ZONING BOARD OF APPEALS

MEETING – MARCH 28, 2013

(Time Noted – 7:00 PM)

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

PRESENT ARE:

GRACE CARDONE

JOHN MC KELVEY

BRENDA DRAKE

MICHAEL MAHER

JAMES MANLEY

JOHN MASTEN

ROSEANNE SMITH

ALSO PRESENT:

ROBERT DICKOVER, ESQ.

BETTY GENNARELLI, ZBA SECRETARY

GERALD CANFIELD, CODE COMPLIANCE

(Time Noted – 7:02 PM)

ZBA MEETING – MARCH 28, 2013 (Time Noted – 7:02 PM)

JAMES KIRBY III 133 HEATHER CIRCLE, NBGH

(115-2-26) R-2 ZONE

Applicant is seeking an area variance for the rear yard setback to keep two prior built rear decks and an above ground pool.

Chairperson Cardone: Our first applicant James Kirby III.

Ms. Gennarelli: The Public Hearing Notices for all the new applications being heard this evening were published in The Sentinel on Tuesday, March 19th and in the Mid-Hudson Times on Wednesday, March 20th. This applicant sent out twenty-eight registered letters, twenty-eight were returned. All the mailings and publications are in order.

Chairperson Cardone: Just for the record would you please state your name?

Mr. Kirby: James Kirby.

Chairperson Cardone: And if you would please state your request.

Mr. Kirby: I am applying for a zoning variance.

Ms. Gennarelli: Could you tilt that (mic) up a little bit more toward you? And you have to get in closer. Thank you. Okay, I’m sorry, go ahead.

Mr. Kirby: I’m applying for a zoning variance.

Chairperson Cardone: And this was built without a Permit?

Mr. Kirby: Yes it was.

Ms. Drake: How long ago was it built?

Mr. Kirby: a…2008.

Ms. Drake: By you?

Mr. Kirby: I had friends help.

Chairperson Cardone: And this replacing another deck that maybe wasn’t connected to the…?

Mr. Kirby: No, I had a deck on my house; it was a 10 x 10. It was starting to fall apart, splinters…my kids were getting splinters so that year decided to a…have a pool installed and have the decks made and then as I was in the process of doing that somebody said I needed a Permit. I started to apply for a Permit realizing how much a variance and the Permits were going to cost we kind of just skipped out on the Permit. But I tried…I tried to make sure that it was, you know, my children are young I tried to make sure everything was up to Code in the process I knew eventually that…I’d be standing here.

Chairperson Cardone: And what brought you here now?

Mr. Kirby: A…somebody must have seen that I applied at some time for the Code and never got the Permit. I’m sorry applied for the Permit but never received it.

Chairperson Cardone: Right.

Mr. Maher: Does the pool have electrical inspections currently?

Mr. Kirby: Excuse me?

Mr. Maher: Does the pool have an electrical inspection currently?

Mr. Kirby: Yes it does. A…I believe I brought that with me if you’d like to see it. The last thing I’d want is my kids getting electrocuted or myself.

Chairperson Cardone: Any other questions from the Board? Do we have…?

Mr. McKelvey: You did understand you needed a Permit and just…it was the cost that held you back?

Mr. Kirby: This was the first…this is my first house that I’ve ever owned. This is the first time that I realized that a…I did need a Permit and well I know that from now on I’d have to encounter this whenever I’m doing any changes at my house.

Chairperson Cardone: Any questions or comments from the public?

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

Ms. Drake: Second.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Michael Maher: Yes

James Manley: Yes

John Masten: Yes

Roseanne Smith: Yes

Grace Cardone: Yes

Chairperson Cardone: Thank you.

(Time Noted - 7:06 PM)

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ZBA MEETING – MARCH 28, 2013 (Resumption for decision: 7:22 PM)

JAMES KIRBY III 133 HEATHER CIRCLE, NBGH

(115-2-26) R-2 ZONE

Applicant is seeking an area variance for the rear yard setback to keep two prior built rear decks and an above ground pool.

