing.

Mr. Bell: I’ll second.

Ms. Gennarelli: Okay, thank you, roll call.

 Darrell Bell: Yes

 Richard Levin: Yes

 Michael Maher: Yes

 John Masten: Yes

John McKelvey: Yes

 Darrin Scalzo: Yes

 James Manley: Yes

Mr. Manley: The Public Hearing is now closed. At this point the Board before proceeding 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 then we’ll call you in very shortly as soon as we’re ready to resume our meeting.

 (Time Noted - 8:05 PM)

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ZBA MEETING – MAY 25, 2017 (Resumption for decision: 8:20 PM)

MICHAEL AMOIA 30 McCALL PLACE, NBGH

 (23-2-11) R-3 ZONE

Applicant is seeking an area variance for the maximum lot surface coverage to keep prior built accessory structures (400 sq. ft. L-shape pool house) and prior built gazebo (12 ft.) and also area variance for the gazebo shall be located 10 ft. from the main dwelling.

Mr. Manley: The next item that the Board is to consider this evening is the Public Hearing for Michael Amoia. It was a holdover from our April 27, 2017 meeting of 30 McCall Place in Newburgh. It’s a Type II Action under SEQR. We’ll go through the area variance criteria the first item that the Board is to consider is whether the benefit can be achieved by other means feasible to the applicant. Does the Board wish to have discussion on item?

No response.

Mr. Donovan: Mr. Chairman, maybe just for clarification, at the last meeting or for the Board’s recollection, the Board approved one variance a...with the one gazebo needing to be located ten feet from the main dwelling, that variance was approved. There was a discrepancy with the lot surface coverage. The previous survey submitted showed compliance with lot surface coverage.

Code Compliance picked up that it didn’t comply; the modified survey has shown that Code Compliance was correct and so the variance before the Board tonight is for lot surface coverage, 40% instead of 30%.

Mr. Manley: So based on the increased percentage there is that second variance that’s needed. Does anybody on the Board feel that the benefit can be achieved by other means feasible to the applicant or no it’s not a concern?

Mr. Levin: I don’t believe it can be achieved by any other means. It’s not a concern.

Mr. Maher: Both. I think the back majority of the house, the pool and the driveway, the majority you know lot surface coverage there’s not much you can do there.

Mr. Manley: The next item then the Board would need to consider is the granting of the variance would create an undesirable change in the neighborhood character or detriment to nearby properties?

Mr. Maher: Pre-existing it’s already there.

Mr. McKelvey: Pre-existing, yeah.

Mr. Manley: There hasn’t been a...any testimony or letters from any of the...

Mr. McKelvey: Neighbors.

Mr. Manley: Other residents.

Mr. Scalzo: No.

Mr. Levin: No.

Mr. Manley: The third item for the Board to consider is whether the request is substantial in nature? Does the Board feel that the request is substantial?

Mr. Levin: No.

Mr. Bell: No.

Mr. Manley: I’d probably classify it as moderate as opposed to substantial.

Mr. Maher: Then again it’s pre-existing not being added to.

Mr. Manley: The fourth criteria is whether the request will have adverse physical or environmental effects if the variance is granted? Any issue with them, any of the Board?

Mr. McKelvey: It’s pre-existing, it’s been there.

Mr. Manley: And the last is whether the alleged difficulty is self-created? Relative but not determinative.

Mr. Levin: It’s self-created.

Mr. Manley: At this point, going through the balancing tests does the Board wish to make a motion with regard to this application?

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

Mr. Manley: We have a motion for approval do we have a second?

Mr. Levin: I’ll second it.

Ms. Gennarelli: Roll call.

 Darrell Bell: Yes

 Richard Levin: Yes

 Michael Maher: Yes

 John Masten: Yes

John McKelvey: Yes

 Darrin Scalzo: Yes

 James Manley: Yes

Mr. Manley: The variance is approved.

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:25 PM)

ZBA MEETING – MAY 25, 2017 (Time Noted - 8:25 PM)

**OTHER BOARD BUSINESS**

LEONARDO VILLACHICA 14 KNIGHTS CIRCLE, NBGH

 (108-4-13) R-1 ZONE

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RODNEY VILLELLA & 2 NORTH END ROAD, NBGH

 AMY BARTOLETTI (51-1-3.2) R-1 ZONE

Mr. Manley: The last item that the Board has to consider this evening is under Other Board Business.