Chairperson Cardone: James Kirby III, at 133 Heather Circle, seeking an area variance for the rear yard setback to keep two prior built rear decks and an above ground pool. This is a Type II Action under SEQRA. Do we have any discussion on this application?

Mr. McKelvey: I think everything looked neat when I was there. There’s no neighbors complaining.

Ms. Drake: I would just make a suggestion not to do any more work without a Permit.

Mr. Kirby: No, absolutely.

Chairperson Cardone: Do we have a motion for approval?

Ms. Drake: I'll make a motion we approve the application.

Mr. Manley: Second.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Michael Maher: Yes

James Manley: Yes

John Masten: Yes

Roseanne Smith: Yes

Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

GRACE CARDONE

JOHN MC KELVEY

BRENDA DRAKE

MICHAEL MAHER

JAMES MANLEY

JOHN MASTEN

ROSEANNE SMITH

ALSO PRESENT:

ROBERT DICKOVER, ESQ.

BETTY GENNARELLI, ZBA SECRETARY

GERALD CANFIELD, CODE COMPLIANCE

(Time Noted – 7:23 PM)

ZBA MEETING – MARCH 28, 2013 (Time Noted – 7:06 PM)

CONCETTA KIRK 43 WINTERGREEN AVENUE, NBGH

(67-5-16) R-3 ZONE

Applicant is seeking an area variance for increasing the degree of non-conformity of one side yard setback and the combined side yards setback to build an addition and rear deck on the residence.

Chairperson Cardone: Our next applicant Concetta Kirk.

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

Chairperson Cardone: And for the record please state your name and your request.

Ms. Kirk: My name is Concetta Kirk and I’m requesting a variance for the…an addition to…an existing structure. I just want to make it a little wider into a room and I was asking that I need a variance so that’s what I’m here for. The reason is the house is a little small. I have children and grandchildren and they’re getting too many and the house is seems a little small and we need to a…you know, have a little…grandchildren need to have a room to play around and also spend the holidays together a…basically I love the neighborhood and I love my neighbors and I would like to stay. I would like to make my house more comfortable.

Ms. Drake: You’re not increasing the number of bedrooms, correct?

Ms. Kirk: No.

Ms. Drake: And you’re on the public water, public sewer.

Ms. Kirk: Yes.

Mr. McKelvey: And…and the property behind you is just woods?

Ms. Kirk: Yes, a…I guess that’s where they’re going to build the Marketplace, it’s all wooded area in the back.

Ms. Drake: And you’re not going any wider than the existing…

Ms. Kirk: No, no.

Ms. Drake: …house, you’re not increasing?

Ms. Kirk: We’re going back, yes.

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

Mr. McKelvey: The side yards…all the houses are close together in that neighborhood anyhow. All the houses are close together.

Ms. Kirk: Yes, pretty much.

Mr. McKelvey: Yes.

Chairperson Cardone: Any questions or comments from the public?

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

Ms. Smith: Second.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Michael Maher: Yes

James Manley: Yes

John Masten: Yes

Roseanne Smith: Yes

Grace Cardone: Yes

Chairperson Cardone: Thank you.

Ms. Kirk: Thank you.

(Time Noted - 7:09 PM)

ZBA MEETING – MARCH 28, 2013 (Resumption for decision: 7:23 PM)

CONCETTA KIRK 43 WINTERGREEN AVENUE, NBGH

(67-5-16) R-3 ZONE

Applicant is seeking an area variance for increasing the degree of non-conformity of one side yard setback and the combined side yards setback to build an addition and rear deck on the residence.

Chairperson Cardone: On the application of Concetta Kirk, at 43 Wintergreen Avenue, seeking an area variance for increasing the degree of non-conformity of one side yard setback and the combined side yards setback to build an addition and a rear deck on the residence. This is a Type II Action under SEQRA. Do we have discussion on this application?

Mr. McKelvey: As I said before all the property is close there so it’s hard to meet the side yards and…

Chairperson Cardone: And they’re not extending out any further than what they currently are now.

Mr. McKelvey: And she is fixing the house up and I think it will be a nice addition to the house.

Ms. Kirk: (Inaudible) in light of the storms that we had and everything basically the structure in the back was falling apart so it had to be fixed so might as well make it a little more comfortable.

Chairperson Cardone: Right.

Ms. Drake: I'll make a motion we approve the application.

Mr. McKelvey: I'll second it.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Michael Maher: Yes

James Manley: Yes

John Masten: Yes

Roseanne Smith: Yes

Grace Cardone: Yes

PRESENT ARE:

GRACE CARDONE

JOHN MC KELVEY

BRENDA DRAKE

MICHAEL MAHER

JAMES MANLEY

JOHN MASTEN

ROSEANNE SMITH

ALSO PRESENT:

ROBERT DICKOVER, ESQ.

BETTY GENNARELLI, ZBA SECRETARY

GERALD CANFIELD, CODE COMPLIANCE

(Time Noted – 7:25 PM)

ZBA MEETING – MARCH 28, 2013 (Time Noted – 7:09 PM)

DAVID KRYWOSA 762 ORCHARD DRIVE, WALLKILL

(1-1-133.2) A / R ZONE

Applicant is seeking area variances for the maximum allowed square footage of accessory buildings, the maximum allowed storage of (4) four cars and the maximum height to build an accessory building (garage).

Chairperson Cardone: The next applicant David Krywosa. I probably pronounced it wrong.

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

Chairperson Cardone: And if you would state your name for the record and your request.

Mr. Krywosa: My name is David Krywosa. I’m applying for a variance to build a 30 x 40 garage.

Ms. Smith: Are you going to have a business run from this garage, any business?

Mr. Krywosa: No…

Ms. Smith: No?

Mr. Krywosa: …no, it’s just hobby only.

Ms. Smith: Because I saw the 10 x 10 doors, they’re pretty large.

Mr. Krywosa: In case I get a tractor. We own a farm upstate so if I happen to a…store one of my dad’s tractors or something I kind of need a door a little big enough to get it in there.

Chairperson Cardone: And, why do you need that extra height?

Mr. Krywosa: A…well I’m restoring a 1936 Chevy and I’ve always wanted an auto-lift to put in there and I need a (144) hundred and forty-four inches height to go put the…the auto-lift in there.

Mr. Maher: Is the…there storage in the attic based on the…on the attic trusses you have designed in here?

Mr. Krywosa: A…yes.

Mr. Maher: Obviously the issue with the…you know, (15) fifteen foot is the maximum and obviously (23) twenty-three is what you’re asking for…

Mr. Krywosa: Right.

Mr. Maher: …is there any way to lower the pitch in the roof at all? Just to save a little bit here and there, or…give some back a little bit?

Mr. Krywosa: A…I didn’t really want to cause I wanted…I’m (6’3) six foot three and if I’ve got to put parts and stuff up there in the attic…I had a attic down in New Jersey and it was only about this so I having to crawl down through there and having been a pain so I was trying to go (7’) seven foot clearance so I can walk down through. It’s just going be for minor storage. It isn’t going to be a living space or anything up there.

Chairperson Cardone: Are you planning on having plumbing?

Mr. Krywosa: No.

Chairperson Cardone: Electric? Yes?

Mr. Krywosa: Electric, yes.

Mr. Manley: I did notice that there’s a air conditioning unit that’s going to be in the…you know, through the wall there.

Mr. Krywosa: Yes, it’s going to be like a wall unit.

Mr. Manley: And is that…you planning on utilizing the garage a lot that you need air conditioning?