Ms. Gennarelli: We actually have two, we have the extension also.

Mr. Manley: Two, why don’t we handle the extension first.

RODNEY VILLELLA & 2 NORTH END ROAD, NBGH

 AMY BARTOLETTI (51-1-3.2) R-1 ZONE

Mr. Manley: This request is dated May 23rd, Dear Members of the Zoning Board of Appeals: The Zoning Board of Appeals kindly reached a decision and resolution on our request for a variance to build a rear deck, rear addition and front foyer addition on our residence located 2 North End Road in Newburgh on December 22, 2016. We would like to request a six month extension on the Decision and Resolution. It took longer than expected to get final plans from our architect and there are some additional follow-up items that we need to acquire before obtaining a Permit. Thank you in advance for your consideration. Very truly yours, Rodney Villella and Amy Bartoletti, 2 North End Road, Newburgh, NY.

Mr. Manley: Do we have a motion from the Board to grant the requested extension?

Mr. Levin: I’ll make a motion to grant the requested extension.

Mr. Scalzo: I’ll second.

Mr. Manley: We have a motion and a second.

Ms. Gennarelli: Okay, roll call.

 Darrell Bell: Yes

 Richard Levin: Yes

 Michael Maher: Yes

 John Masten: Yes

John McKelvey: Yes

 Darrin Scalzo: Yes

 James Manley: Yes

Mr. Manley: The extension is granted.

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:30 PM)

ZBA MEETING – MAY 25, 2017 (Time Noted - 8:30 PM)

**OTHER BOARD BUSINESS**

LEONARDO VILLACHICA 14 KNIGHTS CIRCLE, NBGH

 (108-4-13) R-1 ZONE

Mr. Manley: The next item before the Board this evening is a request from Leonardo Villachica, 14 Knights Circle, Newburgh. And it is a letter requested by Edith Rojas, the letter to the Board states:

To Whom It May Concern, I will like to ask for permission to reopen the case on 14 Knights Circle, Newburgh, NY 108-4-13 SBL for variance. We are willing to start the process all over again, such as applications and fees. I will really appreciate that you give us another chance to finish with this process. Thank you for your time and effort. Edith Rojas, dated 5/9/2017.

This currently is in the Code Compliance Department in Violation. So if the Board wishes to reopen we would have to have a motion and a second to reopen and it would require a unanimous vote of the Board in order to reopen. If the Board does not reopen it the applicant would have to go back to the drawing board, make changes to their original application and refile. So it’s up to the Board even whether or not they want to entertain making a motion and a second. Or the Board could direct the applicant to refile by making changes. Do we have discussion?

Mr. Maher: Well I guess my question so...so the applicant it wasn’t a...it was voted on because the applicant didn’t or wasn’t able to supply the survey that we requested.

Mr. Manley: Correct, and I believe because we didn’t hear from the applicant we had written the applicant a letter, as we normally do...

Mr. Donovan: Correct.

Mr. Manley: ...and we did not get a response to the letter so it left the Board with no option but to make a decision on what we had.

Mr. Maher: Right so we were missing the information we requested as far as the survey goes.

Mr. Bell: This is that (Inaudible) right?

Mr. Manley: Correct.

Mr. McKelvey: Why...why didn’t she just re-apply?

Mr. Donovan: Well because there was a determination so...

Mr. McKelvey: Oh, okay.

Mr. Donovan: ...in other instances we have deemed the matter withdrawn...

Mr. McKelvey: Yeah.

Mr. Donovan: ...because the applicant didn’t come back. In this instance the applicant didn’t come back, it was hanging on our agenda, so the Board took the option of denying the application.

Mr. McKelvey: Okay.

Mr. Donovan: It’s not really a denial on the merits because the...

Mr. Maher: Right.

Mr. Donovan: ...revised survey was never submitted, the Hearing wasn’t continued. So if you want to re-hear the application as submitted then it’s a motion to re-hear which requires a unanimous approval of the Board. Now, with that motion, if that’s what the Board wants to do it’s a new application, it’s a new Public Hearing, it’s a new fee, it’s a restarting of the process.

Mr. Bell: Start over again.

Mr. Manley: The...the other thing too is we don’t know if the applicant has even submitted a survey, I mean...