Mr. Krywosa: It gets pretty…you know, if it gets warm or whatever, like when I was down in Jersey, it’d get pretty warm during the summer and you get out there and you get welding and stuff, it gets pretty pretty warm so I’d like that to just cool it down a little bit.

Chairperson Cardone: You already have a two-car garage in the house, correct?

Mr. Krywosa: Yes.

Chairperson Cardone: And that will remain?

Mr. Krywosa: Yes.

Chairperson Cardone: As a garage?

Mr. Krywosa: As a garage for our two cars.

Mr. Maher: How many other cars do you own besides that?

Mr. Krywosa: A…blazer and the old ’36.

Mr. Manley: So you own a total of (4) four cars.

Mr. Krywosa: Yes.

Mr. Manley: So you’re going to have storage or room for a total of (6) six cars under…under cover? (2) Two in the house and (4) four in the…

Mr. Krywosa: Correct. But I do welding and stuff like that at workshop so it’s…it’s…I don’t really want to put my cars in there. The only one that will probably be in there will be my ’36 and then if I need to put like one of the vehicles in there to work on on the lift. Other than that I’m not going to store anything in there really. You know I’ll have my little tractor, my lawn equipment cause I don’t like all my stuff sitting outside. I want enough space so that I can keep all my lawn equipment and all that stuff inside. I like my place to look nice. I don’t like stuff sitting around outside.

Mr. McKelvey: You’re not going to work on any other people’s cars?

Mr. Krywosa: No, no not if it doesn’t…no…no.

Chairperson Cardone: And the upper level is for storage only?

Mr. Krywosa: Storage, right. I’ll probably just put plywood down on the floor; I’m not even going to box in the sides. It’s just going be just for the floor.

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

Mr. Manley: What is the architecture of the building going to be like? Is it going to be…match the house…

Mr. Krywosa: Yes.

Mr. Manley: …as far as the look? Or is it going to be a metal pole building or…?

Mr. Krywosa: No, I’m building a…it’s gonna to be concrete blocks out of brick foundation out of the ground and then I’m gonna to make it look just like the house.

Mr. Manley: So you’re going to vinyl side it…

Mr. Krywosa: Yes.

Mr. Manley: …similar to the house?

Mr. Krywosa: Yes. I’m going to get with a…our builder and I’ll find out where he got the side and I’m gonna match the side and I’m gonna make it look just like the house. So it will match the house, it won’t look like a pole barn look. It’ll have shingles on the roof that’ll match the house.

Mr. Manley: So it’s not going to have a commercial look to the outside with like for example metal…

Mr. Krywosa: No.

Mr. Manley: …metal siding.

Mr. Krywosa: No, it’s gonna…I want it to look just like a…just like the house.

Chairperson Cardone: Mr. Canfield do you have anything to add?

Mr. Canfield: (Inaudible)

Chairperson Cardone: No?

Mr. Maher: Hey…hey Jerry one question. According to the Code a…the accessory use, private garage or carport for not more than (4) four vehicles…it’s kind of ambiguous because in essence it says…I…I know we’re discussing (6) six vehicles, two in the house and four in the garage but am I reading this right to say that the garage itself can’t be for more than (4) four vehicles? It doesn’t say a compilation thereof for the property.

Mr. Canfield: (Inaudible)

Ms. Gennarelli: Jerry, can you grab the mic?

Mr. Maher: So in essence…in essence the garage can only hold (4) four so would there in fact be a variance needed for that (inaudible)?

Mr. Canfield: You’re correct in your assumption that the Code does say (4) four vehicles. A…is it a separate variance? We haven’t handled these like that in the past as…as separate variances. It’s always been a hang-up as to what the total vehicles are on the lot.

Ms. Drake: But then is there anything in the Code that says how many vehicles you can have on a lot? Or is it based on the fact that you can only have a garage with no more than vehicles in that garage?

Mr. Canfield: Let me check. That’s an A/R Zone. Let me check the Tables. I think in the Bulk Use Tables a…they do indicate how many total. Hold on.

Chairperson Cardone: In the past we have handled it as counting the ones…the total…

Mr. Maher: (Inaudible)

Chairperson Cardone: …but I…I understand what you’re saying.

Mr. Maher: (Inaudible) in reading the Bulk Use now it’s just kind of ambiguous as far as…

Chairperson Cardone: Right.

Mr. Maher: …basically saying that one garage can’t be more than (4) four not the entire property.

Mr. Canfield: The Tables, the Bulk Use Tables themself indicate a…under A-accessory uses, private garages or carports for not more than (4) four vehicles so that covers the private separate building which covers what we’re doing here. A…but what it does not cover is how many total vehicles on the lot.

Mr. Maher: So if in fact the garage will only hold (4) four vehicles, in essence, we don’t need to rule on that? On that particular variance.

Mr. Canfield: I think it’s quite clear. I don’t know if Counsel wants to chime in but…I believe what our…what our Bulk Use Tables say are quite clear on an accessory structure they’re saying up to (4) four vehicles, that’s it.

Mr. Maher: So…forgive me if I’m not…I’m… (Inaudible)

Mr. Canfield: Yeah, no I’m not totally following you, Mike…

Mr. Maher: So it says you can’t create a…a new structure for more than (4) four vehicles so his…his indication is he wants a garage that will technically hold (4) four vehicles?

It doesn’t describe or…or cover the additional (2) two in the…in the house. Technically, right?

Mr. Canfield: Correct.

Mr. Maher: So if it’s…if the garage is for max (4) four vehicles and his plans call for max (4) four vehicles that becomes a moot point….I’m…I’m thinking…I’m not sure but I’m thinking.

Mr. Canfield: (Inaudible)

Ms. Drake: So therefore he’d only need (2) two variances instead of (3) three?

Mr. McKelvey: But in the past we’ve always…

Mr. Maher: No, I…I understand that’s why I bring the attention to it because what we’ve done in the past is now hitting head on with what I’m reading here.

Ms. Drake: That’s why I was asking if there was something else in the Code that said a maximum of (4) four that we’re not looking at.

Chairperson Cardone: And a garage that size would only hold (4) four vehicles not more?

Mr. Maher: Realistically you need (20) twenty foot per car or (inaudible)

Mr. Canfield: Yeah, well we’ve had this discussion also and you could put Mini Coopers in there and put (6) six or (8) eight of them in there but a…physically they’ll fit but I don’t think that’s the case here.

Mr. Maher: I don’t mean to make it difficult…trying to identify where the a…

Mr. Canfield: You’re too picky Mike.

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

(No response)

Chairperson Cardone: You picked a good night.

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

Mr. Canfield: Just if I may? One question or suggestion perhaps, should the Board choose to approve this application you may wish to consider to add in there a minimum or…excuse me a maximum of (4) four vehicles to cover the scenario of what we were just talking about, the smaller vehicle and also if I remember correctly one of the Board Members had asked about a business being run. A…that may also; you may choose to put a condition of that in there as well. A…that it’s for his own hobby and not to be a business or a repair shop, it is an A/R zone.

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

Mr. Maher: Second.

Chairperson Cardone: Roll call.

Ms. Gennarelli: Yes, one second, Jim was looking at the tables. Okay. Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Michael Maher: Yes

James Manley: Yes

John Masten: Yes

Roseanne Smith: Yes

Grace Cardone: Yes

Chairperson Cardone: Thank you.

Mr. Krywosa: So it’s good.

Mr. Maher: Not yet.

Chairperson Cardone: Not yet, no.

Mr. Maher: That just means we are going to stop talking about it right now.

Ms. Gennarelli: It means that the Public Hearing is closed.

Chairperson Cardone: I don’t know if the Board has any questions for Counsel for any of tonight’s…no? Then, if not then we will proceed to our decision.