Ms. Gennarelli: The survey was submitted and what happened was it showed a prior built shed which is now also part of the Building Permit Application. I think that’s why that came...

Mr. Manley: We have now more stuff that was added to what was initially...

Ms. Gennarelli: ...the shed that’s on the easement...

Mr. Manley: Right.

Ms. Gennarelli: I think you all have that letter from Joe.

Mr. Maher: So, in essence, well if there’s additional information now then the...if it’s new application then does it have to be voted on?

Mr. Manley: If they change something...

Mr. Maher: They did there’s a shed on it now.

Mr. Bell: The shed.

Mr. Donovan: I think the shed was there before, wasn’t it?

Ms. Gennarelli: The shed was there before but when the survey came in it...

Mr. (Inaudible): It wasn’t on there.

Mr. Donovan: Yeah. Right, it wasn’t there?

Ms. Gennarelli: It was there already.

Mr. Donovan: That’s why we asked for a new survey or asked for the survey.

Mr. Scalzo: I think initially we were just looking for the decks and a...

Ms. Gennarelli: I think when the site visit was made and someone saw the shed and that’s the reason for the survey.

Mr. McKelvey: This was a couple of years ago wasn’t it?

Ms. Gennarelli: We’re going back a while, yes.

Mr. Manley: What was the original application for, refresh my memory.

Ms. Gennarelli: The deck and the pool deck, the pool deck and the pool.

Mr. Maher: Well so...so the deck and the pool because of the setback? I’m assuming.

Ms. Gennarelli: They built it without a Permit and...

Mr. Donovan: It’s a prior built, yes.

Ms. Gennarelli: ...prior built...

Mr. Maher: But you wouldn’t need a...it would come before us for...it would have to be within the setbacks.

Mr. Donovan: That’s correct.

Mr. Maher: So my concern is that based on the current, on the survey that I have in my hand the dotted line generally depicts the building envelope...

Mr. Scalzo: The dotted line in that case depicts the drainage easement.

Mr. Maher: Okay.

Mr. Donovan: And the shed is in the drainage easement.

Mr. Maher: Including around the corner?

Mr. Scalzo: Yep.

Mr. Maher: Okay.

Mr. Scalzo: Yeah, see where the bottom is.

Mr. Maher: No I do see that there but I wasn’t sure if that was just the bottom of it or yeah, the dotted line goes around the...

Mr. Scalzo: But then look at where by the shed see where it goes it’s the twenty straddles it.

Mr. Maher: Alright if you say so I trust your judgement.

Mr. Scalzo: I have experience in that.

Mr. Manley: You do?

Mr. Scalzo: A little bit.

Mr. Manley: Let me ask you a question, counsel. If the applicant, if this...if this shed is in the easement and they turn around and they move the shed far enough where it’s enough away from the property line and away from the easement would they then be able to file an application because now they’ve changed something? They could then come back to this Board and say hey, I was...there was an issue here, we went ahead and changed something so now we’re going to refile because we’ve had change to the application.

Mr. Donovan: Well, let me just say this, so that shed can’t go there no matter what. We can’t give a variance for the shed to be in the drainage easement.

Mr. Manley: Correct.

Mr. Scalzo: Somebody should probably let the neighbor know his is in the...in there too.

Mr. Donovan: Yeah, yeah.

Mr. Manley: So I guess the thought is though that if they do do that then there’s been a change?

Mr. Donovan: Well the initial application didn’t show the shed at all so I think we asked for a survey to show, if I remember correctly, first a survey to show the shed so where it was located and it was in the easement. The issue still is, I mean, that’s a Violation, Betty, but we can’t cure that Violation. We can’t give a variance...

Mr. Maher: No but isn’t the fact that the shed wasn’t originally on anything...is that a change in the application?

Mr. Donovan: But the application is still for the prior built pool and pool deck.

Mr. Maher: No, I got you, but my point is though if they file an application it is now going to include shed that’s what I’m trying to say. So it is a new application regardless where the shed sits.

Mr. Donovan: So you don’t want to just vote to re-hear it.

Mr. Maher: No, I’m saying but I...I...obviously I don’t think Jim is in favor of that so that’s what I’m trying to get around that.

Mr. Manley: And I’m trying to find a way that they can come back without having to...