(Time Noted - 7:22 PM)

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ZBA MEETING – MARCH 28, 2013 (Resumption for decision: 7:25 PM)

DAVID KRYWOSA 762 ORCHARD DRIVE, WALLKILL

(1-1-133.2) A / R ZONE

Applicant is seeking area variances for the maximum allowed square footage of accessory buildings, the maximum allowed storage of (4) four cars and the maximum height to build an accessory building (garage).

Chairperson Cardone: On the application of David Krywosa, at 762 Orchard Drive, Wallkill, seeking area variances for the maximum allowed square footage of accessory buildings, the maximum allowed storage of (4) four cars and the maximum height to build an accessory building (garage). This is a Type II Action under SEQRA. Do we have discussion on this application?

Ms. Drake: The fact that he is not going to be doing a business there or a…storing more than (4) four cars I don’t see any issues. I'll make a motion to approve the application with the condition of no business and no more than (4) four cars stored.

Mr. Masten: I'll second it.

Mr. Manley: Discussion on that, should we also condition that a…there be no apartment or not used for habitational purposes just to cover that area because, I mean, it is going to be large enough where you could put an apartment upstairs with the a…the increased height.

Ms. Drake: Good point.

Mr. Manley: That’s always been the concern I think with accessory structures right Jerry? With the accessory structures with the height, the reason they’ve always limited the height is they’ve wanted to kind of prevent accessory apartments in a accessory structure.

Mr. Canfield: I think that’s good thoughts Jim, however, I looked at the a…submittal of the truss configuration for this roof a…the area that this truss will allow for storage or any space for that matter is (7) seven foot height by (12) twelve foot width a…it’s not really conducive to living conditions a…if there were any type of habitable space put up there it wouldn’t meet Code without major alterations. It couldn’t meet the light and heat ventilations, the natural light just because of the configuration of the roof and the truss design a...

Chairperson Cardone: But what about the lower level?

Mr. Canfield: The lower level could be a…converted.

Chairperson Cardone: So I think that stipulation should be there for that reason.

Mr. Canfield: It could be a…it would be a belt and suspender. If there were any conversion and any occupied space in this it would become automatically a Code Violation if it were created without a Building Permit. A…it’s a good thought, it’s a good idea for a condition but I think it’s like a belt and suspender, like I said it would be an automatic Violation that would be subjected to an enforcement action by the Code Enforcement Department.

Mr. McKelvey: Well if he converted it he would have to come back to you anyhow.

Mr. Canfield: That’s correct. That’s correct. And because of the nature of the variance given for it if there were an application it would most likely be disapproved and referred back to this Board.

Chairperson Cardone: You also stipulated that it would match the…the house and you’ve submitted those drawings to the Zoning Board office?

Ms. Gennarelli: Code Compliance.

Chairperson Cardone: You have the drawings, right?

Mr. Canfield: Were they part of the packet, Bet?

Ms. Gennarelli: They are not part of the packet, I don’t think that…

Chairperson Cardone: No, that’s why I was a…I was wondering because usually…

Mr. Canfield: I’m…I’m sure a…

Ms. Gennarelli: I don’t know if he submitted building plans. Did you submit the building plans also?

Mr. Krywosa: I submitted them to Joe.

Ms. Gennarelli: Okay.

Mr. Canfield: Yeah, he would have had to because the application, the Disapproval process would be the vehicle that got him here a…so the architecturals should have been submitted a…and the siding type should be on the architecturals.

Mr. Manley: That’s one of the reasons why I…I added that or asked that question was my concern was that you’d end up with a metal structure with blue or green next thing you know you have neighbors calling...the Building Department, you know, what’s going on?

Ms. Gennarelli: David, is this what you call the building plans (from the packet)?

Mr. Krywosa: Yes.

Ms. Gennarelli: This is it…it is what he submitted…it is there (in the packet).