Mr. Maher: Well like Dave said their original application had no shed so...if they, if they come back with a shed on the application it’s a new application.

Mr. Donovan: I don’t have an issue with that, fine by me.

Mr. Manley: They may need a variance for the shed though, yes?

Mr. Donovan: But, well it can’t go in the drainage easement.

Mr. Manley: Correct.

Mr. Donovan: And we can’t issue a variance for that.

Mr. Manley: Correct.

Mr. Maher: But if they add the shed to it now technically it could be moved.

Mr. Manley: If they move it enough out of the easement and then come back and request a variance because they need a foot, three feet...

Mr. Donovan: Well, I...you know, we’re speculating.

Mr. Maher: But if the move it originally though it’s not...there’s no variance needed then there’s no reason, there’s no new application technically. So technically they have to leave it where it is to get in here for the variance without a vote of the Board. That can be a stipulation moving it obviously but I mean if they moved it and they didn’t get a variance for it then it’s not a new application they’re back to square one.

Mr. Donovan: That’s correct, that’s the same.

Mr. Manley: And that shed was not included in the...I wonder if it was included in the lot coverage area, it wasn’t on the original survey...

Mr. Donovan: It would not have been.

Mr. Manley: Which means all that has to be adjusted.

Mr. McKelvey: Right.

Ms. Gennarelli: That’s why they needed the survey.

Mr. Maher: So this survey should show all that information on it.

Ms. Gennarelli: Right.

Mr. Maher: So in essence no matter what they file you know it will technically be a new application so there’s really no need if the Board opens, in my opinion. I don’t want to the job that Dave started.

Mr. McKelvey: 2015 I think

Mr. Donovan: Hey listen, I don’t...I don’t have a problem. I don’t have a problem giving the people their day in court so to speak either however, whatever mechanism if you want to deem this to be a new application that’s fine by me, if you want to move to re-hear it that’s fine by me too...whatever. I look at it this way, I mean, the applicant failed to provide the information requested by the Board but the determination to deny the variance wasn’t on the merits, right? So if someone wants to come back and make their case I think the right thing to do is let them come back and make the case. Whatever vehicle you want to use though to get them back here that’s okay by me.

Mr. Maher: Well the concern Jim always has is re-hearing a case, opening a case up again or having to vote on that.

Mr. Manley: We’ve only...since, well, since I’ve been here we’ve never done it. We’ve never re-opened. There was one time we did it.

Mr. McKelvey: We opened the one...

Mr. Donovan: Somebody, somebody voted no though.

Mr. McKelvey: We opened one a...

Mr. Donovan: Somebody that used to sit over there...

Mr. Scalzo: Was it you?

Mr. Manley: He said used to.

Mr. Donovan: He didn’t look like you at all.

Mr. McKelvey: We opened one up on Sloane Road.

Mr. Maher: My...my opinion it’s a new application with the shed on it so I...I don’t foresee a reason to have to...the Board to take action on it all.

Mr. Bell: So, if...try to keep the property line but the easement is...how far... (Inaudible)

Mr. Scalzo: In theory it shouldn’t be in the easement at all.

Mr. Bell: Right.

Mr. Scalzo: However, you know, this...I’m sure it’s not on a foundation, it can be moved. Something else and I know this is really thinking too hard, if we’re not allowing him to have a fence or a shed on there then why does he got a fence on the property line?

Mr. Masten: Yeah.

Mr. Scalzo: I don’t see the underground improvement located on there, you know. Is it an RCP that goes from the road, I don’t see a catch basin shown on the survey and leading to the stream in the back.

Mr. Maher: (Inaudible)

Mr. Scalzo: (Inaudible)

Mr. Manley: Now he’s throwing these real difficult terms, it’s late.

Mr. Scalzo: It’s really not late at all.

Ms. Gennarelli: What did he say?

Mr. Manley: Is that a defect of the survey?

Mr. Scalzo: I don’t know. Well, you...you can’t see what’s underground you know, but you kind of assume and...and he did the survey on December 31, 2015. You know if there was snow piles on the road he may not have seen a catch basin so...

Mr. Donovan: So actually reading back now this was maximum lot surface coverage so the...the shed on the survey...I just read prior built pool and pool deck, maximum lot surface coverage that’s going to increase so...so that’s a new application. Showing the shed is obviously going to increase the maximum lot surface coverage.