Ms. Smith: Oh, the sketch? This sketch?

Ms. Gennarelli: The sketch, yeah, it’s not really building plans.

Ms. Smith: Yeah, I saw the…I saw the trusses. That’s it.

Chairperson Cardone: You would require something more than that wouldn’t you? Jerry.

Ms. Gennarelli: Joe may have accepted it like that till they got the variance.

Mr. Canfield: What’s the cost of the structure, sir?

Mr. Krywosa: Around probably (15,000) fifteen thousand. I am building it myself.

Mr. Canfield: Under…under twenty thousand does not require a stamped set of plans. Okay, he could submit a…a sketch like this, we would probably need more than just what I have here a…as far as the exterior detail. Is it going to be a pole barn? Or…?

Ms. Gennarelli: I’m sorry. David, could you just use the microphone?

Chairperson Cardone: You have to use the mic.

Mr. Krywosa: It’s gonna…it’s gonna have a…whatever the code says, I mean (48) forty-eight inches down, it’s gonna have a footer…

Mr. Canfield: The footings.

Mr. Krywosa: …then it’s gonna have probably (5) five to (6) six rows of block…

Mr. Canfield: For a frost wall.

Mr. Krywosa: Right…then I’ll have the plate around and it’s gonna be all (2) two by (6) six studded…it’s just gonna be basically like a house, studded up.

Mr. Canfield: Eventually framed.

Mr. Krywosa: I gonna have to build myself easier because it’s just me and her. I can build a garage like that easier than I can a pole barn.

Mr. Canfield: Right.

Mr. Krywosa: You got all these poles going all over the place.

Mr. Canfield: And what’s your intention for exterior siding?

Mr. Krywosa: It’s gonna be vinyl and match the siding I have on the house.

Mr. Canfield: So you’re going to use plywood sheeting or pressboard?

Mr. Krywosa: I think I got OSB written down on that.

Mr. Canfield: OSB pressboard.

Mr. Krywosa: Right.

Mr. Canfield: And then vinyl siding on the outside of that.

Mr. Krywosa: Right. I’m gonna…Bob Lockhart built my house so I’m gonna get with him and find out what company he got the siding through cause I want it to match. Cause I don’t want an off shade or anything so I want to make sure I get what he had. And then the shingles will match also.

Mr. Canfield: And what’s the shingles, architectural type shingles?

Mr. Krywosa: Yes.

Mr. Canfield: Okay. Color coordinated to match the house and the siding.

Mr. Krywosa: I’m going to try my best to match what he has so.

Mr. Canfield: Windows, vinyl clad windows?

Mr. Krywosa: Yes.

Mr. Canfield: Okay.

Chairperson Cardone: Would there be a problem making that a stipulation that it would match?

Mr. Krywosa: No problem cause that’s my intention.

Mr. Canfield: Another question, are you going to heat this?

Mr. Krywosa: Maybe with a space heater cause you can’t put anything in it that would really heat it besides propane.

Mr. Canfield: If you tell us you’re going to heat it you have to comply with the Energy Code requirements.

Mr. Krywosa: I’m not heating it.

Mr. McKelvey: We’ve got to put that in there too.

Ms. Drake: I’ve made a motion.

Chairperson Cardone: You made a motion, okay, and it has included all of the…what we had talked about?

Ms. Drake: I’ll amend my motion to include all the conditions we’ve talked about. Do I have to repeat all the conditions?

Mr. Canfield: Which are the three (four).

Chairperson Cardone: Go ahead.

Mr. Canfield: Which are three, the three (four) conditions…

Ms. Drake: Well, there’s the no business, no living quarters and we want it to match the exterior of the house…

Mr. McKelvey: And no heat.

Mr. Canfield: No more than (4) four cars.

Chairperson Cardone: No more than (4) four cars.

Mr. Canfield: So there were four (five conditions) then…okay.