Mr. Maher: Correct. And...and this is going from an R-3 to an R-1 correct?

Mr. Levin: That I don’t remember.

Mr. Maher: Because the zoning was changed there so all...all Lakeside that whole part of it was changed so that...

Ms. Gennarelli: Knight’s Circle.

Mr. Maher: Yeah, isn’t that part of the back side of Lakeside Road, right?

Mr. Scalzo: Yeah.

Mr. Masten: Buckingham.

Mr. Maher: I think they were all changed years ago and that’s why none of them meet the...

Mr. McKelvey: The whole section was I think.

Mr. Maher: From R-3 to R-1 I believe it was.

Ms. Gennarelli: I know my neighborhood was on the other side of the lake.

Mr. Maher: So...so the entire area there’s not one house that meets the...the a lot coverage of the zoning.

Mr. Donovan: So certainly in my view it would qualify as a new application.

Ms. Gennarelli: Either way they have to start over.

Mr. Donovan: Do I keep my job Mike?

Mr. Maher: Listen I would never want it, you’ll be here long after I’m gone.

Mr. Scalzo: Okay so help us out here Jim or what do we...are we making a motion...

Mr. Manley: If there’s no motion, then there’s no action on the request of the a...of the...

Mr. Maher: And there’s and there’s...right, you want to...you would have to take action.

Ms. Gennarelli: Do you have some instructions for Code Compliance on how they should handle it? Just have them re-apply?

Mr. Donovan: I think the consensus of the Board, in my opinion, it’s a new application, they calculate that shed in the lot surface coverage, make their calculation as follow, issue a denial and it would come, they could make a new application to the Board.

Ms. Gennarelli: Okay.

Mr. Manley: Now had all that been on the original request then they’d be out of luck.

Mr. Maher: Was there a new application submitted for the Building Department or no?

Ms. Gennarelli: There was an application submitted for the prior built shed.

Mr. Maher: Recently, right?

Ms. Gennarelli: Well not that recent.

Mr. Masten: Was that the one with a 2015 date on it?

Mr. Manley: Yeah, it says a...

Mr. Maher: No, 2017, 3-31.

Mr. Manley: The shed permit cannot be issued, there is a twenty foot drainage easement that can’t be blocked or built upon.

Mr. Maher: This is...this is two months ago.

Ms. Gennarelli: That’s when she finally came in. I think this is before the court.

Mr. Maher: Right. There is a new denial anyway I assume on the easement, right? So, the denial exists already...the way it seems.

Ms. Gennarelli: No there is just a letter to her saying that they need to move it...

Mr. Maher: Okay so...

Ms. Gennarelli: ...because it can’t be on the drainage easement and plus...

Mr. Maher: Okay so nothing was submitted just so they need to submit an application first and go from that.

Ms. Gennarelli: Right, I don’t have an application for that yet.

Mr. Manley: So I...we could probably tell the Building Department is the fact that the shed was never included in the original variance request this would be considered a new application because there’s a change to the lot surface coverage.

Ms. Gennarelli: Okay, start over. Okay.

Mr. Manley: So that I think is the consensus. Start over.

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:42 PM)

ZBA MEETING – MAY 25, 2017

END OF MEETING (Time Noted – 8:42 PM)

Mr. Manley: The last thing is the minutes everybody has had a chance to review them probably the exception of Darrin who was not here?

Mr. Manley: Do I have a motion to approve the minutes?

Mr. Masten: I make a motion to approve.

Mr. Manley: Do we have a second?

Mr. Bell: I second.

Mr. Manley: All those in favor say Aye?

Mr. Donovan: Did you review the minutes Darrin?

Mr. Scalzo: I did not review the minutes because I was not in attendance.

Mr. Manley: All set?

Ms. Gennarelli: He abstained.

Aye - All except Mr. Scalzo

Mr. Manley: Opposed?

Mr. Scalzo: I abstain.

Ms. Gennarelli: Thank you.

Mr. Manley: Do we have a motion to adjourn?

Mr. Levin: So moved.

Mr. Bell: Second.

Mr. Manley: All in favor say Aye?

Aye All

Mr. Manley: Opposed?

No response.

Mr. Manley: The motion is carried. The meeting is adjourned.

PRESENT ARE:

 DARRELL BELL

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:55 PM)