Chairperson Cardone: Okay, so are we clear on this motion? Do we have a second to the motion?

Mr. McKelvey: I’ll second it.

Ms. Gennarelli: I had John Masten as the second…

Mr. McKelvey: That’s right, you did.

Chairperson Cardone: But we just amended it.

Ms. Gennarelli: Okay. All right. Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Michael Maher: Yes

James Manley: Yes

John Masten: Yes

Roseanne Smith: Yes

Grace Cardone: Yes

Chairperson Cardone: Thank you.

Mr. Krywosa: Thank you.

PRESENT ARE:

GRACE CARDONE

JOHN MC KELVEY

BRENDA DRAKE

MICHAEL MAHER

JAMES MANLEY

JOHN MASTEN

ROSEANNE SMITH

ALSO PRESENT:

ROBERT DICKOVER, ESQ.

BETTY GENNARELLI, ZBA SECRETARY

GERALD CANFIELD, CODE COMPLIANCE

(Time Noted – 7:33 PM)

ZBA MEETING – MARCH 28, 2013 (Time Noted – 7:34 PM)

**OTHER BOARD BUSINESS**

DANIELLE DeBELLA 55 WINTERGREEN AVENUE, NBGH

(67-5-10) R-3 ZONE

Chairperson Cardone: Okay, under Other Board Business, I have a letter.

I, Danielle DeBella residing at 55 Wintergreen Avenue in Newburgh request a extension to the variance received on September 27, 2012. The reason for my request began with the birth of my daughter in October - such slowed down our progress with the plans. Then, due to circumstances out of my control we had to find a new engineer and builder to complete our project. We are now ready to begin proceeding, but need the six month extension. Sincerely Danielle DeBella

Mr. McKelvey: I’ll make a motion we grant the six months.

Mr. Manley: Second.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Michael Maher: Yes

James Manley: Yes

John Masten: Yes

Roseanne Smith: Yes

Grace Cardone: Yes

Mr. McKelvey: All right, the extension is just for six months. Again, this time is the only one she can have.

Chairperson Cardone: Right. It was in October so it’s been less than the six months. She has asked for it in time. And so it would extend six months beyond those six months.

Mr. McKelvey: If not she would have to re-apply.

Chairperson Cardone: Right.

PRESENT ARE:

GRACE CARDONE

JOHN MC KELVEY

BRENDA DRAKE

MICHAEL MAHER

JAMES MANLEY

JOHN MASTEN

ROSEANNE SMITH

ALSO PRESENT:

ROBERT DICKOVER, ESQ.

BETTY GENNARELLI, ZBA SECRETARY

GERALD CANFIELD, CODE COMPLIANCE

(Time Noted – 7:36 PM)

ZBA MEETING – MARCH 28, 2013

END OF MEETING (Time Noted – 7:36 PM)

Chairperson Cardone: Okay, has everyone has the minutes from the last month? Do we have any additions, deletions, corrections?

No Response

Chairperson Cardone: Do we have a motion for approval of those minutes?

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

Ms. Smith: I’ll second.

Chairperson Cardone: All those in favor say Aye?

Aye - All

Chairperson Cardone: Opposed?

No Response

Chairperson Cardone: Is there any other business to be brought before the Board?

No Response.

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

Chairperson Cardone: Do we have a second?

Mr. Maher: Second.

Chairperson Cardone: All in favor say Aye?

Aye All

Chairperson Cardone: Opposed?

No response.

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

PRESENT ARE:

GRACE CARDONE

JOHN MC KELVEY

BRENDA DRAKE

MICHAEL MAHER

JAMES MANLEY

JOHN MASTEN

ROSEANNE SMITH

ALSO PRESENT:

ROBERT DICKOVER, ESQ.

BETTY GENNARELLI, ZBA SECRETARY

GERALD CANFIELD, CODE COMPLIANCE

(Time Noted – 7:38 PM)